

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Title: AFFIRMATION/DISCUSSION AND VOTE

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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AFFIRMATION/DISCUSSION AND VOTE

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Nuclear Regulatory Commission  
One White Flint North  
Rockville, Maryland

Friday, August 25, 1989

The Commission met in open session, pursuant to notice, at 3:30 p.m., Kenneth M. Carr, Chairman, presiding.

COMMISSIONERS PRESENT:

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

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## STAFF SEATED AT THE COMMISSION TABLE:

SAMUEL J. CHILK, Secretary

WILLIAM PARLER, General Counsel

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

3:30 p.m.

1  
2  
3 CHAIRMAN CARR: Good afternoon, ladies and  
4 gentlemen.

5 This is an affirmation session. We have one  
6 item to come before us this afternoon.

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

11 (No response)

12 CHAIRMAN CARR: Mr. Secretary?

13 SECRETARY CHILK: Mr. Chairman, before the  
14 Commission can consider the affirmation, it needs to  
15 vote to hold this on less than one week's notice.

16 If I might have that vote, please.

17 (Ayes)

18 SECRETARY CHILK: The paper before the  
19 commission is SECY-89-257, an immediate effectiveness  
20 review of full power licensing of Limerick Unit Two.

21 The Commission is being asked to act on an  
22 order which provides a Commission's decision in its  
23 immediate effectiveness review of Limerick Unit Two.

24 Chairman Carr, Commissioners Roberts,  
25 Rogers, and Curtiss, have approved an order which was

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1 attached to our memorandum of August 25, which  
2 indicates that the Commission has determined that the  
3 current record in this proceeding provides the  
4 necessary basis for authorizing the issuance of a  
5 license to the Philadelphia Electric Company, to  
6 operate the Limerick Generating Station Unit Two at  
7 full power.

8 The Commission finds that the balance of  
9 factors set forth in 10 CFR Section 2.764(f)(2)(i), as  
10 well as consideration of the environmental matters  
11 under the National Environmental Policy Act, favor  
12 commencement of this operation now.

13 Rather than waiting for the outcome of the  
14 proceeding currently pending before the Atomic Safety  
15 and Licensing Board concerning Severe Accident  
16 Mitigation Design Alternatives, SAMDA's, this decision  
17 is without prejudice to the Licensing Board decision,  
18 and the license is subject to amendment as a result of  
19 the outcome of that proceeding.

20 Since the Commission expects that there will  
21 be a Licensing Board decision on the merits of the  
22 SAMDA issue before the first refueling outage, it need  
23 not consider at this time the matter of whether full  
24 power operation beyond first refueling outage should  
25 be subject to further conditions based on the outcome

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1 of the Licensing Board proceeding.

2 The Commission notes that any further  
3 requirements on a licensee that might be reasonably  
4 foreseen to arrive out of the Board's consideration of  
5 SAMDA's will not be foreclosed by the present  
6 authorization.

7 In addition, the request of the Limerick  
8 Ecology Action Incorporated for an administrative  
9 housekeeping stay, which was in their second  
10 supplemental response dated August 24, 1989, is  
11 denied.

12 Would you please affirm your votes?

13 (Ayes)

14 MR. PARLER: Mr. Chairman, I have a couple  
15 items of background information, none of which affects  
16 the action that the Commission just took.

17 In other words, the order authorizing the  
18 staff to issue the full power license for Limerick  
19 stands.

20 But by way of background information, there  
21 have been several things that have happened today  
22 rather quickly.

23 This morning the intervenor, Limerick  
24 Ecology Action, filed a supplemental pleading, which  
25 is addressed in a footnote to the order.

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1 About an hour ago, I received a copy of a  
2 document that had been filed with the Secretary of the  
3 Commission. It is a joint motion for termination of  
4 the proceedings signed by the counsel for the  
5 respective parties.

6 This joint motion is now before the  
7 Licensing Board, so if the Licensing Board approves  
8 it, I would assume that the proceeding would be over  
9 with.

10 I would like to call specifically to the  
11 attention of the Commission that in that joint motion  
12 there is a paragraph which reads as follows:

13 "Licensee, LEA, (that is the intervenor),  
14 and the NRC, agree that nothing in the settlement  
15 agreement in any way restricts the right of LEA to  
16 communicate to the Commission any safety information  
17 it may have, or obtain."

18 About thirty minutes ago, Mr. Chairman, a  
19 communication was received from Mr. Charles W.  
20 Elliott, the counsel for intervenor LEA, which advised  
21 Mr. Chilk that LEA had withdrawn the pleading, the  
22 second supplemental pleading that it filed this  
23 morning, and also specifically it withdraws Section  
24 Three thereof, in which LEA requests a stay of any  
25 favorable licensing action by the Commission.

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1           That is the background information that I  
2 wanted to give to the Commission.

3           CHAIRMAN CARR: Thank you.

4           Is there anything else to come before us  
5 today? Any comments?

6           We stand adjourned.

7           (Whereupon the affirmation/discussion and  
8 vote was concluded at 3:44 p.m.)

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PLACE OF MEETING: ROCKVILLE, MARYLAND

DATE OF MEETING: AUGUST 25, 1989

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is accurate and complete, to the best of my ability, and that the  
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*Frank Goodchild*

Reporter's name: Miles Anderson

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