

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

October 6, 1981

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OFFICE OF THE  
SECRETARY

MEMORANDUM FOR: William J. Dircks, Executive Director for Operations  
Leonard Bickwit, Jr., General Counsel  
B. Paul Cotter, Jr., Chairman, ASLBP

FROM: Samuel J. Chilk, Secretary *[Signature]*

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION 81-36, 3:10 P.M.,  
THURSDAY, OCTOBER 1, 1981, COMMISSIONERS' CONFERENCE ROOM,  
D.C. OFFICE (OPEN/CLOSED MEETING)

I. SECY-81-253 - Financial Protection for TMI Units 1 and 2

The Commission, by a vote of 3-2 (Commissioners Gilinsky and Bradford disapproving), approved for publication in the Federal Register an announcement that the Commission is proposing to grant an exemption from the requirements of 10 CFR 140.11(a)(4) to TMI Units 1 and 2. Commissioner Gilinsky would have preferred to wait until action on his request for information had been completed.

(SP) (SECY Suspend: 10/20/81)

II. SECY-81-528 - Use of Administrative Law Judges as Presiding Officers in Antitrust Proceedings

The Commission, by a vote of 5-0, approved for publication in the Federal Register an amendment to 10 CFR 52.105(e) authorizing the use of administrative law judges as presiding officers in antitrust proceedings. The approved amendment was based on the September 23, 1981 Cotter memo as modified below:

a. Page 6:

-The footnote will be shifted to the bottom of the page.  
-Item (2) will read "...established by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel."

b. Pages 6-7:

-52.104(d)(3) will read "...under the proposed license would create or maintain a situation inconsistent with the antitrust laws..."

c. Page 8:

-Item (2) will read "...the presiding officer, who shall be an Atomic Safety and Licensing Board established by the Commission"



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or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the presiding officer will issue a notice of hearing or an appropriate order. The presiding officer designated to rule on a request or petition concerning the antitrust aspects of an application may be either an Administrative Law Judge or an Atomic Safety and Licensing Board."

(ASLBP) (SECY Suspende: 10/20/81)

III. SECY-81-566 - Diablo Canyon Physical Security--Governor Brown's Motion for Additional Counsel and Secretary

The Commission, by a vote of 5-0, approved a portion of an order granting access to PG&E's security plan and related documents to an additional secretary. The Commission, by a vote of 3-2 (Commissioners Ahearne and Roberts disapproving), approved the portion of the order granting access to the stated documents to an additional attorney.

(OGC)

(Subsequently, the Order was signed by the Secretary.)

The Commission discussed and acted on the following items in closed session.

IV. SECY-81-565 - TMI-1 Restart--Management Competence Decision (COMNP-81-2)

The Commission agreed to issue an order setting out the procedures to be used by parties presenting arguments to the Commission during TMI-1 restart proceedings on October 14, 1981.

(OGC)

(Subsequently, the Order was signed by the Secretary.)

V. SECY-81-529 - Selection of Hearing Panel for Part 30 Proceeding for Armed Forces Radiobiology Research Institute (AFRRI) Byproduct Materials License

The Commission requested a new draft of the proposed order with changes based on Commissioner Ahearne's modifications and on discussion at the meeting. (OGC) (SECY Suspende: 10/2/81)

- cc. Chairman Palladino  
 Commissioner Gilinsky  
 Commissioner Bradford  
 Commissioner Ahearne  
 Commissioner Roberts  
 Commission Staff Offices  
 Public Document Room