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

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USNRC

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'84 OCT -2 P2:36

Docket Nos. 50-322 0L-4

OCT 2 1984

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MEMORANDUM FOR: Board and Parties in the Shoreham Low Power Proceeding  
SUBJECT: ALAB-777

This is to inform you that the Commission, by a vote of 3-1-1, with Commissioner Asselstine dissenting and Chairman Palladino not participating, has declined to review the Appeal Board decision (ALAB-777) in this docket. The time provided by NRC regulations within which the Commission may act to review has expired. Accordingly, the decision became final agency action on September 21, 1984.

In connection with his vote of this matter, Commissioner Asselstine commented:

"I would take review of ALAB-777, but not ALAB-779. With regard to ALAB-777, as I have indicated in previous dissents, I would impose a slightly higher standard of conduct for licensing board members. That is, I would disqualify if the board member's conduct, when viewed as a whole, creates the appearance of impropriety. Also, as I have indicated on previous occasions, I would have replaced this Board on other grounds in order to assure the appearance of integrity to our process."



*Samuel J. Chitt*  
Samuel J. Chitt  
Secretary of the Commission

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