



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

IN RESPONSE, PLEASE
REFER TO: M820901

September 2, 1982

OFFICE OF THE
SECRETARY

MEMORANDUM FOR: Leonard Bickwit, Jr., General Counsel
FROM: Samuel J. Chilk, Secretary
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
SESSION, 2:00 p.m., WEDNESDAY, SEPTEMBER 1,
1982, COMMISSIONERS' CONFERENCE ROOM (OPEN
TO PUBLIC ATTENDANCE)

I. SECY-82-323 - Interpretative Rule Providing Guidance on
Immediate Effectiveness Decisions

The Commission, by a vote of 3-2* (Commissioners Gilinsky and Roberts disapproving), approved publication of a Federal Register notice announcing the adoption of an interpretative rule regarding the weight of authority to be accorded by Licensing and Appeal Boards to Commission effectiveness decisions.

Commissioner Roberts has indicated he will have separate views to be attached to the Federal Register notice.

(OGC)

(SECY Suspense: 9/10/82)

II. SECY-82-339 - Clinch River Stay Request

The Commission, by a vote of 3-1** (Commissioner Gilinsky disapproving), approved an order that denied a motion by NRDC and the Sierra Club of a stay of the Order granting the exemption under 10 CFR 50.12 for the Clinch River Breeder Reactor.

(OGC)

(SECY Suspense: 9/3/82)

cc: Chairman Palladino
Commissioner Gilinsky
Commissioner Ahearne
Commissioner Roberts
Commissioner Asselstine
Commission Staff Offices
✓ PDR - Advance
✓ DCS - 016 Phillips

* Section 201 of the Energy Reorganization Act, 42 U.S.C. § 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Chairman Palladino and Commissioner Roberts were not present when this item was affirmed, but Chairman Palladino had previously indicated that he would approve and Commissioner Roberts had previously indicated that he would disapprove. Had Chairman Palladino and Commissioner Roberts been present, they would have affirmed their prior vote. Accordingly, the formal vote of the Commission was 2-1 in favor of the decision.

** Section 201 of the Energy Reorganization Act, 42 U.S.C. § 5841, 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, but had previously indicated that he would approve the Order. Had Commissioner Roberts been present, he would have affirmed his prior vote. Chairman Palladino was not available to participate. Accordingly, the formal vote of the Commission was 2-1 in favor of the decision.