

UNITED STATES NUCLEAR REGULATORY COMMISSION
WISCONSIN PUBLIC SERVICE CORPORATION AND
WISCONSIN POWER AND LIGHT COMPANY
KEWAUNEE NUCLEAR POWER PLANT
DOCKET NO. 50-305
NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER
OF FACILITY OPERATING LICENSE AND CONFORMING AMENDMENT AND
OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. DPR-43 for the Kewaunee Nuclear Power Plant (KNPP) currently owned by Wisconsin Public Service Corporation (WPSC) and Wisconsin Power and Light Company (WPL), who hold 59 percent and 41 percent ownership respectively, and Nuclear Management Company, LLC (NMC) as the licensed operator of KNPP. The transfer would be to Dominion Energy Kewaunee. The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

According to an application for approval filed by WPSC, WPL, and NMC, Dominion Energy Kewaunee would assume title to the facility following approval of the proposed license transfer, and would be responsible for the operation, maintenance, and eventual decommissioning of KNPP. No physical changes to the Kewaunee facility or operational changes are being proposed in the application.

The proposed amendment would replace references to WPSC, WPL, and NMC in the

license with references to Dominion Energy Kewaunee to reflect the proposed transfer. The proposed amendment would also change the name of the Kewaunee Nuclear Power Plant to the Kewaunee Power Station.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and 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 amendment, 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 February 9, 2004, 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 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 Lillian M. Cuoco, Esq., Senior Counsel, Dominion Resources, Inc. Rope Ferry Road, Waterford, CT 06385, phone number: 860-444-5316, fax: 860-444-4278, e-mail: Lillian_Cuoco@dom.com, Counsel for Dominion Energy Kewaunee; John E. Matthews, Esq., Morgan, Lewis & Brockius LLP, 1111 Pennsylvania Avenue, N.W., Washington, DC 20004, phone: 202-739-3000, fax: 202-739-3001, e-mail: jmatthews@morganlewis.com, Counsel for Dominion Energy and WPL; Jonathan Rogoff, Esq., General Counsel, Nuclear Management Company, LLC, 700 First Street, Hudson, WI 54016, phone number: 715-377-3316, fax: 715-377-3464, e-mail: Jonathan.Rogoff@nmcco.com, Counsel for NMC; and Allen W. Williams, Jr., Esq., Foley & Lardner, 777 East Wisconsin Avenue, Milwaukee, WI 53202, phone: 414-297-5805, fax: 414-297-4900, e-mail: awilliams@foley.com, Counsel for WPSC; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 (e-mail address for filings regarding license transfer cases only: OGCLT@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 February 19, 2004, 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 December 19, 2003, available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site, <http://www.nrc.gov/reading-rm/adams.html>. The application dated December 19, 2003, can be accessed under ADAMS Accession No. ML033570112.

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland this 13th day of January 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

John G. Lamb, Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

January 13, 2004

Mr. Thomas Coutu
Site Vice President
Kewaunee Nuclear Power Plant
Nuclear Management Company, LLC
N490 Highway 42
Kewaunee, WI 54216-9511

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF FACILITY
OPERATING LICENSE AND CONFORMING AMENDMENT, AND
OPPORTUNITY FOR A HEARING - KEWAUNEE NUCLEAR POWER PLANT
(TAC NO. MC1595)

Dear Mr. Coutu:

Enclosed is a copy of a "Notice of Consideration of Approval of Transfer of Facility Operating License and Conforming Amendment, and Opportunity for a Hearing" related to the application dated December 19, 2003, filed by Wisconsin Public Service Corporation (WPSC), Wisconsin Power & Light Company (WPL), Nuclear Management Company, LLC (NMC), and Dominion Energy Kewaunee. The application (pursuant to 10 CFR 50.80) seeks approval of the proposed transfer of the Kewaunee Nuclear Power Plant, Facility Operating License No. DPR-43 to Dominion Energy Kewaunee from the current holder of the license, owners WPSC (59 percent ownership) and WPL (41 percent ownership) and operator NMC. The application also seeks (pursuant to 10 CFR 50.90) the issuance of a conforming amendment to the license to reflect the transfer.

This notice is being forwarded to the Office of the *Federal Register* for publication.

Sincerely,

/RA/

John G. Lamb, Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-305

Enclosure: Notice

cc w/encl: See next page

January 13, 2004

Mr. Thomas Coutu
Site Vice President
Kewaunee Nuclear Power Plant
Nuclear Management Company, LLC
N490 Highway 42
Kewaunee, WI 54216-9511

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OFFICIAL RECORD COPY

Kewaunee Nuclear Power Plant

cc:

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