



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

May 17, 1985

OFFICE OF THE
SECRETARY

MEMORANDUM FOR: Herzel H.E. Plaine, General Counsel
FROM: *for* Samuel J. Chilk, *JKH* Secretary
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 3:30 P.M., THURSDAY, MAY 9, 1985,
COMMISSIONERS' CONFERENCE ROOM, D.C. OFFICE
(OPEN TO PUBLIC ATTENDANCE)

I. SECY-85-136 - Options to Respond to Remand of Guard v. NRC

The Commission by a 4-1 vote (with Commissioner Asselstine disapproving) approved a policy statement which provides interim guidance to the adjudicatory boards and the staff until the Commission can conclude its response to the D.C. Circuit Court's remand in Guard v. NRC.

The guidance states that "the Commission believes that Licensing Boards (and, in uncontested situations, the staff) may find that applicants who have met the requirements of Section 50.47(b)(12) as interpreted by the Commission before the Guard decision and who commit to full compliance with the Commission's response to the Guard remand meet the requirements of Section 50.47(c)(1) and, therefore, are entitled to licenses conditional on full compliance with the Commission's response to the Guard remand."

You should forward the policy statement for signature and publication in the Federal Register.

(OGC)

(SECY Suspense: 5/20/85)

The Commission also agreed (with all Commissioners approving) to ask the staff to respond to three options dealing with the Guard case (attached memo).

II. SECY-85-140 - TMI-1 Restart Proceeding -- TMIA Motion for Reconsideration of Denial of Section 189 Hearing Request on Licensee's Character

The Commission, by a vote of 4-1, approved an order denying a request by TMIA for reconsideration of the Commission's April 4, 1985 denial of TMIA's February 1, 1985 request for a hearing. Commissioner Asselstine disapproved, indicating that he would have taken review of the original 2.206 petition.

(Subsequently on May 9, 1985 the Secretary signed the order.)

III. SECY-85-141 - TMI-1 Restart: Motions for Reconsideration
of Commission's Decision that no Further Hearings are Required

The Commission, by a vote of 3-2, approved an order which denies motions by the Commonwealth of Pennsylvania and Three Mile Island Alert that the Commission reconsider its February 26, 1985 decision that no further hearings are warranted in the TMI-1 restart proceeding. Commissioners Asselstine and Bernthal disapproved the order.

(Subsequently on May 9, 1985 the Secretary signed the order.)

cc: Chairman Palladino
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech
Commission Staff Offices
EDO
PDR - Advance
DCS - 016 Phillips