

IN RESPONSE, PLEASE
REFER TO: M920812

August 17, 1992

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

William C. Parler, General Counsel

Stephen G. Burns, Director
Office of Commission Appellate Adjudication

FROM: Samuel J. Chilk, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 11:30 A.M., WEDNESDAY, AUGUST 12,
1992, COMMISSIONERS' CONFERENCE ROOM, ONE
WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN
TO PUBLIC ATTENDANCE)

I. SECY-92-255 - Petition for Late Intervention and Motion to
Reopen the Record in the Comanche Peak Proceedings

The Commission, by a 5-0* vote, approved an order responding to a petition for late intervention and a motion to reopen the record in the Comanche Peak proceedings. The order (1) denies the petitioners' requests for oral argument, (2) summarily denies petitioners' requests for late intervention in the Comanche Peak Unit 1 proceedings; and (3) finds that petitioners have failed to satisfy a balancing of the five factors necessary for late intervention in the Comanche Peak Unit 2 OL proceedings.

(Subsequently, on August 12, 1992, the Secretary signed the Order.)

* This applies to all five affirmation items. Section 201 of the Energy Reorganization Act, 42 U.S.C. §5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioners Rogers and Curtiss were not present when these items were affirmed. Accordingly, the formal votes of the Commission were 3-0 in favor of the decisions. Commissioners Rogers and Curtiss, however, had previously

indicated that they would approve these papers and had they been present they would have affirmed their prior votes.

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II. SECY-92-262 - City of Cleveland's Appeal of the Atomic Safety and Licensing Board's Prehearing Conference Order (LBP-91-38)

The Commission, by a 5-0* vote, approved an order which responds to an appeal of LBP-91-38 by the City of Cleveland and a request to revoke the Commission's referral of hearing requests to the Licensing Board. The order denied Cleveland's appeal and denied the motion to revoke the referral.

(Subsequently, on August 12, 1992, the Secretary signed the Order.)

III. SECY-92-266 - Final Rule to Extend the Implementation Date of Revised 10 CFR Part 20, "Standards for Protection Against Radiation"

The Commission, by a 5-0* vote, approved an amendment to the Commission's regulations to extend the implementation date for 10 CFR Part 20 from January 1, 1993 to January 1, 1994.

The attached edits to pages 3 and 4 of the Federal Register Notice should be incorporated, the Notice should be reviewed by the Regulatory Publications Branch, ADM, and then forwarded for signature and publication.

(EDO)

(SECY Suspense: 9/18/92)

IV. SECY-92-269 - Safety Light Corporation - Review of Licensing Board Decision to Consolidate Proceedings

The Commission, by a 5-0* vote, approved an order responding to the Parties and the Licensing Board's replies to the Commission's July 2, 1992 order that granted the staff's petition for review of the Licensing Board's order consolidating two proceedings involving Safety Light Corporation. The order finds that while the Licensing Board did not have the authority to consolidate the two proceedings without Commission approval, the Commission is now authorizing the consolidation.

(Subsequently, on August 12, 1992, the Secretary signed the Order.)

V. Consideration of OMB's Disapproval of NRC Information Request (SECY-92-270 - Information Collection Request Associated with the Amendments to 10 CFR Parts 2 and 35 on Quality Management Program and Misadministrations)

The Commission, by a 5-0* vote, agreed to override a disapproval by the Office of Management and Budget (OMB) of the Commission's

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information collection request associated with a final amendment to the Commission's rules, entitled, "Quality Management Program and Misadministrations (10 CFR Parts 2 and 35)".

Subsequently, on August 14, 1992, a letter to OMB indicating the Commission's override was signed by the EDO.

The staff should proceed with enforcement related issues as discussed in SECY-92-270.

Attachments:

As stated

cc: The Chairman
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
Commissioner de Planque
OIG
ACRS
PDR - Advance
DCS - P1-24