

February 3, 2000

Mr. Michael B. Sellman
Senior Vice President and
Chief Nuclear Officer
Wisconsin Electric Power Company
231 West Michigan Street
Milwaukee, WI 53201

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF OPERATING
AUTHORITY UNDER FACILITY OPERATING LICENSES AND CONFORMING
AMENDMENTS, AND OPPORTUNITY FOR A HEARING - POINT BEACH
NUCLEAR PLANT, UNITS 1 AND 2 (TAC NOS. MA7331 AND MA7332)

Dear Mr. Sellman:

Enclosed is a copy of a "Notice of Consideration of Approval of Transfer of Operating Authority Under Facility Operating Licenses and Conforming Amendments, and Opportunity for a Hearing" related to the application dated November 24, 1999, filed by Wisconsin Electric Power Company. The application (pursuant to 10 CFR 50.80) seeks approval of the proposed transfer of operating authority under the Point Beach Nuclear Plant, Units 1 and 2, Facility Operating Licenses Nos. DPR-24 and DPR-27, from Wisconsin Electric Power Company to a new operating company called Nuclear Management Company, LLC (NMC). The application also seeks (pursuant to 10 CFR 50.90) the issuance of conforming amendments to the licenses to reflect the transfer. The application indicates that as a result of the transfer of operating authority under the licenses and approval of conforming license amendments, NMC will also act as the general licensee for the Independent Spent Fuel Storage Installation at Point Beach, Units 1 and 2, pursuant to 10 CFR 72.210.

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

Sincerely,

/RA/

Carl F. Lyon, Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-266, 50-301, 72-005

Enclosure: Notice

cc w/encl: See next page

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UNITED STATES NUCLEAR REGULATORY COMMISSION

WISCONSIN ELECTRIC POWER COMPANY

POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2

DOCKET NOS. 50-266 AND 50-301

NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF OPERATING
AUTHORITY UNDER FACILITY OPERATING LICENSES AND CONFORMING
AMENDMENTS, 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 operating authority under Facility Operating Licenses Nos. DPR-24 and DPR-27 for the Point Beach Nuclear Plant, Units 1 and 2, currently held by Wisconsin Electric Power Company (WEPCo), as owner and licensed operator of Point Beach, Units 1 and 2. The transfer would be to a new operating company called Nuclear Management Company, LLC (NMC). The Commission is also considering amending the licenses for administrative purposes to reflect the proposed transfer. If authorized to operate the facility, NMC, according to the application, will also act as the general licensee for the Independent Spent Fuel Storage Installation at Point Beach, Units 1 and 2, pursuant to 10 CFR 72.210.

By application dated November 24, 1999, seeking approval of the transfer, the Commission was informed that WEPCo has entered into a Nuclear Power Plant Operating Services Agreement with NMC. Under this Agreement, NMC is to assume exclusive responsibility for the operation and maintenance of Point Beach, Units 1 and 2. WEPCo's ownership of Point Beach, Units 1 and 2, will not be affected by the proposed transfer of

operating authority, according to the application. Likewise, WEPCo's entitlement to capacity and energy from Point Beach, Units 1 and 2, will not be affected by the transfer of operating authority. No physical changes to the facility or operational changes are being proposed in the application.

The proposed amendments would reflect the transfer of authority under the licenses to operate Point Beach, Units 1 and 2, from WEPCo to NMC.

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 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 February 24, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, 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 John H. O'Neill, Jr., counsel for WEPCo, at Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW, Washington, DC 20037 (tel: 202-663-8148; fax: 202-663-8007; e-mail: john.o'neill@shawpittman.com); and the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (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 March 6, 2000, 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 November 24, 1999, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland this 31st day of January 2000.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Claudia M. Craig, Chief, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation