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

March 13, 1989

MEMORANDUM FOR: William C. Parler, General Counsel

FROM: Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 4:00 P.M., FRIDAY, MARCH 3, 1989,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE
FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)

I. SECY-89-77 Commission Decision - Shoreham Sanction Issue

The Commission, by a 4-0 vote, approved an order which details the Commission's decision on the imposition of sanctions in the Shoreham proceeding.

The order concluded that the intervenors' conduct in this proceeding not only permitted the imposition of a heavy sanction but compelled it. Accordingly, the order dismissed Suffolk County, the State of New York and the Town of Southampton as parties from all proceedings pending before the commission or any of its subordinate adjudicatory Boards. All contested proceedings were ended; the proceeding on the 1988 emergency planning exercise before the OL-5 Licensing Board was terminated. As this decision constituted the final adjudicatory decision in this matter the Commission also directed the following actions to assure that no safety issues remain unexamined before issuance of an operating license for the Shoreham facility. The Director of Nuclear Reactor Regulation shall evaluate each contention which remains outstanding as a result of this decision and explain to the commission in a public meeting whether, and if so, how each has been resolved. Only after the conclusion of such a briefing, after the necessary findings of 10 CFR Sec. 50.57 have been made, and after an affirmative Commission vote to authorize issuance, will any license above 5 percent power be issued for the Shoreham facility.

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Commissioner Curtiss did not participate in this matter.

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(Subsequently, on March 3, 1989, the Secretary signed the Order.)

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