

Reference for Regulatory Guidance Applicable to License Transfers NUREG/BR-0276, April 2000

I. Introduction

Standard Review Plans (SRPs) are prepared to guide Office of Nuclear Reactor Regulation (NRR) staff responsible for the review of applications to construct and operate nuclear power plants; SRPs are "living documents" and are updated periodically to reflect changes in the regulatory environment such as Federal statutes, NRC and sister agency regulations, Commission policy and practices. SRPs and other regulatory guidance are made available to the public as part of the Nuclear Regulatory Commission (NRC) policy to inform the nuclear industry and the general public of regulatory procedures and policies. SRPs are not substitutes for regulatory guides or for the Commission's regulations, and compliance with them is not required. Safety SRP sections are keyed to the Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants, Regulatory Guide 1.70. Not all sections of the Regulatory Guide have corresponding review plans.

This document was compiled as an overarching document to assist NRC staff, license transfer applicants and the general public by directing attention toward relevant regulatory guidance necessary to complete the license transfer application process pursuant to 10 CFR 50.80; this guidance includes the SRPs and other NUREG publications. The major areas of concentration of these documents are:

- Financial Qualification
- Decommissioning Funding
- Foreign Ownership
- Antitrust
- Nuclear Insurance
- Human Factors
- Technical Qualifications

II. Information Applicable to License Transfers

1.0 Standard Review Plan on Power Reactor Licensee Financial Qualifications and Decommissioning Funding Assurance, NUREG-1577, Rev. 1, March 1999

The NRC issued this SRP to describe the process it uses to review the financial qualifications and methods of providing decommissioning funding assurance required of power reactor licensees. This SRP is being used as the basis for the staff reviews as the electric utility industry moves from an environment of rate regulation toward greater competition in a deregulated environment. The current version of NUREG-1577, Rev. 1, in turn, refers to another document, "Report on Waste Burial Charges," NUREG-1307, Rev. 8, December 1998.

Pursuant to 10 CFR 50.75, licensees must adjust annually the estimate of the cost of decommissioning their plants, in dollars of the current year, as part of the process to provide reasonable assurance that adequate funds for decommissioning will be available when needed. This report, which is revised periodically, explains the formula that is acceptable to the NRC for determining the minimum decommissioning fund requirements for nuclear power plants. The sources of information used in the formula are identified and the values to estimate radioactive waste burial/disposition costs, by site and by year, are provided. Licensees may use the formula, coefficients, and burial/disposition adjustment factors from this report in their cost analyses, or they may use adjustment factors that are at least equal to those in the approach provided.

2.0 Standard Review Plan on Foreign Ownership, Control and Domination, September 1999

On September 28, 1999, the NRC published this final SRP (64 FR 52355) to describe the process it uses to review whether the applicant for a nuclear facility license (under sections 103 or 104 of the Atomic Energy Act of 1954, as amended) is owned, controlled, or dominated by an alien, a foreign corporation or a foreign government. Pursuant to 10 CFR 50.38, certain individuals are ineligible to apply for and obtain a license. This SRP is being used as the basis for the staff reviews in connection with license applications for new facilities, or applications seeking approval for a direct or indirect transfer of a facility license. The staff plans to issue this SRP under cover of a NUREG in FY-2000.

3.0 Standard Review Plan on Antitrust Reviews, NUREG-1574, December 1997

In Kansas Gas and Electric Co., et al. (Wolf Creek Generating Station, Unit 1), CLI-99-19, 49 NRC 441 (1999), the Commission determined that section 105c of the Atomic Energy Act does not require or authorize antitrust reviews of post-operating license transfer applications. Consequently, NRC antitrust reviews will continue to be performed only for the original issuance of operating licenses and the NRC will no longer require that antitrust information be submitted by applicants for license transfers. NUREG-1574 is being amended to reflect this decision and will be reissued in FY-2000.

4.0 The Price-Anderson System and On-Site Property Damage Insurance

On September 2, 1957, the Price-Anderson Act was enacted into law as an amendment to the Atomic Energy Act of 1954; the Act is intended to meet two basic objectives:

- 1.) To ensure that adequate funds would be available to satisfy liability claims of members of the public in the unlikely event of a very low probability catastrophic nuclear accident; and,

- 2.) To remove the deterrent to private sector participation in the use of nuclear power presented by the threat of potentially large liability claims if such an accident were to occur.

The implementing regulations for the Price-Anderson system are contained in 10 CFR Part 140. Separately, pursuant to 10 CFR 50.54(w), the NRC requires power reactor licensees to maintain property damage insurance to provide funds to cover on-site cleanup costs in the event of an accident. General guidance on the Price-Anderson system is provided in NUREG/BR-0079, Rev.2, August 1999. An SRP covering this area of review is scheduled to be developed in FY-2000.

5.0 Standard Review Plan on Management and Technical Support Organization, NUREG-0800, Rev. 4, November 1999

The branch with primary responsibility for reviewing human performance will review the corporate level management and technical organization of an applicant for a construction permit, an operating license, a combined license, or a license transfer. The review will include the applicant's major contractors, including the nuclear steam supply system vendor, and architect-engineer for the project. The technical resources to support the nuclear power plant's design, construction and testing, and operation are reviewed. The review for a construction permit will include the responsibilities, technical staff, interface arrangements, and management controls used to ensure that the design and construction of the facility will be performed in an acceptable manner. The review for an operating license will include the applicant's corporate organization and the technical staff that support safe plant operation. The review for a combined license will include all of the issues considered for a construction permit and an operating license. The review for a license transfer will examine the acceptability of any changes to the technical organization or personnel qualifications proposed as a result of a license transfer under 10 CFR 50.80.

The applicant's safety analysis report should describe the structure, functions, and responsibilities of the onsite organization established to operate and maintain the plant. The NRC has issued an SRP in NUREG-0800 (Chapter 13, "Conduct of Operations," Section 13.1.2 - 13.1.3, "Operating Organization", Rev. 4, November 1999) to guide the staff's review of the applicant's operating organization.