

transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated June 28, 2001, available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/ADAMS/index.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by email to pdr@nrc.gov.

Dated at Rockville, Maryland this 21st day of September, 2001.

For the Nuclear Regulatory Commission.

Mohan C. Thadani,

Senior Project Manager, Section 1, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-498 and 50-499]

STP Nuclear Operating Company, South Texas Project, Units 1 and 2; Notice of Consideration of Approval of Application of Reliant Energy Incorporated (Formerly Known as Houston Lighting & Power Company Regarding Transfer of Facility Operating Licenses and Conforming Amendments, and Opportunity for a Hearing

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80, approving the indirect transfer of control of the 30.8 percent undivided ownership interest of Reliant Energy,

Incorporated (Reliant)¹ in the South Texas Project Electric Generating Station (STPEGS), Units 1 and 2 under Facility Operating License Nos. NPF-76 and NPF-80, to an as yet unnamed new parent holding company (referred to in the application as Regco); and, to the extent an indirect transfer would result, Reliant's 30.8 percent interest in STP Nuclear Operating Company (STPNOC), the licensed operator of STPEGS under the licenses, to Regco. Reliant is one of four joint owners of STPEGS under the licenses.

The Commission is also considering approving the direct transfer of Reliant's 30.8 percent ownership interest in STPEGS to an as yet unnamed new Texas partnership (referred to in the application as Texas Genco LP), which will be indirectly wholly owned by Regco, and, to the extent that a direct transfer of Reliant's interest will result, Reliant's 30.8 percent interest in STPNOC to Texas Genco LP. The Commission is further considering amending the licenses for administrative purposes to reflect the proposed direct transfer of Reliant's interest in STPEGS, including reflecting the company now referred to as Texas Genco LP as the licensee. According to an application for approval filed by STPNOC, acting on behalf of Reliant, NRC will be provided with the actual name of the new company before the Commission can issue conforming administrative amendments. The applicant states that the transfer of Reliant's ownership interests to Texas Genco LP would occur either contemporaneously with Regco becoming the parent holding company of Reliant or some time thereafter.

According to the application, following the proposed transfers, Texas Genco LP would possess a 30.8 percent undivided ownership interest in STPEGS under essentially the same conditions and authorizations as included in the existing NRC licenses for STPEGS, including the antitrust conditions, which would be retained. No physical or operational changes to STPEGS are being proposed, and STPNOC would at all times remain the licensed operator of the facility.

Pursuant to 10 CFR 50.80, no license shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. The Commission will approve an application for the direct transfer of a license, if the Commission determines

that the proposed transferee is qualified to be the holder of the license; and an application for indirect transfer, if the Commission determines that the proposed transfer of control will not affect the qualifications of the licensee. With respect to both direct and indirect transfers, the Commission must also determine that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By October 18, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or

¹ Reliant was known as Houston Lighting & Power Company (HL&P). HL&P changed its name to Reliant Energy Incorporated in 1999.

petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon John E. Mathews, Morgan, Lewis and Bakius, LLP; 1800 M Street, NW, Washington DC 20036–5869 (telephone: 202–467–7524; fax: 202–467–7176; email: jmathews@morganlewis.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: dgclt@nrc.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by October 29, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated May 31, 2001, available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/ADAMS/index.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to pdr@nrc.gov.

Dated at Rockville, Maryland this 21st day of September, 2001.

For the Nuclear Regulatory Commission.
Mohan C. Thadani,
Senior Project Manager, Section 1, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 030–01176]

Consideration of License Amendment Request to University of Wyoming and Opportunity for a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of consideration of amendment request and opportunity for a hearing.

SUMMARY: The U.S. Nuclear Regulatory Commission is considering issuance of a license amendment to Materials License No. 49–09955–10, issued to the University of Wyoming, to release for unrestricted use two burial sites located near Laramie, Wyoming, as requested in the licensee's revised decommissioning plan dated May 30, 2001.

FOR FURTHER INFORMATION CONTACT: Blair Spitzberg, Chief, Fuel Cycle Decommissioning Branch (FCDB) at (817) 860–8191 or Robert Evans, FCDB at (817) 860–8234.

SUPPLEMENTARY INFORMATION: The University of Wyoming currently possesses radioactive material under a license of broad scope. The licensee uses the material for research and development, academic instruction, and animal studies. On May 30, 2001, the licensee submitted a revised decommissioning plan (DP) to the NRC requesting release of two burial sites previously used by the University of Wyoming during 1952–1985. The licensee was previously authorized to dispose of radioactive material by burial in accordance with 10 CFR 20.304 and 20.302. By 1981, 10 CFR 20.304 had been rescinded by the NRC, so the licensee then conducted burials in accordance with 10 CFR 20.302. During 1985, the NRC rejected the licensee's request to continue to dispose of radioactive material by burial in accordance with 10 CFR 20.302. The licensee now requests that the two burial sites be left in place and the sites released for unrestricted use. The licensee's decision is based on dose modeling calculations conducted using the DandD computer program. The licensee concluded that the annual dose rate for the Quarry burial site is 2.74

millirem per year, and the annual dose rate for the Airport burial site is 22.5 millirem per year. Both dose rates are below the 25 millirem per year dose limit specified in 10 CFR 20.1402. The licensee also claims that remediation of the two sites is not financially viable and is not ALARA (as low as reasonably achievable). As such, the licensee requests NRC approval to release the two sites for unrestricted use with no further decommissioning being conducted.

NRC Approval Process

Prior to approving the DP, NRC will have made findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. The University of Wyoming burial sites fall under the Type IV decommissioning facility requirements. The final approval of the DP will be incorporated into the license as a license amendment. The review of the DP shall be supported by the development of an Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and Safety Evaluation Report (SER) by the NRC staff. Facilities under Type IV decommissioning requirements will receive a confirmatory survey and a closeout inspection by the NRC. If the confirmatory survey results indicate that the licensee's evaluation of the radiological status of the site is statistically valid and meets NRC's criteria and NRC has determined that the Final Status Survey demonstrates that the site satisfies NRC requirements, the site is suitable for release from regulatory control. At the time of release of the site or termination of the license, a subsequent **Federal Register** notice will be published to announce the intent of the NRC Staff to release the site for unrestricted use or to terminate the license.

Documents

The revised DP submitted by the University of Wyoming to the NRC is available for public inspection from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room). Assistance with the Public Electronic Reading Room may be obtained by calling (800) 397–4209.

Notice of Opportunity for Hearing

The NRC hereby provides notice that this is a proceeding on an application for amendment of a license falling within the scope of subpart L, "Informal Hearing Procedures for Adjudications in