



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

VICE OF THE
COMMISSIONER

October 2, 1980

MEMORANDUM FOR: CHAIRMAN AHEARNE
COMMISSIONER HENDRIE
COMMISSIONER BRADFORD

SUBJECT: ACRS REVIEW OF LICENSE APPLICATIONS

I would like to suggest that we change the format of the findings which we ask the ACRS to make with regard to license applications. Presently, the ACRS makes a general finding that a facility for which a license is sought poses "... no undue risk to the health and safety of the public." By asking the ACRS to make a formal finding that a given design or activity is acceptable I suspect we are constraining the ACRS's judgment in later cases. This is particularly true where there are no well-defined standards of acceptability since the ACRS may define acceptability in terms of its prior decisions. It would not be surprising if the ACRS felt some compunction about taking a position which would, in effect, overturn one of the Committee's earlier findings of general acceptability. As an alternative, I would suggest we ask the ACRS to drop the boilerplate final paragraph of its letters.

A handwritten signature in black ink, which appears to read "Victor Gilinsky", is written above the printed name.

Victor Gilinsky

cc: Chairman Plesset, ACRS
L. Bickwit, GC
E. Hanrahan, OPE
S. Chilk, SECY