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

October 18, 1985

OFFICE OF THE
SECRETARY

54-352

MEMORANDUM FOR: Herzel H.E. Plaine, General Counsel
FROM: Samuel J. Chilk, Secretary
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 11:30 A.M., THURSDAY, OCTOBER 10,
1985, COMMISSIONERS' CONFERENCE ROOM, D.C.
OFFICE (OPEN TO PUBLIC ATTENDANCE)

I. SECY-85-305 - Limerick Motions

The Commission, by a 5-0 vote,* approved an order which denied a request filed by the Graterford inmates and Robert Anthony/- Friends of the Earth that the Commission stay operation of orders issued by the NRC which authorizes the issuance of a full power license for Limerick, Unit 1.

(Subsequently, on October 10, 1985 the Secretary signed the Order.)

II. SECY-85-324 - Hearing Request on Denial of Senior Operator's License

The Commission, by a 4-0 vote, approved an order referring a request for a hearing from Mr. Kenneth Burton on the NRC staff's denial of his application for a senior reactor operator's license to the Chairman of the Atomic Safety and Licensing Board Panel for the appointment of an administrative law judge to conduct a proceeding in accordance with the formal adjudicatory procedures set out in 10 CFR Part 2, Subpart G. Appeal from the initial decision would be handled by the Appeal Board with the Commission retaining its discretionary review authority. Commissioner Asselstine was not available to participate in this action.

* 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 Asselstine was not present when this item was affirmed. Accordingly, the formal vote of the Commission was 4-0 in favor of the decision. Commissioner Asselstine, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote.

(Subsequently, on October 10, 1985 the Secretary signed the Order.)

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