

June 2, 1995

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

John F. Cordes, Acting Director
Office of Commission Appellate Adjudication

FROM: John C. Hoyle, Secretary \s\

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 11:30 A.M., THURSDAY, JUNE 1, 1995,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT
NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC
ATTENDANCE)

I. SECY-95-124 - Kenneth G. Pierce (Shorewood, Illinois),
Initial Decision (Vacating Staff Order), LBP-95-04, Docket
Nos. 55-30662-EA, IA-94-007

The Commission, by a 4-0 vote, approved an order responding to the NRC staff's Petition for Review of the Licensing Board's Initial Decision (LBP-95-04) and a motion of Commonwealth Edison Company for leave to file amicus curiae. The order denies the petition for review because the staff's petition does not show that the Board's own view of the evidence was "clearly erroneous." The order grants Commonwealth Edison's Motion for Leave to File amicus curiae to the extent that it seeks permission to file an answer to the staff's petition and denies it as moot to the extent that it requests permission to file a full brief with the Commission.

(Subsequently, on June 1, 1995, the Secretary signed the Order.)

II. SECY-95-116 - Final Amendments to 10 CFR Part 72 to
Establish the Emergency Preparedness Licensing Regulations
for Independent Spent Fuel Storage Facilities (ISFSI) and
Monitored Retrievable Storage Facilities (MRS)

The Commission, by a 4-0 vote, approved final amendments to the regulations to implement emergency planning licensing requirements for Independent Spent Fuel Storage Facilities (ISFSI) and Monitored Retrievable Storage Facilities (MRS).

The FRN should be revised to include some of the discussion in response to issues 46 and 48 (concerning risk associated with MRS facilities) earlier in the SOC, perhaps on page 4. It is suggested that the term "biannual" be replaced by "semiannual" to avoid confusion between biannual and biennial. The attached edits should also be made.

Finally, as a result of the final rulemaking, some clarifying changes were made to 10 CFR 72.32 that should be considered by staff for conforming change to Part 70 when the opportunity arises. This would also apply to 10 CFR 40.31(j)(3) and 10 CFR 30.32(i)(3).

The FRN should be revised as noted, reviewed by the Rules Review and Directives Branch, ADM, and returned for signature and publication in the Federal Register.

(EDO)

(SECY Suspense: 6/30/95)

Attachment:

As stated

cc: The Chairman
Commissioner Rogers
Commissioner de Planque
Commissioner Jackson
OGC
OCA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR - Advance
DCS - OP1-24