



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

October 16, 1981

Bill Parker —
See me
Tom R
10/19

MEMORANDUM FOR: Tom Rehm, Assistant to EDO
FROM: Carlton Kammerer, Director, OCA
SUBJECT: NRC Authorization Bill Provisions

With regard to Monday afternoon's meeting, attached are a few points for discussion raised by the OGC and OELD memos on the interim licensing and Sholly provisions of the NRC authorization bills now pending before the House and Senate.

I would like to use these as a starting point for reviewing the two provisions and, hopefully, obtaining a meeting of minds with respect to the staff's views on both.

cc: OGC
OPE

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Interim Operating Authority - Key Issues

1. Prefer amendment to Atomic Energy Act (Senate) vs. authority to use appropriated funds through FY 1983 (House).
2. Do we want to seek extension of authority through December 31, 1984 as suggested by ELD? HAA +
Bavill
3. Oppose separate, after the fact hearing on the interim or temporary operating license (House)? (No comparable Senate provision.) Lester
D.K.
4. Eliminate restriction of the initial petition to licensing for fuel load and 5% power in Senate bill? (OGC suggestion) HAA +
Bavill
5. Amend Senate bill to allow petition for IOL to be filed before emergency plan is filed with license issuance only after plan filed? (No similar House provision; ELD suggests but OGC sees problems.) Emergency
HAA +
Bavill
6. Amend Senate bill to clarify that final SER refers to the SSLR which addresses the ACRS report. (Presently this is addressed only in Senate report, not bill itself.) HAA +
Bavill
7. Amend Senate bill to clarify that the expiration date prohibits the issuance of new IOLs after that date but does not affect the continued validity of IOLs issued before. (Presently this is addressed only in Senate report and not bill itself.) HAA +
Bavill
8. Seek legislative history for Senate bill finding of adequate protection of environment to indicate that absent evidence of unique environmental impacts associated with IOL the finding could be made on the basis of information contained in the NEPA EIS prepared for the full-power license.
9. Seek legislative history for Senate bill interpreting "with specificity" as limited to comments specifically addressing the IOL and not all comments and testimony previously compiled on the full-power application. (OGC recommendation)
10. Amend the third finding required in the Senate bill to change "date on which a final operating license for such facility would otherwise issue under this Act" to "date when such facility would otherwise begin full power operation". As presently drafted, OGC believes this finding likely could not be made. HAA +
Bavill
11. Seek clarification in House bill that any hearing under Section 192 need not be adjudicatory. No similar problem in Senate bill. (ELD suggestion.)

Sholly - Key Issues

1. Need for any amendment at all in light of court review now underway.
2. Amendment to Atomic Energy Act (Senate) vs. authority through FY 1983 (House).

3. State consultation provisions: which version is preferable? OGC prefers House bill as "far less restrictive" while ELD prefers Senate version together with report language claiming House bill has "ambiguity about the consultation procedures" and a state notice provision.

4. Public notice: which do we prefer? House provides for monthly cumulative, rather than individual, notice (ELD sees this as possibly requiring considerable time, effort and paperwork); Senate provides for individual notice with public comment necessary before issuance of amendment in all but few cases involving shut-down or derating.

5. Both require standards for determining whether or not an amendment involves no significant hazards consideration. Is there any real difference between the two bills or any difficulty in meeting time frame? House