

# UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

Title: AFFIRMATION/DISCUSSION AND VOTE

Location: ROCKVILLE, MARYLAND

Date: OCTOBER 19, 1989

Pages: 5 PAGES

SECRETARIAT RECORD COPY

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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AFFIRMATION/DISCUSSION AND VOTE

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PUBLIC MEETING

Nuclear Regulatory Commission  
One White Flint North  
Rockville, Maryland

Thursday, October 19, 1989

The Commission met in open session, pursuant to notice, at 11:48 a.m., Kenneth M. Carr, Chairman, presiding.

COMMISSIONERS PRESENT:

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

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STAFF SEATED AT THE COMMISSION TABLE:

SAMUEL J. CHILK, Secretary

WILLIAM C. PARLER, General Counsel

DOCTOR ANDREW L. BATES

## P-R-O-C-E-E-D-I-N-G-S

11:48 a.m.

CHAIRMAN CARR: Good morning, ladies and gentlemen.

This is an affirmation session. We have two items to come before us this morning.

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

Mr. Secretary?

SECRETARY CHILK: One of the items, Mr. Chairman, requires a Commission vote to hold on less than one week's notice. The item is SECY-89-322, Motion by Citizens for Fair Utility Regulation for a Stay of Anticipated Low Power License at Comanche Peak Number 1.

Might I have that vote, please?

CHAIRMAN CARR: Aye.

COMMISSIONER ROBERTS: Aye.

COMMISSIONER CURTISS: Aye.

SECRETARY CHILK: Thank you.

Doctor Bates will read the affirmation.

DOCTOR BATES: Mr. Chairman, the first item is SECY-89-312, Decision on Massachusetts Attorney

1 General's Petition for a Rule Waiver Certified ALAB-  
2 920.

3 The Commission is being asked to decide, in  
4 the case of the Seabrook Station, whether to waive the  
5 Commission's financial qualification rules.

6 All Commissioners have approved an order,  
7 which was circulated earlier this morning, which finds  
8 that the circumstances in this case do not undercut  
9 the assurance of the availability from governmental  
10 rate-setters of a source of funds adequate for safe  
11 operation pursuant to a full power license. Nor has  
12 the Commission been shown any other significant link  
13 between Applicant's financial situation and a safety  
14 problem. Accordingly, the Commission does not grant  
15 the waiver sought.

16 May I have an affirmation of your votes?

17 CHAIRMAN CARR: Aye.

18 COMMISSIONER ROBERTS: Aye.

19 COMMISSIONER CURTISS: Aye.

20 DOCTOR BATES: The second item, SECY-89-322,  
21 Motion by Citizens for Fair Utility Regulation for a  
22 Stay of the Anticipated Low Power License at Comanche  
23 Peak Unit 1.

24 The Commission is being asked to respond to  
25 a motion by CFUR for a stay of issuance of the low

1 power license for Comanche Peak Unit 1.

2 Chairman Carr and Commissioners Roberts and  
3 Curtiss have approved an order which denies the  
4 requested stay and refers CFUR's assertions that there  
5 are possible safety hazards associated with the low  
6 power operation to the NRC staff for appropriate  
7 resolution in accordance with the Commission's  
8 procedures for handling allegations.

9 Commissioner Rogers is on travel and he's  
10 unavailable to participate in the matter.

11 Will you affirm your votes?

12 CHAIRMAN CARR: Aye.

13 COMMISSIONER ROBERTS: Aye.

14 COMMISSIONER CURTISS: Aye.

15 CHAIRMAN CARR: Is there anything else to  
16 come before us today?

17 SECRETARY CHILK: We have nothing, sir.

18 CHAIRMAN CARR: If not, we stand adjourned.

19 (Whereupon, at 11:52 a.m., the above-  
20 entitled matter was adjourned.)

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CERTIFICATE OF TRANSCRIBER

This is to certify that the attached events of a meeting  
of the United States Nuclear Regulatory Commission entitled:

TITLE OF MEETING: AFFIRMATION/DISCUSSION AND VOTE

PLACE OF MEETING: ROCKVILLE, MARYLAND

DATE OF MEETING: OCTOBER 19, 1989

were transcribed by me. I further certify that said transcription  
is accurate and complete, to the best of my ability, and that the  
transcript is a true and accurate record of the foregoing events.

Carol Lynch

Reporter's name: Peter Lynch