December 3, 1991

IN RESPONSE, PLEASE
REFER TO: M911120C

MEMORANDUM FOR: William C. Parler
General Counsel

FROM: Samuel J. Chilk, Secretary /S/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION AND VOTE, 3:45 P.M., WEDNESDAY, NOVEMBER 20, 1991, COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-91-349 - Developments in Perry/Davis-Besse Antitrust Hearing

The Commission, by a 4-0 vote, approved an order dealing with an issue which arose in the Perry/Davis-Besse antitrust hearing.

The order directed the Licensing Board to suspend its consideration of all matters in this proceeding with the sole exception of the so-called "bedrock" legal issue. The Commission took this action because the "bedrock" legal issue had the potential to be dispositive of the proceeding without any need to reach other issues. The Commission order also noted that an admitted contention relating to alleged decisional bias by the NRC staff appeared to be without precedent in the Commission's proceedings.

(Subsequently, on November 20, 1991, the Secretary signed the Order.)

cc: The Chairman
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
EDO
ACRS
OIG
PDR - Advance