



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555

June 30, 1981

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OFFICE OF THE  
SECRETARY

MEMORANDUM FOR: Alan S. Rosenthal, Chairman, ASLAP  
B. Paul Cotter, Jr., Chairman, ASLBP  
Leonard Bickwit, Jr., General Counsel

FROM: Samuel J. Chilk, Secretary

SUBJECT: RAISING OF ISSUES SUA SPONTE IN ADJUDICATORY  
PROCEEDINGS

On June 2, 1981, the Commission requested that henceforth:

- (1) When a Licensing Board or an Appeal Board raises an issue sua sponte in an Operating License proceeding, it shall issue a separate order making the requisite findings, briefly state its reasons for raising the issue; and it shall forward a copy of that order to the Office of the General Counsel and to the Commission and
- (2) when a Licensing Board or an Appeal Board has raised an issue sua sponte, the Office of the General Counsel shall, as part of its regular monitoring of adjudicatory proceedings, make a prompt report on the matter to the Commission.

The Commission made clear that in so requesting, it was not altering in any way the provisions of the Commission's rules regarding the raising and consideration of issues sua sponte. Accordingly the Boards shall continue to make the initial determination of whether a Board question is an exercise of sua sponte authority or a question asked to ensure the completeness of the record on an admitted contention. Furthermore, the fact that an issue has been raised sua sponte, and that the Commission will be advised of that action by the Office of the General Counsel through its monitoring of adjudicatory proceedings, would not provide a basis for any party to fail to meet its obligation to respond expeditiously to the Board's questions.

This completes action on SECY-81-304B.

cc: Chairman Hendrie  
Commissioner Gilinsky  
Commissioner Bradford  
Commissioner Ahearne  
Dr. Palladino  
Commission Staff Offices  
Public Document Room

CONTACT:  
A. Bates (SECY)  
41410



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PDR MISC

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