

June 7, 2001

MEMORANDUM TO: File

FROM: Jack N. Donohew, Senior Project Manager, Section 2 */RA/*
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

SUBJECT: RESPONSE TO QUESTIONS ON THE LICENSE AMENDMENT
REQUEST REGARDING APPENDIX C ON ANTITRUST CONDITIONS
(TAC NO. MA9379)

On May 25, 2001, an e-mail was received from Steve Wideman, Principal Engineer, Licensing, Wolf Creek Nuclear Operating Corporation (WCNOC), related to two questions on WCNOC's request for license amendment dated June 27, 2000 (WM 00-0026). The amendment request concerned the antitrust conditions for Kansas Gas and Electric Company (KGE) in Appendix C of the operating license for Wolf Creek Generating Station. Attached are the responses. The responses clarify statements made in the licensee's submittal of January 31, 2001 (WM 01-0002).

Docket No. 50-483

Attachment: E-mail dated May 25, 2001

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| OFFICE | PDIV-2/PM | PDIV-2/LA | PDIV-2/SC |
| NAME | JDonohew | EPeyton | SDembek |
| DATE | 6/7/2001 | 6/4/01 | 6/7/01 |

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E-MAIL DATED MAY 25, 2000

From: Wideman Steven G <stwidem@WCNOC.com>
To: "Donohew Jack" <JND@nrc.gov>
Date: 5/25/01 7:17AM
Subject: RE: One Last Question for the Antitrust Amendment Request

Jack - provided below are responses to the two questions that you e-mail to Wolf Creek on May 16, 2001. If you have any additional questions concerning this information, please let me know.

1. Why is KEPCo the only "participating entity?" When the antitrust conditions first were developed, it was before KGE got the license. (At least before the Operating License, and maybe even before the Construction Permit.) As I understand it, the law requires a potential licensee to allow other potential "participating entities" the opportunity to participate in ownership of, or output from, the licensed plant. However, once the license is granted, that requirement no longer pertains. In other words, Wolf Creek does not now have to continue to make the plant available for others to participate in. Therefore, KEPCo was and is the only "participating entity" (aside from KCPL), and it no longer is necessary for the antitrust conditions to refer generally to a participating entity. The parties chose to refer specifically to KEPCo in the conditions.

2. What is the reason for proposed Condition 11? The paragraphs referred to in proposed Condition 11 all spell out various rights and/or duties of either KGE or KEPCo. The parties simply wanted to make it clear, by adding paragraph 11, that these are not the only rights and duties applicable between KGE and KEPCo. They have other rights and duties vis-a-vis each other which are completely unrelated to these Antitrust Conditions, for example, through other unrelated contracts that they have with each other.

Steve Wideman
WCNOC Licensing
phone: 620-364-4037
fax: 620-364-4138
e-mail: stwidem@wcnoc.com

> -----

> From: Jack Donohew[SMTP:JND@nrc.gov]
> Sent: Wednesday, May 16, 2001 10:06 AM
> To: stwidem@wcnoc.com
> Subject: One Last Question for the Antitrust Amendment Request

>

> I will not hold up putting the LAR package into concurrence, but, after
> completing the LAR draft, I believe that I may get this question:
> Explain why KEPCo is the only participating entity, per deleted Condition
> 1.(g), in the antitrust conditions for Kansas Gas and Electric Company

> (KGE). Does the proposed Condition 11 result from KEPCo being the only
> participating entity for KEC?
>

CC: Hall Kenneth W <kehall@WCNOC.com>, Harris Karl A
<kaharri@WCNOC.com>, Fellers Steven G <stfelle@WCNOC.com>, Wood Warren B
<wawood@WCNOC.com>