

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

Title: AFFIRMATION/DISCUSSION AND VOTE

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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AFFIRMATION/DISCUSSION AND VOTE

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Nuclear Regulatory Commission
One White Flint North
Rockville, Maryland

Friday, August 25, 1989

The Commission met in open session, pursuant to notice, at 3:30 p.m., Kenneth M. Carr, Chairman, presiding.

COMMISSIONERS PRESENT:

KENNETH M. CARR, Chairman of the Commission
THOMAS M. ROBERTS, Commissioner
KENNETH C. ROGERS, Commissioner
JAMES R. CURTISS, Commissioner

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STAFF SEATED AT THE COMMISSION TABLE:

SAMUEL J. CHILK, Secretary

WILLIAM PARLER, General Counsel

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P R O C E E D I N G S

3:30 p.m.

CHAIRMAN CARR: Good afternoon, ladies and gentlemen.

This is an affirmation session. We have one item to come before us this afternoon.

Before I ask the Secretary to lead us through the item for affirmation, do any of my fellow Commissioners have any opening comments they would like to make?

(No response)

CHAIRMAN CARR: Mr. Secretary?

SECRETARY CHILK: Mr. Chairman, before the Commission can consider the affirmation, it needs to vote to hold this on less than one week's notice.

If I might have that vote, please.

(Ayes)

SECRETARY CHILK: The paper before the commission is SECY-89-257, an immediate effectiveness review of full power licensing of Limerick Unit Two.

The Commission is being asked to act on an order which provides a Commission's decision in its immediate effectiveness review of Limerick Unit Two.

Chairman Carr, Commissioners Roberts, Rogers, and Curtiss, have approved an order which was

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1 attached to our memorandum of August 25, which
2 indicates that the Commission has determined that the
3 current record in this proceeding provides the
4 necessary basis for authorizing the issuance of a
5 license to the Philadelphia Electric Company, to
6 operate the Limerick Generating Station Unit Two at
7 full power.

8 The Commission finds that the balance of
9 factors set forth in 10 CFR Section 2.764(f)(2)(i), as
10 well as consideration of the environmental matters
11 under the National Environmental Policy Act, favor
12 commencement of this operation now.

13 Rather than waiting for the outcome of the
14 proceeding currently pending before the Atomic Safety
15 and Licensing Board concerning Severe Accident
16 Mitigation Design Alternatives, SAMDA's, this decision
17 is without prejudice to the Licensing Board decision,
18 and the license is subject to amendment as a result of
19 the outcome of that proceeding.

20 Since the Commission expects that there will
21 be a Licensing Board decision on the merits of the
22 SAMDA issue before the first refueling outage, it need
23 not consider at this time the matter of whether full
24 power operation beyond first refueling outage should
25 be subject to further conditions based on the outcome

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1 of the Licensing Board proceeding.

2 The Commission notes that any further
3 requirements on a licensee that might be reasonably
4 foreseen to arrive out of the Board's consideration of
5 SAMDA's will not be foreclosed by the present
6 authorization.

7 In addition, the request of the Limerick
8 Ecology Action Incorporated for an administrative
9 housekeeping stay, which was in their second
10 supplemental response dated August 24, 1989, is
11 denied.

12 Would you please affirm your votes?

13 (Ayes)

14 MR. PARLER: Mr. Chairman, I have a couple
15 items of background information, none of which affects
16 the action that the Commission just took.

17 In other words, the order authorizing the
18 staff to issue the full power license for Limerick
19 stands.

20 But by way of background information, there
21 have been several things that have happened today
22 rather quickly.

23 This morning the intervenor, Limerick
24 Ecology Action, filed a supplemental pleading, which
25 is addressed in a footnote to the order.

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1 About an hour ago, I received a copy of a
2 document that had been filed with the Secretary of the
3 Commission. It is a joint motion for termination of
4 the proceedings signed by the counsel for the
5 respective parties.

6 This joint motion is now before the
7 Licensing Board, so if the Licensing Board approves
8 it, I would assume that the proceeding would be over
9 with.

10 I would like to call specifically to the
11 attention of the Commission that in that joint motion
12 there is a paragraph which reads as follows:

13 "Licensee, LEA, (that is the intervenor),
14 and the NRC, agree that nothing in the settlement
15 agreement in any way restricts the right of LEA to
16 communicate to the Commission any safety information
17 it may have, or obtain."

18 About thirty minutes ago, Mr. Chairman, a
19 communication was received from Mr. Charles W.
20 Elliott, the counsel for intervenor LEA, which advised
21 Mr. Chilk that LEA had withdrawn the pleading, the
22 second supplemental pleading that it filed this
23 morning, and also specifically it withdraws Section
24 Three thereof, in which LEA requests a stay of any
25 favorable licensing action by the Commission.

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1 That is the background information that I
2 wanted to give to the Commission.

3 CHAIRMAN CARR: Thank you.

4 Is there anything else to come before us
5 today? Any comments?

6 We stand adjourned.

7 (Whereupon the affirmation/discussion and
8 vote was concluded at 3:44 p.m.)

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were transcribed by me. I further certify that said transcription
is accurate and complete, to the best of my ability, and that the
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Frank Goodchild

Reporter's name: Miles Anderson

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