

IN RESPONSE, PLEASE
REFER TO: M930819

August 25, 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., THURSDAY, AUGUST 19,
1993, COMMISSIONERS' CONFERENCE ROOM, ONE
WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN
TO PUBLIC ATTENDANCE)

I. SECY-93-214 - Georgia Power Company's Appeal of LBP-93-5

The Commission, by a 4-0 vote*, approved an order denying the Georgia Power Company's appeal and affirms the Atomic Safety and Licensing Board Order (LBP-93-5) which granted Allen Mosbaugh's petition for leave to intervene and for a hearing on a proposed transfer of the license to operate the Vogtle Electric Generating Plant.

(Subsequently, on August 19, 1993, the Secretary signed the Order.)

II. SECY-93-218 - Oncology Services Corporation - Review of LBP-93-10

The Commission, by a 4-0 vote*, approved an order denying Oncology Services Corporation's (OSC) request for a reversal and affirms the Licensing Board's Order (LBP-93-10) which granted an additional 90 day stay of discovery in the enforcement proceeding on OSC. In addition, certain portions of LBP-93-6 were vacated as moot.

* 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 Remick was not present when this item was affirmed. Accordingly, the formal vote of the Commission was 3-0 in favor of the decision. Commissioner Remick, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote.

(Subsequently, on August 19, 1993, the Secretary signed the Order.)

III. SECY-93-220 - Pacific Gas & Electric Co. - Licensing Board's Referred Ruling in LBP-93-13

The Commission, by a 4-0 vote*, approved an order declining review of a referred ruling in LBP-93-13. The Licensing Board had ordered Pacific Gas and Electric to make available to the San Luis Obispo Mothers for Peace a confidential INPO document under a protective order. Subsequent to the Board's referral, the document was provided under protective order satisfactory to the parties.

(Subsequently, on August 19, 1993, the Secretary signed the Order.)

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

* 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 Remick was not present when this item was affirmed. Accordingly, the formal vote of the Commission was 3-0 in favor of the decision. Commissioner Remick, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote.