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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATIONS STAFF

Before Administrative Judge:

Charles Bechhoefer,  
Presiding Officer

SERVED FEB 15 2001

In the Matter of

POWER AUTHORITY OF THE STATE OF  
NEW YORK and ENTERGY NUCLEAR  
FITZPATRICK LLC, ENTERGY NUCLEAR  
INDIAN POINT 3 LLC, and ENTERGY  
NUCLEAR OPERATIONS, INC.

(James A. FitzPatrick Nuclear Power Plant  
and Indian Point Nuclear Generating Unit No.  
3)

Docket Nos. 50-333-LT  
and 50-286-LT  
(consolidated)

ASLBP No. 01-785-02-LT

February 14, 2001

MEMORANDUM AND ORDER

(Approving Withdrawal of Nuclear Generation Employees' Association)

On January 8, 2001, the Nuclear Generation Employees Association (NGEA), a party in this license-transfer proceeding, filed a notice that it was voluntarily and with prejudice withdrawing from this proceeding. It stated that it lacked the financial resources to prosecute properly the issues for which it was granted intervention but added that it believed those issues have substantial merit and should be heard by the Presiding Officer. No other party has responded to NGEA's withdrawal notice.

NGEA was admitted to this proceeding by the Commission's Memorandum and Order of November 27, 2000. CLI-00-22, 52 NRC 266, 325 (2000). Its only approved issue was the decommissioning funding issue jointly sponsored by the Citizens Awareness Network

(CAN) and currently being litigated as CAN's Issue 2. Id. at 301-302, 302 n.25, 319; see also Notice of Oral Hearing, dated February 13, 2001, at 2.

When a party withdraws from a proceeding, the issues solely sponsored by it are normally dismissed from the proceeding. See Memorandum and Order (Approving Withdrawal of Cortlandt/Hendrick Hudson School District), LBP-00-34, 52 NRC \_\_ (December 22, 2000). Here, the issue sponsored by NGEA is also co-sponsored by CAN and thus need not be dismissed as a result of NGEA's withdrawal.

Accordingly, NGEA's requested withdrawal with prejudice is hereby approved.

IT IS SO ORDERED.

  
Charles Bechhoefer, Presiding Officer  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
February 14, 2001

[Copies of this Memorandum and Order have been e-mailed this date to counsel for or representatives of each of the parties and participating governmental entities.]

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
POWER AUTHORITY OF THE STATE OF )  
NEW YORK, ET AL. )  
 )  
(James A. FitzPatrick Nuclear Power Plant ) Docket Nos. 50-333-LT and  
and Indian Point Nuclear Generating ) 50-286-LT  
Unit No. 3) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (APPROVING WITHDRAWAL OF NUCLEAR GENERATION EMPLOYEES' ASSOCIATION) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket Nos. 50-333-LT and 50-286-LT  
LB MEMORANDUM AND ORDER  
(APPROVING WITHDRAWAL OF NUCLEAR  
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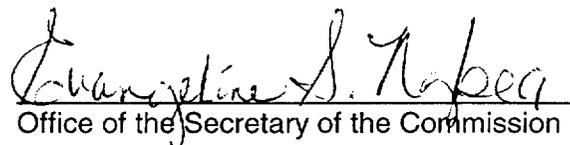
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Dated at Rockville, Maryland,  
this 15<sup>th</sup> day of February 2001