

IN RESPONSE, PLEASE
REFER TO: M920305B

March 13, 1992

MEMORANDUM FOR: William C. Parler, General Counsel
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, MARCH 5, 1992,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE
FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)

I. SECY-92-035 - Commission Reconsideration of Standards
Covering Combined License Hearing for Louisiana Enrichment
Services (LES)

The Commission, by a 5-0 vote,* approved an order responding to request by Louisiana Energy Services (LES) and Citizens Against Nuclear Trash (CANT) for the Commission to reconsider several provisions of its May 21, 1991, Order. The order essentially denied reconsideration.

(Subsequently, on March 5, 1992, 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 Remick was not present when this item was affirmed. Accordingly, the formal vote of the Commission was 4-0 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.

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II. SECY-92-038 - Ohio Edison Company's Motion for
Reconsideration of CLI-91-15

The Commission, by a 3-1 vote,* approved an order responding to a motion by Ohio Edison Company for reconsideration of CLI-91-15 wherein the Commission directed the Licensing Board to suspend further considerations of all issues except for the so-called "bedrock" legal issues. Chairman Selin and Commissioners Rogers and Remick have approved the order which denied Ohio Edison's motion for reconsideration. Commissioner Curtiss disapproved the order, his dissenting views were attached. Commissioner de Planque did not participate in this matter.

(Subsequently, on March 5, 1992, the Secretary signed the Order.)

III. SECY-92-047 - NRC Staff's Motion to Vacate the Licensing
Board's Initial Decision, LBP-91-29, Fewell Geotechnical
Engineering, Ltd (Thomas E. Murray, Radiographer)

The Commission, by a 5-0 vote,** approved an order responding to the NRC staff's motion to vacate the Licensing Board's initial decision in a matter involving Fewell Geotechnical Engineering, Ltd. The order granted the staff's motion and vacated LBP-91-29 as moot and dismissed the staff's appeal of the Board decision.

(Subsequently, on March 5, 1992, the Secretary signed the Order.)

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

* 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 2-1 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.

** 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 4-0 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.