

IN RESPONSE, PLEASE
REFER TO: M910228

March 5, 1991

MEMORANDUM FOR: William C. Parler, General Counsel

FROM: Samuel J. Chilk, Secretary /S/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 11:30 A.M., THURSDAY, FEBRUARY 28,
1991, COMMISSIONERS' CONFERENCE ROOM, ONE
WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN
TO PUBLIC ATTENDANCE)

I. SECY-91-031 - Appeal From a Licensing Board Order of
November 19, 1990 in the Shoreham Proceeding

The Commission, by a 4-0 vote, approved an order responding to an appeal by the Shoreham-Wading River Central School District and Scientists and Engineers for Secure Energy, Inc. from a November 19, 1990, Order of the Atomic Safety and Licensing Board. The Board Order had denied petitioners request for a restraining order and other relief.

The Commission Order dismisses the appeal noting that the Board Order is clearly interlocutory and that the Commission's rules do not permit interlocutory appeals. In the alternative, treating the petition as a request for discretionary certification, the Commission also denied the request as unsupported.

(Subsequently, on February 28, 1991, the Secretary signed the Order.)

cc: Chairman Carr
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
EDO
GPA
ACRS
PDR - Advance

