

November 9, 1992

IN RESPONSE, PLEASE
REFER TO: M921102

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

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., MONDAY, NOVEMBER 2,
1992, COMMISSIONERS' CONFERENCE ROOM, ONE
WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN
TO PUBLIC ATTENDANCE)

I. SECY-92-344 - Final Rule on Organizational Conflicts of
Interest

The Commission by a 5-0* vote, approved a final rule modifying the NRC's organizational conflicts of interest policy. The rule relaxes certain restrictions regarding the work an NRC contractor can perform for a licensee on site while working for the NRC at the same site.

The amended section 2052.209-73(c)(4)iii should be clarified. The Commission suggests deleting the phrase "this type of work" and substituting "other than work in the same or similar technical area,".

The FRN should be modified as noted, reviewed by the Regulatory Publications Branch, ADM and returned for signature and publication.

(EDO)

(SECY Suspense: 11/30/92)

* 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." Commissioners Rogers and Remick were not present when this item was affirmed. Accordingly, the formal vote of the Commission was 3-0 in favor of the decision. Commissioners Rogers and Remick, however, had

previously indicated that they would approve this paper and had they been present they would have affirmed their prior votes.

- 2 -

II. SECY-92-343A - Randall C. Orem, D.O. - Atomic Safety and Licensing Board Memorandum and Order Approving of Settlement Agreement and Termination Proceeding (LBP-92-18, Docket No. 30-31758-EA)

The Commission, by a 4-1* vote (with Commissioner Remick disapproving), approved an order which seeks further information from the NRC staff in connection with the staff's settlement agreement with Dr. Randall C. Orem.

(Subsequently, on November 2, 1992, the Secretary signed the Order.)

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

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Remick, however, has previously indicated that he would disapprove this paper and had he been present he would have affirmed his prior vote.