

10-23-73

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of )  
 )  
WISCONSIN PUBLIC SERVICE ) Docket No. 50-305  
CORPORATION, ET AL. )  
 )  
(Kewaunee Nuclear Power Plant) )

CERTIFICATE OF SERVICE

I hereby certify that copies of MEMORANDUM AND ORDER dated October 23, 1973 in the captioned matter have been served upon those on the attached Service List by deposit in the United States mail, first class or air mail, this 24th day of October 1973.

Regent A. Sawney  
Office of the Secretary of the Commission

cc. Mr. Farmakides  
Mr. Gallo  
ASLBP  
M. Service  
N. Brown  
Reg. Files  
ASLAB

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

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WISCONSIN PUBLIC SERVICE )  
CORPORATION, ET AL )  
 )  
(Kewaunee Nuclear Power Plant) )

Docket No. 50-305

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In the Matter of  
WISCONSIN PUBLIC SERVICE CORPORATION  
WISCONSIN POWER AND LIGHT COMPANY  
and  
MADISON GAS AND ELECTRIC COMPANY  
(Kewaunee Nuclear Power Plant)

# MEMORANDUM AND ORDER

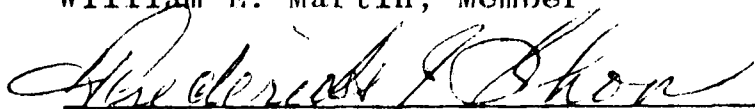
In the same motion, the remaining parties, Applicants and the Regulatory Staff, moved the Board for an order dismissing the proceeding. The withdrawal of Intervenor as a party removes all controversy in dispute between the parties in this proceeding. The Board sees no other reason to con-

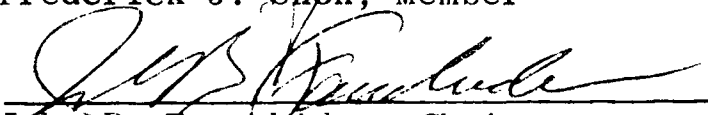
tinue any of said issues, and has concluded that the public interest would be served by terminating this procedure. Accordingly, the joint motion to dismiss the proceeding is hereby granted and the proceeding before this Board will be terminated. Dismissal of this proceeding is consistent with the Commission's regulations which do not contemplate a hearing on an application for an operating license in the absence of any matters in controversy, 10 CFR sections 2.104, 2.105 and 50.58(b) and with the general powers of the presiding officer in section 2.718.

Therefore, IT IS ORDERED, that the proceeding before this Board noticed in the Commission's Notice of Hearing on a Facility Operating License dated September 29, 1972, as further specified in the Prehearing Conference Order of this Board dated January 17, 1973, be, and it hereby is, dismissed.

ATOMIC SAFETY AND LICENSING BOARD

  
William E. Martin, Member

  
Frederick J. Shon, Member

  
John B. Farmakides, Chairman

Issued at Washington, D.C.  
this 23rd day of October 1973.