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

March 24, 1988

MEMORANDUM FOR: William C. Parler, General Counsel

FROM: Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 3:30 P.M., THURSDAY, MARCH 17, 1988,
COMMISSIONERS' CONFERENCE ROOM, D.C. OFFICE
(OPEN TO PUBLIC ATTENDANCE)

I. SECY-88-78 - NRC Staff's Application for a Stay of the Effectiveness of Licensing Board Memorandum and Order Concerning Licensee's Discovery Requests and objections to That Order (in the matter of Finlay Testing Laboratories, Inc., ASLBP NO. 88-559-01-SC)

The Commission, by a 5-0 vote, approved an order which responded to the NRC staff's application for a stay of the effectiveness of a Licensing Board Memorandum and Order dated February 11, 1988. The Board's Order granted the request of Finlay Testing Laboratories, Inc. for discovery of certain investigatory materials in an ongoing adjudicatory proceeding.

The Commission's Order provided that, in the special circumstances of this case, a stay would be granted until April 11, 1988, or until the staff informs the Licensing Board that it has been advised by DOJ that DOJ has no objections to the commencement of further proceedings, which ever occurs first. The Order notes that no further delay will be granted.

The Commission also understands that OGC, in consultation with the EDO and the Boards, will examine means by which cases like Finlay Testing could be handled in the future. OGC should report to the Commission on this matter.
(OGC) (SECY Suspense: (9/1/88))

(Subsequently on March 17, 1988, the Secretary signed the

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Order.)

CC: Chairman Zech
Commissioner Roberts
Commissioner Bernthal
Commissioner Carr
Commissioner Rogers
GPA
EDO
PDR - Advance
DCS - 016 Phillips