

122

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

Before the Atomic Safety and Licensing Board '84 MAR 26 P2:27

In the Matter of )  
 )  
Philadelphia Electric Company ) Docket Nos. 50-352  
 ) 50-353  
 )  
(Limerick Generating Station, )  
Units 1 and 2)

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

STIPULATION BETWEEN PHILADELPHIA ELECTRIC COMPANY SERVED MAR 26 1984  
AND LIMERICK ECOLOGY ACTION RELATING TO  
STORAGE OF UNIRRADIATED FUEL

Philadelphia Electric Company is an applicant before the Nuclear Regulatory Commission ("NRC") for an operating license for Limerick Generating Station, Units 1 and 2 ("Station") and for an amendment to Special Nuclear Material License SNM-1926 to permit the storage of unirradiated nuclear fuel at the Station. Limerick Ecology Action ("LEA"), is an intervenor in the operating license proceeding. Philadelphia Electric Company ("Applicant") and LEA hereby stipulate and agree to the following:

1. Applicant shall make available to counsel for LEA and its expert the Physical Security Plan for Protection of Special Nuclear Material of Low Strategic Significance under the terms and conditions of a "Protective Order on Special Nuclear Material Security Plan Information and Associated Affidavit of Non-Disclosure" ("Protective Order") to be issued by the presiding Atomic Safety and Licensing Board ("Board") and whose form is acceptable to Applicant and LEA.

2. LEA, upon completion of its review and after discussions with Applicant and NRC Staff, if necessary, may seek litigation of matters relating ~~only~~ to the physical security of the unirradiated fuel by filing contentions with the Board with copies to the Applicant, and NRC Staff pursuant to the terms of the Protective Order ~~xx~~ <sup>and</sup> seek a stay of issuance of the license or its

*cur*

*cur*

8403270060 840326  
PDR ADOCK 05000352  
G PDR

DS02

effectiveness before the Board. Applicant reserves the right to oppose admission of these contentions, to seek to have them dismissed or denied prior to an adjudicatory hearing and to oppose any stay requested by intervenor.

3. The filing of contentions with the Board or the Board's consideration of any admitted contention related to this matter shall not, without the express written agreement of Applicant and LEA, operate to delay issuance of the requested amendment to SNM-1926 or shipment or receipt of the unirradiated fuel covered thereunder unless the Board, after consideration of the positions of LEA, Applicant and NRC Staff, determines that the issuance of a stay is required under the NRC's rules and governing precedents.

4. LEA shall not seek to appeal the Board's ruling related to the storage of unirradiated fuel or to seek other relief from the Atomic Safety and Licensing Appeal Board, the Nuclear Regulatory Commission or any court until after the Board's decision either on the merits or otherwise disposing of all matters related to the storage of unirradiated fuel.

5. In any event, no appeal shall be taken by LEA or Applicant as to the Board's jurisdiction to consider matters related to the storage of unirradiated fuel at Limerick.

Philadelphia Electric Company  
By its Attorney  
Mark J. Wetterhahn



Limerick Ecology Action  
By its Attorney  
Charles W. Elliott

