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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

LBP-92-21
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'92 AUG 12 P 3:19

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. James H. Carpenter
Dr. Peter A. Morris

In the Matter of

ALABAMA POWER COMPANY

(Joseph M. Farley Nuclear
Plant, Units 1 and 2)

Docket No. 50-348-CivP
50-364-CivP

ASLBP No. 91-626-02-CivP

August 12, 1992

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MEMORANDUM AND ORDER
(Approving Settlement Agreement
and Terminating Proceeding)

In this proceeding, licensee Alabama Power Company (APCo) has challenged the NRC staff's imposition of a \$450,000 civil penalty for alleged violations of the Commission's requirements in 10 C.F.R. § 50.49 regarding environmental qualification of electrical equipment important to safety. See 55 Fed. Reg. 35,203 (1990). During twelve days of hearings in February and May of this year, APCo and the NRC staff presented numerous witnesses in support of their positions regarding the civil penalty. See Tr. 1-2309. Thereafter, the Board established a filing schedule for the parties' proposed findings of fact and conclusions of law. See Memorandum and Order (June 1, 1992) (unpublished). Now, by joint motion dated August 6, 1992, the parties request that we approve a settlement stipulation

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they have provided and terminate this proceeding prior to a merits determination relative to any of the legal or factual matters at issue.

Pursuant to section 234 of the Atomic Energy Act of 1954 (AEA) as amended, 42 U.S.C. § 2282, and 10 C.F.R. § 2.203, we have reviewed the settlement agreement to determine whether approval of the agreement and termination of this proceeding is in the public interest. On the basis of that review, and according due weight to the position of the staff, we have concluded that the parties' agreement and the termination of this proceeding is consistent with the public interest.*


Accordingly, the joint motion of the parties is granted and we approve the "Settlement Agreement," which is attached to and incorporated by reference in this memorandum and order. Further, pursuant to AEA sections 103, 161(b),

* Previously, we have recognized that counsel for both parties have displayed a laudable spirit of cooperation in litigating this matter, see Tr. 1318-19, 2308, an observation that bears repeating in light of their settlement of this otherwise vigorously-contested proceeding.

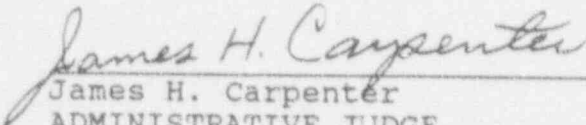
161(o), and 191, 42 U.S.C. §§ 2133, 2201(b), 2201(o), 2241,
and 10 C.F.R. § 2.203, the Board terminates this proceeding.

It is so ORDERED.

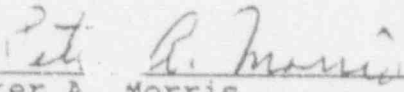
THE ATOMIC SAFETY
AND LICENSING BOARD



G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE



James H. Carpenter
ADMINISTRATIVE JUDGE



Peter A. Morris
ADMINISTRATIVE JUDGE

Bethesda, Maryland

August 12, 1992