



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

IN RESPONSE, PLEASE  
REFER TO: M820805B

August 6, 1982

OFFICE OF THE  
SECRETARY

MEMORANDUM FOR: Leonard Bickwit, Jr., General Counsel  
FROM: *John C. Hoyle*  
John C. Hoyle, Acting Secretary  
SUBJECT: STAFF REQUIREMENTS - DISCUSSION AND VOTE ON  
DOE EXEMPTION REQUEST, 2:00 P.M., THURSDAY,  
AUGUST 5, 1982, COMMISSIONERS' CONFERENCE  
ROOM, D.C. OFFICE (OPEN TO PUBLIC ATTENDANCE)

The Commission\* met to discuss and vote on the July 1 DOE 50.12 exemption request for Clinch River, the July 9 NRDC motion for summary denial, or, alternatively, request for adjudicatory hearing, and the July 14 NRDC petition for investigation.

By a vote of 4-0, the Commission approved an Order (SECY-82-238) denying the petition for investigation.  
(OGC) (SECY Suspense: 8/10/82)

By a vote of 3-1 (Commissioner Ahearne dissenting), the Commission authorized the issuance of an Order granting the applicant's exemption request as it applies to non-safety-related site preparation activities and denying it as it applies to safety-related activities. By a vote of 4-0, the Commission denied the NRDC motion for summary denial as it applies to non-safety-related site preparation activities. The decision does not address the motion as it applies to the proposed safety-related activities, as this is effectively mooted by the Commission's decision on the exemption request. The Commission also denied the request for adjudicatory hearing, asserting that a hearing is not required under the Atomic Energy Act or NEPA.

The Commission requested that the General Counsel prepare an Order based on discussion at the meeting. The separate views of Commissioner Ahearne will be attached to the Order.  
(OGC) (SECY Suspense: 8/10/82)

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

\* Commissioner Gilinsky was not present.