

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

May 25, 1989

MEMORANDUM FOR: Victor Stello, Jr.
Executive Director for Operations

William C. Parler, General Counsel

FROM: Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 3:30 P.M., THURSDAY, MAY 18,
1989, COMMISSIONERS' CONFERENCE ROOM, ONE
WHITE FLINT NORTH, ROCKVILLE, MARYLAND
(OPEN TO PUBLIC ATTENDANCE)

1. SECY-89-120 10 CFR 61 -- Land Disposal of Radioactive Waste

The commission, by a 5-0 vote,* approved publication in the Federal Register final amendments to 10 CFR 61 which requires disposal of greater-than-class-C radioactive waste in the nation's high level radioactive waste repository, unless an alternative means of disposal has been approved by the commission.

(Subsequent to the meeting, on May 19, 1989, the Secretary of the commission signed the Federal Register Notice.)

- II. SECY-89-146 - Issuance of a Final Rule on Financial Protection Requirements and Indemnity Agreements

The Commission, by a 4-0 vote, approved issuance by the Executive Director for Operations a final rule implementing the Price Anderson Amendments Act of 1988 and to reflect the increase in the amount of primary financial protection being made available by the nuclear insurance pools.

* Section 201 of the Energy Reorganization Act, 42 U.S.C. Sec. 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Rogers was not present when this item was affirmed. Accordingly,

the formal vote of the commission was 4-0 in favor of the decision. Commissioner Rogers, however, had previously indicated that he would approve and had he been present, he would have affirmed his prior vote.

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Accordingly, you may transmit the final rule to the Federal Register.

(EDO)

(SECY Suspense: 5/31/89)

Commissioner Rogers was on foreign travel and was unavailable to participate in this decision.

III. SECY-89-158 - Decision on Stay Applications in Seabrook

The Commission, by a 4-0 vote,* approved an order which:

a. Denies three separate motions to stay authorization for issuance of a license to Public Service Company of New Hampshire to conduct low-power testing at the Seabrook Nuclear Power Station; and

b. Provides a brief housekeeping stay to allow the Court of Appeals for the D.C. Circuit an opportunity to review stay claims filed with the Court and any opposition that may be filed. Consequently, a license authorizing low-power testing for Seabrook will not be issued before 4 p.m. EDT, May 25, 1989, or such earlier date if the Court denies the stay requests now before it.

commissioner Curtiss did not participate in this decision.

(Subsequently, on May 18, 1989, the Secretary of the Commission signed the Order.)

Accordingly, the staff should issue a low-power license to Public Service Company of New Hampshire when the above prerequisites have been met.

(EDO) (SECY Suspense: 4 p.m., 5/25/89

or earlier date if the Court denies the stay requests now before it)

cc: Chairman Zech
Commissioner Roberts
commissioner Carr
commissioner Rogers

Commissioner Curtiss

GPA

PDR - Advance

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* Section 201 of the Energy Reorganization Act, 42 U.S.C. Sec. 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Rogers was not present when this item was affirmed. Accordingly, the formal vote of the Commission was 3-0 in favor of the decision. Commissioner Rogers, however, had previously indicated that he would approve and had he been present, he would have affirmed his prior vote.