

April 5, 1983



SECY-83-125

ADJUDICATORY ISSUE

(Notation Vote)
For: The Commission
From: Martin G. Malsch
Deputy General Counsel
John E. Zerbe, Director
Office of Program Evaluation
Subject: PALO VERDE IMMEDIATE EFFECTIVENESS DECISION
AND REVIEW OF ALAB-713
Review
Time Expires: April 20, 1983
Discussion:

The Licensing Board on December 28, 1982 issued a decision in the Palo Verde proceeding authorizing the Director, NRR, to issue an operating license for Palo Verde, Unit 1. On February 15, OPE recommended in SECY-83-65[

On the same day in ALAB-713 the Appeal Board affirmed the Licensing Board's decision. On February 18, 1983 OGC in SECY-83-71 recommended

On March 15, 1983 the Commission met to discuss whether to make the Licensing Board's decision immediately effective. No final conclusions were reached at that meeting pending receipt of further information from OI and Region V concerning the status of possibly relevant technical investigations. That information was provided in OI's memorandum of March 25 and the EDO's memorandum of March 29.

1/ SECY-83-71 was issued as a negative consent paper because[

CONTACTS:
Rick Levi, OGC, 41465
Neill Thomasson, OPE, 43302

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 5
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There are two issues which the Commission needs to address. (1) whether to allow the Licensing Board's decision to become effective; and (2) if so, whether (i) to issue an order, or (ii) simply to allow the review time for the Appeal Board's decision to expire. We believe

1. Background

OPE in its review of the Licensing Board's decision found

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On February 28, 1983 the Government Accountability Project (GAP) wrote the NRC to inform it of numerous allegations at Palo Verde and to note that GAP was going to conduct its own investigation.

At the Commission meeting on March 15, OI discussed its ongoing investigations at Palo Verde. [

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OI provided a list of its investigations on March 25, 1983. The EDO, in coordination with OI, on March 29 identified the items currently under inspection/investigation at Palo Verde. [The EDO, based on Region V's preliminary evaluation,

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2. Whether to Allow the Licensing Board's Decision to Become Effective

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3. Whether to Issue An Order

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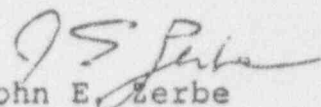
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Recommendation:

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Martin G. Malsch
Deputy General Counsel



John E. Zerbe
Director, Program Evaluation

Commissioners' comments or consent should be provided directly to the Office of the Secretary by c.o.b. Wednesday, April 20, 1983.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT Tuesday, April 12, 1983, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

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