



Please submit part

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

April 8, 1981

RESPONSE REFER TO M810406
F.G. PDR
3/C.
ACTION: Shapar/Kinogue
Dircks
Cornell
Ren
Kerr, SP
Denton
Berson, ELD

MEMORANDUM FOR: William J. Dircks, Executive Director
for Operations
Leonard Bickwit, Jr., General Counsel
FROM: - Samuel J. Chilk, Secretary
SUBJECT: STAFF REQUIREMENTS - DISCUSSION OF REVISED
LICENSING PROCEDURES, 2:05 P.M., MONDAY,
APRIL 6, 1981, COMMISSIONERS' CONFERENCE
ROOM, DC OFFICE (OPEN TO PUBLIC ATTENDANCE)

1. SECY-81-111A - Intervention in NRC Adjudicatory Proceedings

The Commission discussed the subject paper without reaching a final decision.

The Commission requested that:

- a. staff provide information on which contentions they believe were not productively admitted and how many of those fall on the NEPA side and how many on the AEA side;
(ELD) (SECY Suspense: 4/20/81)
- b. OGC provide an opinion on what effect the omission of the "reasonable likelihood" paragraph (paragraph 5, page 12, Attachment 1 of SECY-81-111A) would have on the proposed rule; (OGC)
(SECY Suspense: 4/14/81)
- c. ASLIP provide a proposed rule indicating their views as an alternative for Commission consideration.

2. SECY-81-168 - Proposed Rulemaking to Reduce or Eliminate Requirements with Respect to Financial Qualifications for Power Reactors

The Commission discussed the subject paper and took final action as reported in a separate SECY staff requirements memorandum S81-168 (being circulated).

*Kerr EDC
4-14-81*

3. SECY-81-208 - Generic Rulemaking

The Commission discussed the subject paper as reported in SECY staff requirements memorandum 81-208 (being circulated).

4. SECY-81-211 - Alternative Site Issues in Operating License Proceedings

The Commission discussed the subject paper, without reaching a final decision. The Commission requested staff to inform them as to whether this is the only portion of the proposed amendments to 10 CFR Part 51 (see SECY-79-481) concerning the OL stage.

(RES) (SECY Suspense: 4/20/81)

5. Substituting ALJs for ASLBs

The Commission discussed a proposal that Administrative Law Judges be used in place of Atomic Safety and Licensing Boards. The Commission authorized the Chairman, ASLBP, to continue to seek additional Administrative Law Judge slots from the Office of Administrative Law Judges. The Commission unanimously authorized the use of ALJs from inside or outside the agency in antitrust proceedings.

The Commission did not at this time authorize the use of ALJs in civil penalty cases or in technically simple cases. Commissioner Gilinsky would have approved the use of ALJs in both civil penalty and technically simple cases; Chairman Hendrie favored the use in civil penalty cases only; and Commissioner Ahearne disapproved the use in both cases. Commissioner Bradford requested that the ASLBP Chairman come to the Commission with the first case in each of these two categories in which he proposes to assign a single ALJ. A majority of the Commission indicated that they would reconsider such use if there is a significant increase in the workload of ASLBs. In this context, the Commission requested that the Chairman, ASLBP keep the Commission informed of the workload and particularly of any case buildup.

Chairman Hendrie noted that the Commission would discuss further SECY-81-111A at a subsequent meeting on Revised Licensing Procedures and would also begin consideration of SECY-81-202. Commissioner Bradford indicated that he would

like to discuss whether SECY-81-111A is a matter that should be considered in the context of the current problem of delay in licensing, or whether it should be considered as part of a broader package of licensing reforms.

cc: Chairman Hendrie
Commissioner Gilinsky
Commissioner Bradford
Commissioner Ahearne
Commission Staff Offices