



United States Department of Justice

WASHINGTON, D.C. 20530

28 MAR 1980

ASSISTANT ATTORNEY GENERAL
ANTITRUST DIVISION

Howard K. Shapar, Esquire
Executive Legal Director
Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Kansas Gas and Electric Company and Kansas
City Power and Light Company (Wolf Creek
Generating Station, Unit No. 1, NRC Dkt.
No. 530-482A)

Dear Mr. Shapar:

You have requested our advice pursuant to Section 105c of the Atomic Energy Act of 1954, as amended, regarding the acquisition by Kansas Electric Power Cooperative, Inc. (KEPCO) of an ownership interest in the above referenced unit. KEPCO has been negotiating for a 17 percent interest in the unit, or approximately 195 megawatts. This power will be blended in with hydroelectric power from the Southwestern Power Administration and supplemental power purchased from neighboring utilities and used by KEPCO to supply its cooperative members.

The Department rendered antitrust advice with regard to the Wolf Creek Generating Station, Unit No. 1, by letter of December 10, 1974. Kansas Gas and Electric Company and Kansas City Power and Light Company, the original owners of the unit, agreed to accept license conditions that, in the view of the Department, made an antitrust hearing unnecessary. The purchase of an ownership interest in the Wolf Creek Generating Station, Unit 1, by KEPCO is pursuant to the license conditions agreed to in 1974.

Our review of the information submitted, as well as other relevant information available to us, has disclosed no basis upon which to conclude that an antitrust hearing is necessary regarding KEPCO's ownership of a 195 megawatt share in Wolf Creek Unit 1.

Sincerely,

Sanford M. Litvack
Sanford M. Litvack
Assistant Attorney General
Antitrust Division

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