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

August 6, 1982

OFFICE OF THE  
SECRETARY

MEMORANDUM FOR: Leonard Bickwit, Jr., General Counsel  
 William J. Dircks, Executive Director  
 for Operations

FROM: *John C. Hoyle*  
 John C. Hoyle, Acting Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION  
 SESSION, 3:30 P.M., THURSDAY, JULY 29, 1982,  
 COMMISSIONERS' CONFERENCE ROOM, D.C. OFFICE  
 (OPEN TO PUBLIC ATTENDANCE)

I. SECY-82-28A - Diablo Canyon Physical Security - Governor Brown's Request for Public Disclosure of Non-Protected Information

The Commission, by a vote of 5-0,\* approved an Order responding to an October 13, 1981 motion filed by Governor Brown requesting that those parts of ALAB-653 and his Petition for Review which do not contain "protected information" be made public.

The Order announced that the Commission was releasing a sanitized version of both documents.

Additionally, the Commission (with Commissioner Gilinsky disapproving) agreed with staff memoranda dated July 23, 1982 and July 28, 1982 indicating certain additional portions of ALAB-653 that it believed should be withheld.

(Subsequently, on July 30 the Order was signed by the Acting Secretary.)

II. SECY-82-28B - Diablo Canyon Physical Security - Purging of Classified Material in ALAB-653

The Commission, by a vote of 5-0,\* approved an Order directing all parties to the Diablo Canyon Physical Security Proceeding to return all copies of ALAB-653 until the Commission determines what action to take with regard to classified national security information contained in the decision.

*Order-6  
Comm-*

The Order also makes available to the parties a copy of the decision with the classified material deleted so that they may comment on whether expunction of the classified material would prejudice them.

The Commission also approved issuance of a staff requirements memorandum directing the staff to brief all persons who had access to the classified material in the Diablo Canyon proceeding on the implications and responsibilities of having had such access.

(Subsequently, on July 29, the Order and staff requirements memorandum were signed by the Secretary.)

III. SECY-82-28C - Request in Shoreham Operating License Proceeding for Access to ALAB-653 (Diablo Canyon Physical Security)

The Commission, by a vote of 4-1\*\* (Commissioner Gilinsky disapproving), approved an Order responding to a request by the applicant and Suffolk County in the Shoreham proceeding for access to certain portions of ALAB-653 (Diablo Canyon Physical Security) and the record supporting it.

The Order conditionally grants access to a sanitized version of the ALAB decision but denies access to the underlying record. The Order also directs the Licensing Board to consider a Suffolk County request that its consultants also be given access, and to grant the request only if the county demonstrates that such access is needed.

(Subsequently, on July 30, the Order was signed by the Acting Secretary.)

IV. SECY-82-266 - Review of ALAB-670 (In the Matter of Consumers Power Company)

The Commission, by a vote of 5-0,\* approved an Order vacating as moot ALAB-670 and the underlying Licensing Board decision, LBP-81-26.

The Commission (with Commissioner Gilinsky disapproving) agreed to modify the Order to indicate that the decisions also should not be used for guidance.

(Subsequently, on July 30, the Order was signed by the Acting Secretary.)

V. SECY-82-286 - Proposed Rulemaking Concerning Staff at Nuclear Power Plants

The Commission, by a vote of 4-1\*\*\* (Commissioner Roberts disapproving), approved for publication a proposal addressing requirements for the minimum number of both senior operators and other operators on shift at all times at nuclear power units and requires the presence of a person with a senior operator license at all times in the control room of an operating plant. Commissioner Roberts preferred a version of the rule which set requirements for senior operators only. The Commission also agreed that the table on page 9 of the proposed rule (Version 2, Enclosure A to SECY-82-286) should be titled "Minimum Requirements Per Shift for Onsite Staffing of Nuclear Power Units By ...."

In response to a request from Commissioner Asselstine you should add the following statement to page 5 (prior to the Regulatory Flexibility Act Certification):

"Commissioner Asselstine would particularly appreciate comments on whether the implementation schedule contained in the proposed rule is realistic and workable."

The Commission requested that:

1. The proposed rule be published in the Federal Register allowing 30 days for public comment.  
(EDO) (SECY Suspense: 8/23/82)
2. Absent objections from Commissioners and provided that no significant adverse comments or significant questions have been received and no substantial changes in the text of the rule are indicated, the Executive Director for Operations arrange for publication of the amendment in final form. Additionally any comments in respect to added Commission views should be referred to them. If significant questions have been received or substantial changes in the text of the rule are indicated, the revised amendment will be submitted to the Commission for approval.  
(EDO) (SECY Suspense: 10/30/82)
3. Copies of the proposed rule be distributed to applicants, licensees, and other interested persons.  
(ADM/EDO) (SECY Suspense: 9/1/82)
4. The appropriate Congressional committees be informed.  
(OCA/EDO) (SECY Suspense: 9/1/82)

5. The Office of Public Affairs issue a public announcement.  
(OPA/EDO) (SECY Suspense: 8/23/82)

In addition the Commission requested that in the future, you include in SECY papers any recommendations of the CRGR.

- VI. SECY-82-303 - Petition of Massachusetts Attorney General to Intervene in Proceeding for Modification of Pilgrim Station Operating License

The Commission, by a vote of 4-1\*\* (Commissioner Gilinsky disapproving), approved an Order that denies a petition by the Massachusetts Attorney General to intervene in a proceeding for modification of the Pilgrim Operating License.

cc: Chairman Palladino  
Commissioner Gilinsky  
Commissioner Ahearne  
Commissioner Roberts  
Commissioner Asselstine  
Commission Staff Offices  
PDR - Advance  
DCS - 016 Phillips

\* Section 201 of the Energy Reorganization Act, 42 U.S.C. § 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Gilinsky was not present when this item was affirmed, but had previously indicated that he would approve. Had Commissioner Gilinsky been present, he would have affirmed his prior vote. Accordingly, the formal vote of the Commission was 4-0 in favor of the decision.

\*\* Section 201 of the Energy Reorganization Act, 42 U.S.C. § 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Gilinsky was not present when this item was affirmed, but had previously indicated that he would disapprove. Had Commissioner Gilinsky been present, he would have affirmed his prior vote. Accordingly, the formal vote of the Commission was 4-0 in favor of the decision.

\*\*\* Section 201 of the Energy Reorganization Act, 42 U.S.C. § 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Gilinsky was not present when this item was affirmed, but had previously indicated that he would approve. Had Commissioner Gilinsky been present, he would have affirmed his prior vote. Accordingly, the formal vote of the Commission was 3-1 in favor of the decision.