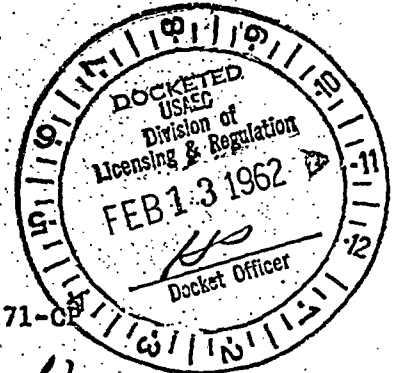


UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION



In the Matter of
PHILADELPHIA ELECTRIC COMPANY

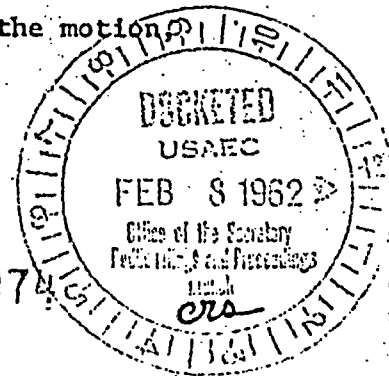
DOCKET NO. 50-171-CP

L&R File Copy (final)

ANSWER OF AEC REGULATORY STAFF TO APPLICANT'S MOTION TO
WAIVE PERIOD FOR INITIAL DECISION TO BECOME FINAL

On February 2, 1962, the Presiding Officer issued an Initial Decision in this matter, which directed issuance of a construction permit to Philadelphia Electric Company (hereinafter referred to as the "Applicant") for the construction of a 115 megawatt (thermal) high temperature, gas-cooled nuclear reactor on the basis of appropriate findings under the Atomic Energy Act of 1954, as amended, and the Commission's regulations. In the absence of review by the Commission, upon petition of a party to the proceeding or upon its own motion, the Decision would become final on March 5, 1962.

The Applicant has now filed a motion waiving any right of appeal to the Commission and requesting that the Initial Decision in this proceeding immediately constitute the final action of the Commission and that a construction permit in the form set forth in the Initial Decision be issued immediately. As noted in the motion,



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the Commonwealth of Pennsylvania, the sole intervenor in this proceeding, has authorized the Counsel for the Applicant to state that the Commonwealth will not file a petition for review of the Initial Decision and consents to the granting of the Applicant's motion.

The Staff has no objection to the granting of Applicant's motion. We support the correctness of the Intermediate Decision and waive our right to file a petition for review.

The Staff wishes to point out that the relief requested by the Applicant may be construed as constituting final Commission action upon issuance of the construction permit.

While the Staff has no objection to the granting of the Applicant's motion, it is suggested that a procedure more nearly consonant with the provisions of the Commission's "Rules of Practice", 10 C. F. R. 2, would be to follow the precedent established in General Electric Company (Vallecitos Experimental Superheat Reactor), Docket No. 50-183. In that proceeding, as the result of a similar motion, the Commission issued an order dated August 8, 1961, wherein it directed that the intermediate decision involved should be made effective immediately and a construction permit issued as of the date of the order but the Commission retained its right to review

the record before the decision and construction permit became final.

On the basis of this precedent the Staff believes that the Commission could direct that the Initial Decision heretofore issued in this case and the construction permit attached thereto become immediately effective subject to Commission review during the period set forth in the Decision before the Decision and construction permit become final.

Respectfully submitted,

Thomas F. Engelhardt

Thomas F. Engelhardt
Attorney for the AEC Regulatory Staff

Germantown, Maryland,

February 8, 1962

UNITED STATES OF AMERICA

ATOMIC ENERGY COMMISSION

In the Matter of

PHILADELPHIA ELECTRIC COMPANY

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) DOCKET NO. 50-171-CF

CERTIFICATE OF SERVICE

A copy of the foregoing "Answer of AEC Regulatory Staff to Applicant's Motion to Waive Period for Initial Decision To Become Final" has been served today by deposit in the U. S. Mail on this 8th day of February, 1962, addressed to:

Eugene J. Bradley, Esquire
Philadelphia Electric Company
1000 Chestnut Street
Philadelphia 5, Pennsylvania

William M. Gross, Esquire
Assistant Attorney General
Commonwealth of Pennsylvania
Department of Health
P. O. Box 90
Harrisburg, Pennsylvania

Thomas F. Engelhardt

Thomas F. Engelhardt
Attorney for the AEC Regulatory Staff

February 8, 1962