

IN RESPONSE, PLEASE  
REFER TO: M920206

February 13, 1992

MEMORANDUM FOR: William C. Parler, General Counsel  
FROM: Samuel J. Chilk, Secretary /S/  
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION  
AND VOTE, 10:00 A.M., THURSDAY, FEBRUARY 6,  
1992, COMMISSIONERS' CONFERENCE ROOM, ONE  
WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN  
TO PUBLIC ATTENDANCE)

I. SECY-91-412 - Appeal of LBP-91-17 and LBP-91-30 Sacramento  
Municipal Utility District (Possession Only License Amendment)

The Commission, by a 4-0\* vote, approved an order which responds to an appeal by the Environmental Conservation Organization (ECO) from an order by the Atomic Safety and License Board. The Board order had denied ECO's petition for leave to intervene in a proceeding amending the Rancho Seco operating license. The order finds that the petitioner failed to demonstrate in this appeal that it has standing to intervene in the proceeding. The order also directs the staff to stay the effectiveness of any amendment authorizing the Possession Only License for 10 working days to allow the petitioner adequate time to file for review and a judicial stay with a U.S. Court of Appeals if the petitioner so desires. If the petitioner files a stay request with the Court, the staff shall extend the stay of the license amendment an additional 10 days.

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\* Section 201 of the Energy Reorganization Act, 42 U.S.C. Sec. 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioners Remick and de Planque were 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. Commissioner

de Planque had indicated that she would not participate in this matter.

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Commissioner de Planque did not participate in this matter.

(Subsequently, on February 6, 1992, the Secretary signed the Order.)

cc: The Chairman  
Commissioner Rogers  
Commissioner Curtiss  
Commissioner Remick  
Commissioner de Planque  
EDO  
OCAA  
OIG  
ACRS  
PDR - Advance  
DCS - P1-24