



OFFICE OF THE SECRETARY

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

February 27, 1985

IN RESPONSE, PLEASE REFER TO: M850214

ACS

50-322

REVISED

MEMORANDUM FOR: Herzel H.E. Plaine, General Counsel
FROM: Samuel J. Chilk, Secretary
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION AND VOTE, 3:30 P.M., THURSDAY, FEBRUARY 14, 1985, COMMISSIONERS' CONFERENCE ROOM, D.C. OFFICE (OPEN TO PUBLIC ATTENDANCE)

I. SECY-85-18 - Motion for Stay of Low-Power Authorization and Suspension of Low Power License

The Commission, by a 4-0\* vote, with Commissioner Asselstine not participating, approved an order denying a motion by Limerick Ecology Action to stay the Atomic Safety and Licensing Board decision, LBP-84-31, that authorized issuance of a low-power license for the Limerick Generating Station.

(Subsequently, on February 19, 1985 the Secretary signed the Order.)

II. Request for Stay in Shoreham

The Commission, by a vote of 4-1,\*\* Commissioner Asselstine disapproving, approved a portion of the order denying a request of the State of New York and Suffolk County for a stay of the Commission's February 12, 1985 authorization for low power operation for the Shoreham Nuclear Power Plant.

By a vote of 4-1 the Commission, with Commissioner Roberts disapproving, also approved an extension of the effective date of the Commission's February 12, 1985 ruling until 5:00 p.m. on February 25, 1985.

(Subsequently, on February 14, 1985 the Secretary signed the Order.)

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PDR :OCFR
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cc: Chairman Palladino  
Commissioner Roberts  
Commissioner Asselstine  
Commissioner Bernthal  
Commissioner Zech  
Commission Staff Offices  
EDO  
PDR - Advance  
DCS - 016 Phillips

\* Section 201 of the Energy Reorganization Act, 42 U.S.C.  
Section 5841, provides that action of the Commission shall be determined by a "majority vote of the members present."  
Commissioners Asselstine and Bernthal were not present when this item was affirmed. Accordingly, the formal vote of the Commission was 3-0 in favor of the decision. Commissioner Bernthal, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote. Commission Asselstine has indicated that he would not participate in this action, and would not have participated had he been present.

\*\* Section 201 of the Energy Reorganization Act, 42 U.S.C.  
Section 5841, provides that action of the Commission shall be determined by a "majority vote of the members present."  
Commissioners Asselstine and Bernthal were not present when this item was affirmed. Accordingly, the formal vote of the Commission was 3-0 in favor of the decision. Commissioners Asselstine and Bernthal, however, had previously indicated that they would respectively, disapprove and approve this paper and had they been present they would have affirmed their votes.