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UNITED STATES

257

NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

June 6, 1988

MEMORANDUM FOR: William C. Parler, General Counsel

FROM: Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 10:00 A.M., FRIDAY, MAY 27, 1988,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE
FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)

I. SECY-88-102 - Final Backfit Rule

The Commission, by a 4-0* vote, approved a final rule which conforms the Commission's backfit rule with the August 4, 1987, decision of the U.S. Court of Appeals for the District of Columbia Circuit.

(Subsequently on May 31, 1988, the Secretary signed the rule and forwarded it to the Federal Register for publication.)

cc: Chairman Zech
Commissioner Roberts
Commissioner Carr
Commissioner Rogers
GPA
EDO
PDR - Advance
DCS - Pl-124

* 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 Carr was not present when this item was affirmed. Accordingly the formal vote of the Commission was 3-0 in favor of the decision. Commissioner Carr, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote.