IN RESPONSE, PLEASE
REFER TO: M910711C

July 18, 1991

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

William C. Parler, General Counsel

FROM: Samuel J. Chilk, Secretary \s\

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION AND VOTE, 3:30 P.M., THURSDAY, JULY 11, 1991, COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-91-183 - Final Rule Reqarding Revisions to Procedures to Issue Orders and Deliberate Misconduct of Unlicensed Persons

The Commission, by a 4-0* vote, approved amendments to the regulations to (1) revise its procedures for issuing orders to include persons not licensed by the Commission but who are otherwise subject to the Commission's jurisdiction, (2) identify the types of Commission orders to which hearing rights attach and (3) put licensed and unlicensed persons on notice that they may be subject to enforcement action for deliberate misconduct that causes, or but for detection, would have caused a licensee to be in violation of any of the Commission's requirements, or for deliberately providing, to the NRC, a licensee, or contractor, information which is incomplete or inaccurate in some respect material to the NRC.

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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." 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.

The Federal Register Notice should be revised to include the attached changes; reviewed by the Regulatory Publications Branch, ADM; and forwarded for signature and publication.
(EDO) (SECY Suspense: 8/2/91)

Attachment:
As stated

cc: The Chairman
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
GPA
ACRS
PDR - Advance
DCS - Pl-24