

9684

1/12/90 DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'90 JAN 16 P4:10

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY

In the Matter of	)	
ALABAMA POWER COMPANY	)	Docket Nos. 50-348-CivP
	)	50-364-CivP
(Joseph M. Farley Nuclear Plant,	)	
Units 1 and 2)	)	(ASLBP No. 89-591-01-CivP)

JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT  
AND TERMINATION OF THE PROCEEDING

This proceeding was initiated upon a request for hearing filed by Alabama Power Company on June 1, 1989. Following the Fourth Joint Status Report filed by the parties on December 15, 1989, the parties entered into settlement negotiations. Those negotiations have been fruitful, and the parties have executed a Settlement Agreement, which is provided as an Attachment to this motion.

In accordance with 10 C.F.R. § 2.203, the parties jointly move that the Licensing Board approve the attached Settlement Agreement and terminate this proceeding. The parties believe that, under the circumstances of this case, the Settlement Agreement best serves the interests of both parties and the purposes of the Atomic Energy Act and the Commission's

9001250122 900112  
PDR ADOCK 05000348  
G PDR

2503

regulations. In addition, settlement and compromise of this matter is in the public interest.

Respectfully submitted,

Bernard M. Bordenick by DAR  
Bernard M. Bordenick  
Counsel for NRC Staff

James H. Miller III  
James H. Miller, III  
Balch & Bingham  
Counsel for Alabama Power  
Company

Nicholas S. Reynolds  
Nicholas S. Reynolds  
Bishop, Cook, Purcell &  
Reynolds  
Counsel for Alabama Power  
Company

Dated at Washington, D.C.  
this 12<sup>th</sup> day of January, 1990.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges

John H. Frye, III, Chairman  
Dr. James H. Carpenter  
Dr. Walter H. Jordan

In the Matter of  
Alabama Power Company  
(Joseph M. Farley Nuclear Plant,  
Units 1 and 2)

Docket Nos. 50-348-CivP  
50-364-CivP

(ASLBP No. 89-591-01-CivP)

January \_\_, 1990

DRAFT ORDER

(Approving Settlement Agreement and  
Terminating Proceeding)

The NRC Staff and Alabama Power Company have submitted for approval a Settlement Agreement pursuant to the provisions of 10 C.F.R. § 2.203.

The Settlement Agreement is approved and is attached hereto as part of this Order. This proceeding is terminated.

John H. Frye, III, Chairman  
ADMINISTRATIVE LAW JUDGE