

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

November 3, 1989



OFFICE OF THE
SECRETARY

'89 NOV -6 A8:27

Mr. Thomas J. Saporito, Jr.
1202 Sioux Street
Jupiter, Florida 33458

DOCKET
FRANK

Re: Director's Decision DD-89-07

SERVED NOV - 6 1989

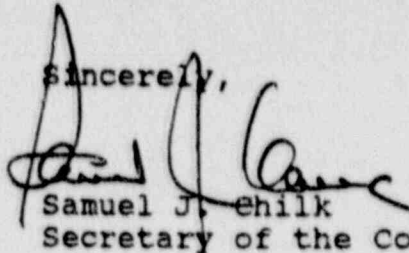
Dear Mr Saporito:

On September 3, 1989, you requested the Commission to intervene and stop the scheduled October 12, 1989, launch of the Galileo Spacecraft. On September 25, 1989, the Director of the Office of Nuclear Material Safety and Safeguards (NMSS) issued Director's Decision DD-89-07 denying your request. On October 7, 1989, you sent to my Office (filed on October 16, 1989) a document entitled "Answer to Director's Decision Under 10 C.F.R. 2.206." In that document you contest the finding of the Director of NMSS expressed in DD-89-07.

NRC regulations provide that, within 25 days after the date of the Director's Decision, the Commission may on its own motion review that decision, in whole or in part, to determine if the Director has abused his discretion. Review is at the discretion of the Commission; no individual has the right to such a review. No petition or other request for Commission review of a Director's Decision under this section will be entertained by the Commission (See 10 CFR 2.206 (c)). Therefore, to the extent that you request that the Commission undertake a formal review of DD-89-07, I deny this request in accordance with my authority under 10 CFR 2.772.

The time provided by NRC regulation within which the Commission may act to review the Director's Decision DD-89-07 in this docket has expired. The Commission has declined any review. Accordingly, the decision became final agency action on October 20, 1989.

Sincerely,


Samuel J. Shilk
Secretary of the Commission

cc: Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
U.S. DEPARTMENT OF ENERGY) Docket No.: Misc.
AND) (2.206 Request)
NATIONAL AERONAUTICS AND) (DD-89-07)
SPACE ADMINISTRATION)
)
Galileo Mission)

CERTIFICATE OF SERVICE

I hereby certify that copies of the notification of expiration of Commission review of DD-89-07 dated November 3, 1989, have been served upon the following persons in accordance with the requirements of 10 CFR Section 2.712.

Mr. Thomas J. Saporito, Jr.
Nuclear Energy Accountability Project
1202 Sioux Street
Jupiter, Florida 33458

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Jack R. Goldberg, Esquire
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Patty Henderson

Office of the Secretary
of the Commission

Dated at Rockville, Maryland
this 6th day of November 1989