



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

October 18, 1979

(REVISED)

OFFICE OF THE  
SECRETARY

MEMORANDUM FOR:

Lee V. Gossick, Executive Director for Operations  
Leonard Bickwit, Jr., General Counsel  
Dennis Rathbun, Acting Director, OPE

FROM:

Samuel J. Chilk, Secretary

SUBJECT:

STAFF REQUIREMENTS - DISCUSSION OF PETITIONS SEEKING  
LEAVE TO INTERVENE IN A HEARING ON PHILIPPINE  
APPLICATIONS, 9:40 A.M., WEDNESDAY, OCTOBER 10, 1979,  
COMMISSIONERS' CONFERENCE ROOM, D.C. OFFICE  
(OPEN TO PUBLIC ATTENDANCE)

The Commission discussed legal and procedural aspects of intervention in the Philippine applications.

The Commission:

1. by a vote of 4-0,\* denied the request for oral argument at the discussion session on the question of whether a hearing is necessary in the matter; (OGC/OPE)
2. by a vote of 4-0,\*\* agreed that there would be a written proceeding in the matter; (OGC/OPE)
3. by a vote of 3-2,\*\*\* chose for the scope of the proceeding to solicit comments from all concerned parties on procedural and jurisdictional issues and, after reviewing these comments, to determine NRC jurisdiction and issue a second Order requesting views on substantive issues raised by the Philippine applications falling within the Commission's jurisdiction; (OGC/OPE)
4. by a vote of 4-1,\*\*\*\* requested that the reactor application (XR-120) and the application for components for the reactor (XCOM-013) be consolidated into one proceeding with scope and format as in 2 and 3 above; (OGC/OPE)

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\* Commissioner Kennedy was not present.

\*\* Although not participating in this vote, Commissioner Kennedy indicated that he saw no pressing need for a proceeding.

\*\*\* Chairman Hendrie and Commissioner Ahearne would have preferred the issuance of a single Order soliciting public views on the jurisdictional issue and "all other issues" raised by the Philippine applications.

\*\*\*\* Chairman Hendrie would have preferred the consolidation of the reactor, component and fuel applications. Commissioner Kennedy indicated that while he agreed with the consolidation of the reactor and component applications, he was not persuaded that consolidation of the fuel application as well was appropriate, and therefore opposed it.

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The Commission requested:

5. that OGC draft a Notice of Hearing for Commission review, laying out the scope of the proceeding along the lines of 2 and 3 above; (OGC/OPE)
6. that the staff transmit through the Department of State to the Philippines Regulatory Agency the allegations brought to the attention of the Commission on the reactor for export to the Philippines; (IP)
7. that OGC and ELD examine whether referral of these allegations to the Department of Justice is warranted, and if it is, that these allegations be transmitted to OIA for referral to the Department of Justice. (OGC/ELD) (SECY Suspense: 10/19/79)

cc:

Chairman Hendrie  
Commissioner Gilinsky  
Commissioner Kennedy  
Commissioner Bradford  
Commissioner Ahearne  
Director, OCA  
Director, OPA  
Director, OIA

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