

RAS 8457

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 09/14/04

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ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Chief Administrative Judge:

G. Paul Bollwerk, III

In the Matter of

YANKEE ATOMIC ELECTRIC COMPANY

(Yankee Nuclear Power Station License
Termination Plan)

Docket No. 50-29

ASLBP No. 04-831-01-OLA

September 14, 2004

MEMORANDUM

(Deferring Appointment of Licensing Board)

By memorandum dated September 2, 2004, the Secretary of the Commission advised me that, in accordance with 10 C.F.R. § 2.346, she was referring to the Atomic Safety and Licensing Board Panel for appropriate action the pending August 20, 2004 hearing request of Citizens Awareness Network (CAN) in which it challenges the November 24, 2003 request of Yankee Atomic Electric Company (YAEC) for an amendment to its 10 C.F.R. Part 50 license that would approve a license termination plan (LTP) for its Yankee Nuclear Power Station facility and provide criteria to determine the need for NRC approval of changes to the approved LTP. In her memorandum, the Secretary also noted that a August 20, 2004 CAN pleading entitled "Motion to Dismiss Proceedings as Improperly Noticed or Clarify and Re-Notice the Proceeding" was being retained by the Commission for its consideration.

This is to advise the Commission and the participants that, given the nature of the CAN dismissal/re-noticing motion and its potential impact upon the scope and timing of this

proceeding, the appointment of an Atomic Safety and Licensing Board to preside over this proceeding is being deferred pending resolution of the August 20, 2004 CAN motion.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD PANEL *

/RA/

G. Paul Bollwerk, III
CHIEF ADMINISTRATIVE JUDGE

Rockville, Maryland

September 14, 2004

* Copies of this memorandum were sent this date by Internet e-mail transmission to counsel or the representative for (1) applicant YAEC; (2) intervenor CAN; and (3) the NRC staff.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM (DEFERRING APPOINTMENT OF LICENSING BOARD) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 50-29
LB MEMORANDUM (DEFERRING APPOINTMENT
OF LICENSING BOARD)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 14th day of September 2004