

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

April 20, 1990

MEMORANDUM FOR: William C. Parler, General Counsel

FROM: Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION  
AND VOTE, 11:00 A.M., FRIDAY, APRIL 13,  
1990, COMMISSIONERS' CONFERENCE ROOM, ONE  
WHITE FLINT NORTH, ROCKVILLE, MARYLAND  
(OPEN TO PUBLIC ATTENDANCE)

I. SECY-90-102 ALAB-925 (Rockwell International Corporation)

The Commission, by a 5-0\* vote, approved an order which addressed the Appeal Board's December 21, 1989 Memorandum and Order (ALAB-925) which interpreted three provisions of the Commission's new rules of procedure governing the conduct of informal adjudicatory hearings in materials licensing proceedings. The order explicitly affirmed the Appeal Board's decision and provided additional comments on the issues involved.

(Subsequently, on April 13, 1990, the Secretary signed the Order.)

cc: Chairman Carr  
Commissioner Roberts  
Commissioner Rogers  
Commissioner Curtiss  
Commissioner Remick  
EDO  
GPA  
ACRS  
PDR - Advance  
DCS - P1-24

\* Section 201 of the energy Reorganization Act, 42 U.S.C. Sec. 584, provides that action of the Commission shall be determined by a "majority vote of the members present." commissioner Roberts was not present when this item was affirmed. Accordingly the formal vote of the Commission was 4-0 in favor of the decision. Commissioner Roberts, however,

had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote.