

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Marshall E. Miller, Chairman
Dr. Emmeth A. Luebke, Member
Dr. Oscar H. Paris, Member



In the Matter of
NEW ENGLAND POWER COMPANY
NEP, Units 1 and 2

Docket Nos. STN 50-568
50-569

ORDER RELATING TO MOTION OF APPLICANTS
TO WITHDRAW THEIR APPLICATION

The New England Power Company (Applicants), acting for itself and a number of other utilities, filed an application for construction permits for two pressurized water reactors, designated NEP 1 and 2, on July 30, 1976 (40 Fed. Reg. 30538 and 41 Fed. Reg. 44763). The proposed site for NEP 1 and 2 was an abandoned Naval Auxiliary Land Field (NALF) located in Charlestown, Rhode Island. At the time the application was filed, the proposed site had not been acquired by the Applicants. Disposition of NALF as surplus Federal property was the responsibility of the Administrator of the U.S. General Services Administration (GSA) under the provisions of the Federal Property and Administrative Services Act, 40 U.S.C. 471.

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On October 12, 1976, the Nuclear Regulatory Commission (N.R.C.) published in the Federal Register a Notice of Hearing

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on Application for Construction Permits (41 Fed. Reg. 44761). Subsequently more than 30 individuals and organizations petitioned for leave to intervene, and by Orders dated January 7 and September 15, 1977, this Board admitted 21 intervening parties and accepted over 50 contentions.

In November and December, 1977, several intervenors moved to suspend all licensing proceedings pending the final resolution of the question of ownership of the proposed site. The Applicants, with the support of the N.R.C. Staff, urged the Board to go forward with the proceeding and allow discovery on contested issues which did not depend upon site-specific information. In its Order dated February 21, 1978, this Board denied the motions to suspend, but also rejected a proposal by the Applicants to commence discovery at once. Instead, the Board noted the importance of the DES and SER, which had not been issued by Staff, and ordered that the period for discovery should commence after both the DES and SER had been issued.

In a motion dated June 29, 1979, we were advised by the Applicants that the Acting Administrator of GSA had decided not to sell the NALF site to the Applicants. The Applicants requested that we continue the matter on the N.R.C.'s docket while it sought review of the GSA decision. The N.R.C. Staff announced, on June 30,

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1979, that it was suspending its environmental review of the NEP 1 and 2 application pending the outcome of the Applicants' appeal of the GSA decision. This development in effect placed our proceeding on hold, and the Board decided that further action by it was unnecessary until circumstances changed.

On December 17, 1979, the Applicants filed a motion to withdraw their application because the Board of Directors of the New England Power Company had voted to cancel NEP 1 and 2. The N.R.C. Staff answered the motion December 21, 1979, stating that it did not oppose. No responses were received from other parties.

Good cause having been shown, and no objections having been made, the Applicants' motion to withdraw their application is granted.

IT IS SO ORDERED

THE ATOMIC SAFETY AND
LICENSING BOARD

Emmeth A. Luebke
Dr. Emmeth A. Luebke, Member

Oscar H. Paris
Dr. Oscar H. Paris, Member

Marshall E. Miller
Marshall E. Miller, Chairman

Dated at Bethesda, Maryland
this 26th day of December, 1979

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