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

May 23, 1988

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, 11:45 A.M., FRIDAY, MAY 6, 1988,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE
FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)

I. SECY-88-119 - Motion to Modify or Quash Subpoenas in Parley
Nuclear Plant Investigation

The Commission, by a 5-0* vote, approved an order which responded to an April 27, 1988, letter asking the Commission to modify or quash OI subpoenas issued on April 13, 1988, to 11 non-supervisory employees at the Farley Nuclear Power Plant. The order denied the motion to quash but did modify the subpoenas in part to better specify the documents to be produced.

(Subsequently on May 6, 1988, the Secretary signed the Order.)

In acting on the order the Commission noted that the issues raised in the motion to quash are related to ones which the Commission directed OI in March 1987 to address promptly in completing its final draft of the OI procedures manual. (See SRM on COMLZ-87-6 dated March 24, 1987.) The OI procedures manual should be completed in accordance with the March 24, 1987, SRM and returned to the Commission for review.

(EDO/OI)

(SECY Suspense: 6/30/88 -

High Priority)

* Section 201 of the Energy Reorganization Act, 42 U.S.C. •55841, 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

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that he would approve this paper and had he been present he would have affirmed his prior vote.

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The Commission also requests that the sequestration rule alluded to in the March 29, 1983, letter from Congressman Sharp be brought to the Commission's attention.
(EDO/OGC) (SECY Suspense: 6/15/88)

Finally the Commission was not provided advance notice of issuance of the subpoenas as required by the delegation of subpoena authority in NRC Manual Chapter 0119-039. The staff is reminded that the Commission should have been informed when the subpoenas were issued on April 13 rather than upon receipt of a motion to quash three weeks later; particularly where the issue has been subject to continued Congressional interest.

cc: Chairman Zech
Commissioner Roberts
Commissioner Bernthal
Commissioner Carr
Commissioner Rogers
GPA
PDR - Advance
DCS - P1-124