

Commission  
Transition



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

December 18, 1980

Mr. Richard T. Kennedy  
Leader, NRC Transition Team  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Dear Sir:

Enclosed is a copy of excerpts from the hearings on the  
Nuclear Siting and Licensing Act of 1978 which you requested.

Sincerely,

A handwritten signature in dark ink, appearing to read "James A. Fitzgerald".

James A. Fitzgerald  
Assistant General Counsel

Enclosure:  
As stated

cc: W. J. Dircks, EDO

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NUCLEAR SITING AND LICENSING ACT OF 1978

HEARINGS  
BEFORE THE  
SUBCOMMITTEE ON ENERGY AND POWER  
OF THE  
COMMITTEE ON  
INTERSTATE AND FOREIGN COMMERCE  
HOUSE OF REPRESENTATIVES  
NINETY-FIFTH CONGRESS

SECOND SESSION

ON

THE ADMINISTRATION'S PROPOSAL TO REVISE THE PROCESS BY WHICH NUCLEAR POWERPLANTS ARE LICENSED AND TO SUBSTANTIALLY REDUCE THE TIME NEEDED TO LICENSE AND CONSTRUCT THEM

JULY 18, 19, 20, 1978

Serial No. 95-187

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Committee on Interstate and Foreign Commerce



## APPENDIX

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### RESPONSES TO WRITTEN QUESTIONS

NUCLEAR REGULATORY COMMISSION ANSWERS TO QUESTIONS

QUESTION 6: Identify those sections of H.R. 11704 which (i) confer new authorities or responsibilities on the NRC and (ii) transfer existing authorities or responsibilities from the NRC.

- A. Explain the nature of the change and provide the rationale for each such change.
- B. What authorities and responsibilities are conferred upon the Department of Energy by H.R. 11704 and what is the rationale for each such change?

ANSWER:

- A. The following table notes the sections that would confer new authority or responsibility upon the NRC and the rationale for the change:

<u>Section of Atomic Energy Act</u>	<u>Principal Rationale</u>
112a (advance planning)	Early identification and possible resolution of problems
185a and b (need certificates and deletion of CP completion dates)	State should have responsibility for need decisions; CP completion date does not serve useful purpose
189b (combined CP/OL)	Early decisions on final designs
189a(1)(A) (no mandatory CP hearing)	CP hearing not necessary when no one requests one
189a(1)(A) (mandatory hearings on standardized designs, combined CP/OL, site permits)	Importance of the proceeding
189a(1)(C) (hybrid NEPA hearings)	NEPA does not require hearings (see NRC testimony for differing views)
189a(a)(2)(A) and (B) (new notices)	Improve public participation
189a(2)(A) (standard for pre-noticing amendments)	More appropriate and workable standard
189a(2)(C) (limitation on relitigation)	Improve the stability and predictability of licensing process (see NRC testimony for differing views)

Section of Atomic Energy ActPrincipal Rationale189a(3) (interim licenses)  
and 192Reduce unnecessary delays when  
public interest warrants prompt  
action193 a-d (early site)  
(largely confirmatory)Authorize issuance of permits in  
a separate proceeding from the CP  
and allow States to obtain permits193e (early construction  
on pre-approved site)Reduce unnecessary delays (see  
NRC testimony for differing views)

194c (fees)

Encourage standardization

182b (ACRS)

Eliminate unnecessary ACRS reviews

195a-h, k, 196b (delegation  
of NEPA review function)

Better recognize proper State role

195j (grants to States)

Encourage States to do NEPA  
reviews

196a (coordination)

Coordinate Federal, State, and  
Regional reviews

197 (intervenor funding)

Improve public participation

B. The bill does not vest any new authority or responsibility in DOE.



QUESTION 26

Identify those actions proposed in H.R. 11704 which can be implemented administratively.

RESPONSE:

See response to question 6.