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

October 27, 1989

MEMORANDUM FOR: William C. Parler, General Counsel

FROM: Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 11:30 A.M., THURSDAY, OCTOBER 19,
1989, COMMISSIONERS' CONFERENCE ROOM, ONE
WHITE FLINT NORTH, ROCKVILLE, MARYLAND
(OPEN TO PUBLIC ATTENDANCE)

I. SECY-89-312 Decision on the Massachusetts Attorney
General's Petition for Rule Waiver Certified by ALAB-920
(Concerning Financial Qualification Review of Public Service
Company of New Hampshire)

The Commission, by a 4-0 vote,* approved an order indicating
the Commission's decision in the case of the Seabrook Station,
on whether to waive the Commission's financial qualifications
rules. The order concluded that the circumstances in this case
did not undercut the assurance of the availability from govern-
mental rate-setters of a source of funds adequate for safe
operation pursuant to a full power license. Nor had the
Commission been shown any other significant link between
applicant's financial situation and a safety problem.
Accordingly, the Commission did not grant the waiver sought.

(Subsequently, on October 19, 1989, the Secretary signed the
Order.)

* Section 201 of the Energy Reorganization Act, 42 USC Sec.
5841, provides that action of the Commission shall be
determined by a "majority vote of the members present."
Commissioner Rogers was not present when this item was
affirmed. Accordingly, the formal vote of the Commission was
3-0 in favor of the decision. Commissioner Rogers, however,
had previously indicated that he would approve this paper and

had he been present he would have affirmed his prior vote.

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II. SECY-89-322 - Motion by citizens for Fair Utility Regulation ("CFUR") for a Stay of Anticipated Low-Power License at Comanche Peak Unit 1

The Commission (with Chairman Carr and Commissioners Roberts and Curtiss agreeing) approved a response to a motion by CFUR for a stay of issuance of an anticipated low-power license for Comanche Peak Unit 1. The Order denied the requested stay and referred CFUR's assertions that there are possible safety hazards associated with the low-power operation to the NRC staff for appropriate resolution in accordance with the Commission's procedures for handling allegations. Commissioner Rogers was on travel and unavailable to participate in this matter.

(Subsequently, on October 19, 1989, the Secretary signed the order.)

cc: Chairman Carr
Commissioner Roberts
Commissioner Rogers
Commissioner Curtiss
EDO
GPA
ACRS
PDR - Advance
DCS - P1-24