



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs

Telephone: 301/415-8200

Washington, DC 20555-001

E-mail: opa@nrc.gov

Web Site: <http://www.nrc.gov/OPA>

No. 00-097

June 16, 2000

NRC AMENDS REGULATIONS CLARIFYING ANTITRUST INFORMATION REPORTING REQUIREMENTS

The Nuclear Regulatory Commission is amending its regulations to clarify that it will no longer require owners of operating nuclear power plants to include antitrust information in license transfer applications, eliminating duplication of a review performed 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 historically has 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 will no longer conduct antitrust reviews of license transfer applications submitted by the owners of operating nuclear power plants.

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. The antitrust review is performed 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 all other aspects of its review of nuclear power plant license transfer applications to ensure, among other matters, that prospective owners meet financial qualifications and decommissioning funding assurance requirements.

A proposed rule on this subject was issued in *The Federal Register* for public comment on November 3, 1999. The Commission received comments from seven organizations, including licensees, the Nuclear Energy Institute and public citizen groups. The Citizens Awareness Network, Inc., and a group including the American Antitrust Institute oppose the rule in its entirety. All of the other parties support the Commission initiative to clarify its regulations in this area.

The final rule will be issued in an upcoming edition of *The Federal Register* and will become effective 30 days from publication.

##