

February 4, 1998

MEMORANDUM L. Joseph Callan
TO: Executive Director for Operations
Jesse L. Funches
Chief Financial Officer
FROM: John C. Hoyle, Secretary /s/
SUBJECT: STAFF REQUIREMENTS - SECY-97-304 - RESPONSE TO STAFF REQUIREMENTS
MEMORANDUM: SECY-97-144, "POTENTIAL POLICY ISSUES RAISED BY NON-OWNER
OPERATORS"

The Commission has approved the staff's proposal to continue to assess new operating entities to determine the applicability of 10 CFR 50.80 on a case-by-case basis and to develop final criteria for triggering a review under 10 CFR 50.80. The staff should continue to refine the criteria as experience is gained. (For example, the staff may want to consider as a review criterion, any agreement that provides control over the terms of employment for licensed staff.) The staff should develop justification for each of the criteria so that the basis for triggering a license review is clearly understood by the industry. The proposed assessment criteria should be published in a draft Regulatory Guide after it is submitted to the Commission for approval.

(EDO)

(SECY Suspense: 6/25/99)

Since the decisions on issues concerning the proper entity to be licensed in the transfer of the Fort St. Vrain ISFSI to DOE may set a precedent for the determination of similar issues in the context of broad external regulation of DOE, the staff should make recommendations on, and obtain Commission approval for, resolution of these issues in the Fort St. Vrain ISFSI license transfer. The recommendations should include the staff's plans for the loss of fees that will result when the Fort St. Vrain ISFSI license is transferred to a Government licensee. The staff should evaluate the licensing and inspection fees situation in this case and recommend approaches, including proposals for legislation, that would allow the NRC to recover such fees from U.S. Government licensees.

(EDO/CFO)

(SECY Suspense: 4/30/98)

The staff should keep the Commission informed of significant developments regarding the use of non-owner operators. NRR and NMSS should maintain close consultation with each other to ensure a consistent agency approach.

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
OGC
CIO
CFO
OCA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR
DCS

SECY NOTE: THIS SRM, SECY-97-304, AND THE COMMISSION VOTING RECORD CONTAINING THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS FROM THE DATE OF THIS SRM.