

Cassata, James

From: Cassata, James
Sent: Tuesday, January 03, 2017 10:28 AM
To: 'depowell@aep.com'
Subject: NRC Request for Additional Information Regarding License Amendment Request; Control Nos: 592431
Attachments: 2014-08 NRC Reg Issue Summary Rev 1 Change of Ownership ML15181A223.pdf
Importance: High

License No.: 47-31210-01
Docket No: 03037381
Control Nos: 592431
Program Codes: 03120 Fixed Gauge
Current Licensee Name: Ohio Power Company (dba) American Electric Power
Requested licensee Name: Kentucky Power (dba) American Electric Power
RSO: Ms. Denise E. Powell; Office 304-843-6401; Business Cellular 304-639-3236
Certifying Officer/ Plant Manager: Daniel L. Moyer,

Ms. Powell;

This refers to the license amendment application submitted by Mr. Moyer dated November 10, 2016 ([ML16341C383](#)), requesting a change in name, update to a mailing address without a physical location change, and a new Radiation Safety Officer. In order to complete the review of the application, please reply to each of the following items within **15 days** of this correspondence. Your responses must be in the **form of a signed and dated letter from Mr. Moyer**, who has been designated as the licensee Certifying Officer for the license. Preferably the letter will be scanned and submitted as a pdf document attached to an email to me. Alternatively, it may be transmitted by facsimile to (610) 337-5269 or it may be sent by regular paper delivery (such as US mail) to the Region I address on the NRC from 313.

1. Per 2014-08 attached, the NRC needs to determine if the change in name from Ohio Power Company (dba) American Electric Power to Kentucky Power (dba) American Electric Power is to be considered a name change or a transfer of control (change of ownership) of the specific material license 47-31210-01. Please reply to the following items concerning our evaluation of change of ownership.
 - a. Per [NUREG 1556 Vol 15, Rev 1](#), Section 5.1, Description of Transaction, please describe the changes in the organization that exercises control over the licensed program to include a clear description of the transaction. The required description includes, but is not limited to, any transfer of stocks or assets, or mergers. This description will enable the NRC staff to differentiate between name changes and changes of control, when necessary. If applicable, the licensee should include the new licensee contact and telephone number(s) to facilitate communications. The licensee should also include a pre- and post-transaction organizational chart showing the corporate structure of the license holder and its parent companies, if any. There was not enough information provided in your application to differentiate between a name change and a change of control.
 - b. The application states that name of ownership of your organization has already changed from Ohio Power Company (dba) American Electric Power to Kentucky Power (dba) American Electric Power. Please confirm that this has already occurred
 - c. Per NUREG 1556 Vol 15, Rev 1, Section 5.2, Changes of Personnel, prior to approval of a change of control, NRC requires that changes in personnel be documented, reviewed, and approved. It appears that the change in RSO from yourself to Mr. Chad D. Weatherson is not related to the change in name. However, it is confusing because the application states that your retirement is on April 30, 2016. Please clarify that you are still the RSO and that the change in RSO is not related to the name

change or please state otherwise. Additionally, Mr. Joseph L. Beer had been listed as the corporate RSO on our internal records. Please indicate Mr. Beer's current involvement with the license. Finally, is Mr. Moyer, who is listed as Plant Manager on the amendment application, a new manager under the change that took place with the name change or was he part of the existing corporate structure under the old name?

- d. Per NUREG 1556 Vol 15, Rev 1, Section 5.3, Changes of Location, Equipment, and Procedures, prior to the approval of a change of control, the licensee must submit a complete description of any planned changes in location, facilities, equipment, or procedures. It appears from your application that there has not been any changes in actuation physical locations where licensed material is used, or changes in equipment, or in procedures. Please confirm this or state otherwise. If there are changes then please: describe changes in place of use, including potentially affected adjacent areas; describe changes in facilities where licensed material is to be used or stored; describe changes in equipment to be used in the licensed program; and submit relevant procedural changes.
- e. Per NUREG 1556 Vol 15, Rev 1, Section 5.4, Surveillance Records, prior to the approval of a change of control, licensees or applicants must submit a review of the status of all applicable surveillance requirements and records. This should include an indication of whether the surveillance program is current and if it will be current at the time of transfer. Please submit a statement that all required six month leak tests, physical inventories, and testing of the on-off mechanism (shutter) and indicator, if any, have been performed, documented, and reviewed, including the results, if appropriate. If surveillance items are not or will not be completed, submit the reasons, any corrective actions, and/or the date these corrective actions will be submitted to NRC.
- f. Per NUREG 1556 Vol 15, Rev 1, Section 5.5, Decommissioning and Related Records Transfers, Prior to the approval of a change of control, NRC regulations require that licensees arrange for the transfer and maintenance of records important to the safe and effective decommissioning of facilities involved in licensed activities. Please
State the following: "Pursuant to 10 CFR 30.35(g), we shall maintain drawings and records important to decommissioning." AND
 - State, "Required records will continue to be maintained in the same manner before and after the change in name" or describe the method and proposed timetable for the transfer of required records and provide a commitment by the transferee to maintain the records received from the transferor.
 - State, "Only licensed sealed sources have been used and there has not been an indication of a leaking or contaminated source," or provide a description of the facility with regard to contamination and ambient radiation levels and describe any decontamination to prepare the facility for decommissioning prior to the change of control.
 - State, "operations will continue the same before and after the name change and all required six month leak tests, physical inventories, and testing of the on-off mechanism (shutter) and indicator, if any, have been and will continued to be performed," or describe any non-conformances or changes.
- g. Per NUREG 1556 Vol 15, Rev 1, Section 5.6, Transferee's Commitment to Abide by the Transferor's Commitments, the transferee must either (i) commit to abide by all constraints, license conditions, requirements, representations, and commitments identified in and attributed to the existing license, or (ii) provide a description of its own program to comply with the license and all applicable regulations. Please have Mr. Moyer provide a statement that as the acting plant manager after the name change, he agrees that the licensee will abide by all constraints, license conditions, requirements, representations, and commitments identified in and attributed to the existing license or please provide a description of the transferee's program to ensure compliance with the license and regulations. Please state, "There are no existing licensing actions to resolve with respect to open inspection and enforcement issues," or provide a list of the current actions and plans to resolve them after the name change.

Please call me to discuss this request for additional information at your earliest convenience.

Sincerely,
Jim

James R. Cassata, Ph.D., CHP
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Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Industrial, and Academic Uses of Nuclear Material**; then **Toolkit Index Page**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

You may also find the NUREG 1556 "Consolidated Guidance About Materials Licenses:" series of references very helpful at: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/> . Specifically, please refer to [Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses \(NUREG 1556 Vol 15, Rev 1, 2016\)](#).

Note: Failure to submit a reply within 30-days of this email will result in the NRC voiding your request and you will need to resubmit a new request for an amendment.