

IN RESPONSE, PLEASE
REFER TO: M930315A

March 23, 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, 11:30 A.M., MONDAY, MARCH 15, 1993,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE
FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)

I. SECY-93-061 - Environmental and Resources Conservation
Organization's Petition for Reconsideration of CLI-93-03.

The Commission, by a 5-0 vote,* approved an order denying a petition from Environmental and Resources Conservation Organization (ECO) for reconsideration of portions of the Commission's March 3, 1993 Memorandum and Order concerning activities with respect to decommissioning at Rancho Seco. The petition from ECO requested an expansion of the order to include a requirement that ECO be apprised of oral communications between the licensee and the staff.

The Commission, by a 4-1 vote,* also approved denial of the part of the petition in which ECO requested an extension of time in which to file an amended contention. Commissioner Remick disapproved denial of this part of the petition and would grant the request for additional time.

(Subsequently, on March 15, 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." Commissioner Curtiss was not present when this item was affirmed. Accordingly, the formal vote of the Commission was 4-0 to deny the portion of the petition regarding oral communications and 3-1 to deny the portion requesting an extension of time. Commissioner Curtiss, however, had previously indicated that he would approve this item and had he been present he would have affirmed his prior vote.

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