

UNITED STATES OF AMERICA  
before the  
NUCLEAR REGULATORY COMMISSION

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USNRC

'99 JUN -2 P2:40

In the Matter of  
  
YANKEE ATOMIC ELECTRIC COMPANY  
  
(Yankee Nuclear Power Station)

OFFICE OF GENERAL COUNSEL  
RULES AND PROCEDURES  
ADJUTANT GENERAL  
Docket No. 90-029-LA STAFF

BOARD NOTIFICATION  
(WITHDRAWAL OF APPLICATION)  
AND  
MOTION TO TERMINATE PROCEEDING  
AND DISMISS APPEAL

1. Pursuant to *Duke Power Co.* (William B. McGuire Nuclear Station, Units 1 and 2), ALAB-143, 6 AEC 623, 625-26 (1973)), Yankee Atomic Electric Company ("Yankee") notifies this Board as follows: On Tuesday of this week, Yankee formerly withdrew the application for an operating license amendment approving the License Termination Plan ("LTP") that it had previously submitted to the Commission. See Letter Don K. Davis dated May 25, 1999, copy attached. No date for the submission of a different license termination plan has been established.<sup>1</sup>

2. Pursuant to 10 C.F.R. § 2.107, and given that the withdrawal of its application for approval of the former LTP has mooted any and all contentions regarding the sufficiency of that LTP for approval, Yankee moves that this proceeding be *terminated*. See *Louisiana Energy Services* (Claiborne Enrichment Center), CLI-98-5, 47 NRC 113 (1998); *Northern States Power Co.* (Independent Spent Fuel Storage Installation), LBP-97-17, 46 NRC 227 (1997).

<sup>1</sup>Under the Commission's regulations, a licensee has the option of submitting a license termination plan either prior to or concurrently with a license termination request. *Yankee Atomic Electric Company* (Yankee Nuclear Power Station), CLI-98-21, 48 NRC 185, 196 (1998). Yankee presently does not envision a license termination request for at least a decade.

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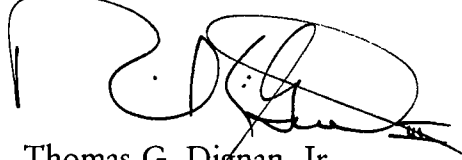
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OF THE COMMISSION

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3. *Pari passu*, Yankee advises the Commission of the foregoing and suggests that the pending appeal by Yankee from LBP-99-14, having become moot, should be *dismissed*.

By its attorneys,

A handwritten signature in black ink, appearing to read "Thomas G. Dignan, Jr.", written over a horizontal line.

Thomas G. Dignan, Jr.  
R. K. Gad III  
Ropes & Gray  
One International Place  
Boston, Massachusetts 02110  
(617) 951-7000

Dated: May 26, 1999.

**YANKEE ATOMIC ELECTRIC COMPANY**

Telephone (413) 424-5261



HC87 Box 160, Rowe, Massachusetts 01367

May 25, 1999  
BYR 99-038United States Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, DC 20555

- References:
- (a) License No. DPR-3 (Docket No. 50-29)
  - (b) Letter, A. C. Kadak, Yankee Atomic Electric Company (YAEC), to M. B. Fairtile (NRC) "License Termination Plan for Yankee Nuclear Power Station", May 15, 1997.
  - (c) Letter, D. K. Davis (YAEC) to M. B. Fairtile (USNRC) "Proposed License Amendment to Approve Yankee Nuclear Power Station License Termination Plan," December 18, 1997.
  - (d) Letter, T. G. Dignan & R. K. Gad III (Ropes & Gray) to Atomic Safety and Licensing Board, May 13, 1999.
  - (e) U. S. Nuclear Regulatory Commission, NUREG-1575, "Multi-Agency Radiation Survey and Site Investigation Manual," December 1997.

Subject: Withdrawal of Proposed License Amendment to Approve Yankee Nuclear Power Station's License Termination Plan

References (b) and (c) submitted Yankee Atomic Electric Company's (YAEC) request for approval of the License Termination Plan for the Yankee Nuclear Power Station. Reference (d) notified the Atomic Safety and Licensing Board (ASLB) that YAEC had decided to employ the "Multi-Agency Radiation Survey and Site Investigation Manual" (MARSSIM) survey methodology (Reference (e)) for the Final Status Survey described in the License Termination Plan. This decision will result in a major revision to the License Termination Plan. Therefore, YAEC hereby withdraws the proposed license amendment

United States Nuclear Regulatory Commission  
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to approve the Yankee Nuclear Power Station License Termination Plan. A new application will be submitted in the future.

Very truly yours,

YANKEE ATOMIC ELECTRIC COMPANY




Don K. Davis, Chairman  
President and CEO

C: R. R. Bellamy, Chief, Decommissioning and Lab Branch, USNRC Region 1  
M. B. Fairtile, Senior Project Manager

COMMONWEALTH OF MASSACHUSETTS  
WORCESTER COUNTY

Then personally appeared before me, Don K. Davis, who, being duly sworn, did state that he is Chairman, President, and Chief Executive Officer of Yankee Atomic Electric Company, that he is duly authorized to execute and file the foregoing document in the name and on behalf of Yankee Atomic Electric Company and that the statements therein are true to the best of his knowledge and belief.

  
Gerard P. van Noordennen Notary Public  
My Commission Expires December 31, 2002

**CERTIFICATE OF SERVICE**

I, Robert K. Gad III, one of the attorneys for Yankee Atomic Electric Company, do hereby certify that on May 26, 1999, I served the within pleading in this matter by United States Mail (and also where indicated by an asterisk, by facsimile transmission) as follows:

**Commission:**

**Shirley Ann Jackson, Esquire**  
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Washington, D.C. 20555

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ADJUDICATION STAFF

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**Licensing Board:**

**The Hon. Charles Bechhoefer** ←\*  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
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**The Hon. Thomas D. Murphy** ↑\*  
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**The Hon. Dr. Thomas S. Elleman** ←\*  
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*On Behalf of CAN*

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**Others:**

**Office of Commission Appellate Adjudication**  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

**Office of the Secretary** ←\*  
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R. K. Gad III