

A 638-1
PDR

September 13, 1999

C O R R E C T I O N N O T I C E

TO ALL HOLDERS OF

SECY-99-220 -- PROPOSED RULE - CLARIFICATION OF REGULATIONS AND GUIDANCE
TO EXPLICITLY LIMIT WHICH TYPES OF APPLICATIONS MUST INCLUDE ANTITRUST
INFORMATION; DISPOSITION OF WOLF CREEK ANTITRUST LICENSE CONDITIONS

PLEASE ADD THE ATTACHED PAGES TO SECY-99-220 AS ATTACHMENT 6. IT
CONTAINS A PROPOSED PRESS RELEASE ASSOCIATED WITH THIS PAPER.

ATTACHMENT:
AS STATED

THE SECRETARIAT

DRAFT

NRC PROPOSES AMENDING REGULATIONS CLARIFYING ANTITRUST REVIEW REQUIREMENTS

The Nuclear Regulatory Commission is proposing to amend its regulations to clarify that it will no longer conduct antitrust reviews of license transfer applications submitted by the owners of operating nuclear power plants, eliminating a review that is duplicated by other federal and state agencies.

The Atomic Energy Act and NRC regulations provide that no nuclear power plant operating license may be transferred directly or indirectly, without Commission consent. NRC has historically conducted antitrust reviews in connection with certain kinds of nuclear power plant license transfers.

As part of a review of a license transfer application submitted by two owners of the Wolf Creek nuclear power plant in Kansas, the Commission examined its rules of practice and concluded that its statutory mandate does not require an antitrust review in these circumstances. As a result, NRC is amending its regulations to more clearly reflect its antitrust review authority by explicitly limiting the types of applications that must include antitrust information in the application for a construction permit, initial operating license, and pre-operating transfers.

As a result of the change, parties submitting a license transfer application to NRC for an operating nuclear power plant will not be required to include antitrust information, eliminating a review that is duplicated by other agencies, including, as appropriate, the Federal Energy Regulatory Commission, Securities and Exchange Commission, Department of Justice, and the Federal Trade Commission as well as state public utility commissions. NRC will continue to conduct reviews of nuclear power plant license transfer applications to ensure, among other matters, that prospective owners meet financial qualifications and decommissioning funding assurance requirements.

Interested persons are invited to submit written comments on the proposed rule within 60 days of publication in an upcoming edition of the *Federal Register*. They should be addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Rulemakings and Adjudications Staff. Comments may also be submitted via the NRC's interactive rulemaking web site at <http://ruleforum.llnl.gov>.

##