



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

November 6, 1979

OFFICE OF THE
SECRETARY

MEMORANDUM FOR: Leonard Bickwit, Jr., General Counsel
Lee V. Gossick, Executive Director for Operations

FROM: Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION 79-35 - 3:10 P.M.,
FRIDAY, NOVEMBER 2, 1979 COMMISSIONERS' CONFERENCE ROOM,
D. C. OFFICE (OPEN TO PUBLIC ATTENDANCE)

I. SECY-A-79-72A - Duke Power Company (Transportation of Spent Fuel From Oconee to McGuire) -- Public Disclosure of Route Information (CONSENT CALENDAR ITEM)

The Commission, by a vote of 4-0*:

1. approved an Order allowing in camera review of the routing information which the staff wishes to protect and which would have become public under the Licensing Board's order of August 7. This information is to be made immediately available to the Commission, and to those parties (except the NRC staff) executing an Affidavit of Non-Disclosure in the matter. The Order also allows parties 30 days from the date of the order to respond to the staff's September 14 filing in the matter. The staff will then have five days to file a reply. (OGC) (Subsequently, the Secretary signed the Order on 11/2/79).

II. SECY-A-79-68 - Intervenors Motion for Remand in Shearon Harris - Lewis Report (CONSENT CALENDAR ITEM)

The Commission, by a vote of 4-0**:

2. approved an Order denying the motion for remand in the matter. (OGC) (Subsequently, the Secretary signed the Order on 11/2/79).

The Commission requested:

3. the preparation of a paper addressing the following matters relating to the standard governing motions to reopen:
 - a. a discussion of how the Wolf Creek test is currently applied;
 - b. an assessment of Commissioner Bradford's view on this subject (see 9/19/79 memorandum) and the expected impact of his proposal on future NRC adjudication;
 - c. a discussion of the standard used at other administrative agencies and in the federal courts;
 - d. whether there have been any instances in which significant new or changed information may not have been considered in NRC adjudications because of the present standard.

(OGC/ELD) (SECY Suspense: 11/19/79)

cc:
Chairman Hendrie
Commissioner Gilinsky
Commissioner Kennedy
Commissioner Bradford
Commissioner Ahearne
Commission Staff Offices

* Commissioner Kennedy, although not present at this meeting had previously indicated his approval of this order.
** Comm. Kennedy, although not present at this meeting, had previously indicated his approval of this order. Comm. Bradford in separate comments attached to the Order, state that he would have addressed the standard to be applied to motions to reopen licensing proceedings.

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