

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-461]

Illinois Power Company; Notice of Consideration of Approval of Transfer of Facility Operating License and Issuance of Conforming Amendment and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. NPF-62 for the Clinton Power Station (CPS) currently held by Illinois Power Company (IP, or the licensee). The transfer would be to AmerGen Energy Company, LLC (AmerGen). The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

Under the proposed transfer, AmerGen would be authorized to possess, use, and operate CPS under essentially the same conditions and authorizations included in the existing license. In addition, no physical changes will be made to CPS as a result of the proposed transfer, and there will be no significant changes in the day-to-day operations of CPS. Antitrust conditions of the CPS license are proposed to be deleted because, among other things, they apply to IP which will no longer be the licensee.

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 September 8, 1999, 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 procedure 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 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 Lamberski, counsel for IP, at Troutman Sanders LLP, 600 Peachtree Street, N.E., suite 5200, NationsBank Plaza, Atlanta, Georgia 30308-2216 (tel: 404-885-3360; fax: 404-962-6610; e-mail: john.lamberski@troutmansanders.com) and Kevin P. Gallen, counsel for AmerGen, at Morgan, Lewis & Bockius LLP, 1800 M Street, NW, Washington, DC 20036-5869 (tel: 202-467-7462; fax: 202-467-7176; e-mail: kpgallen@mlb.com); 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, D.C., 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 September 20, 1999, 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 July 23, 1999, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Vespasian Warner Public Library, 310 N. Quincy Street, Clinton, IL 61727.

Dated at Rockville, Maryland, this 12th day of August 1999.

For the Nuclear Regulatory Commission.

Jon B. Hopkins,

Senior Project Manager, Section 2, Project Directorate III, Division of Licensing Projects Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99-21532 Filed 8-18-99; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-7580]

Finding of No Significant Impact for Proposed Decommissioning Activity at the Fansteel Facility in Muskogee, OK

The U.S. Nuclear Regulatory Commission (NRC) is considering an amendment to Source Material License No. SMB-911 for approval of a decommissioning plan to remediate for unrestricted use under the Site Decommissioning Management Plan (SDMP) Action Plan (57 FR 13389) of the Eastern Property Area of the Fansteel, Inc., (Fansteel) facility in Muskogee, Oklahoma. This area covers approximately 56.6 acres of the site and is defined in Revised Figure 3 of Fansteel's submittal dated July 16, 1999.