

IN RESPONSE, PLEASE
REFER TO: M921021

October 27, 1992

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

William C. Parler
General Counsel

FROM: Samuel J. Chilk, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 11:30 A.M., WEDNESDAY, OCTOBER 21,
1992, COMMISSIONERS' CONFERENCE ROOM, ONE
WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN
TO PUBLIC ATTENDANCE)

I. SECY-92-324 - Final Rule Regarding Clarification of Statutory
Authority for Purposes of Criminal Enforcement

The Commission, by a 5-0 vote¹, approved amendments to its rules which clarify the applicability of the existing criminal penalty provisions of the Atomic Energy Act to the Commission's regulations. The rule changes identify more clearly those current regulations which may subject the violator to criminal penalties for willful violation of, attempted violation of, or conspiracy to violate, those regulations.

The final rule and Congressional letter should be modified as indicated in the attachment and forwarded to the Secretary for signature and publication.

(EDO)

(SECY Suspense: 11/27/92)

¹ Section 201 of the Energy Reorganization Act, 42 U.S.C. §5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioners Rogers and Remick were not present when this item was affirmed. Accordingly, the formal vote of the Commission was 3-0 in favor of the decision. Commissioners Rogers and Remick had previously indicated that they would approve this paper and had they been present they would have affirmed their prior vote.

II. SECY-92-345 - Referral of Hearing Request on License
Revocation Order to Atomic Safety and Licensing Board Panel

The Commission, by a 5-0 vote², approved an order providing guidance to the Licensing Board regarding the scope of any hearing on enforcement sanctions imposed for failure to pay user fees. The order provides for a narrow scope hearing which does not allow the fee schedule or its underlying methodology to be challenged in this type of hearing.

(Subsequently, on October 21, 1992, the Secretary signed the Order.)

Attachment:
As stated

cc: The Chairman
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
Commissioner de Planque
OIG
PDR - Advance
DCS - P1-24

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