

IN RESPONSE, PLEASE
REFER TO: M930930B

October 1, 1993

MEMORANDUM FOR: Stephen G. Burns, Director
Office of Commission Appellate Adjudication

FROM: Samuel J. Chilk, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 3:30 P.M., THURSDAY, SEPTEMBER 30,
1993, COMMISSIONERS' CONFERENCE ROOM, ONE
WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN
TO PUBLIC ATTENDANCE)

I. SECY-93-260 - Cleveland Electric Illuminating Co. - Appeal of
LBP-92-4

The Commission, by a 4-0* vote, approved an order responding to an appeal of LBP-92-4 by the Ohio Citizens for Responsible Energy, Inc. (OCRE), and Susan L. Hiatt. The Board decision denied their petition to intervene and for a hearing on an amendment to the operating license for the Perry Nuclear Power Plant.

The Commission order granted the appeal and reversed the Licensing Board's denial of the intervention petition. The petitioners contention was remanded to the Licensing Board for further proceedings to address its adequacy.

(Subsequently, on September 30, 1993, the Secretary signed the Order.)

* 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." The Chairman was not present when this item was affirmed. Accordingly, the formal vote of the Commission was 3-0 in favor of the decision. The Chairman, however, had previously indicated that he would approve

this paper and had he been present he would have affirmed his prior vote.

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II. SECY-93-261 - Advanced Medical Systems, Inc.'s Appeal of the Licensing Board's Memorandum and Order, LBP-91-09, Granting Staff's Motion for Summary Disposition and Terminating the Proceeding

The Commission, by a 4-0* vote, approved an order responding to an appeal by Advanced Medical Systems, Inc. (AMS) of a Licensing Board Order which granted a NRC staff Motion for Summary Disposition (LBP-91-09).

The order affirmed LBP-91-09 in part, reversed the Board's summary disposition of one violation, and remanded to the Board for further proceedings all issues related to that violation.

(Subsequently, on September 30, 1993, the Secretary signed the Order.)

cc: The Chairman
Commissioner Rogers
Commissioner Remick
Commissioner de Planque
EDO
OGC
OIG
OCA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR - Advance
DCS - P1-24

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vote of the Commission was 3-0 in favor of the decision. The Chairman, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote.