

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
PHILADELPHIA ELECTRIC COMPANY)	Docket Nos. 50-463
(Fulton Generating Station,)	50-464
Units 1 and 2))	

1980 DEC 29 11 12 AG
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NRC STAFF'S RESPONSE TO
REQUEST FOR WITHDRAWAL OF APPLICATION

On December 5, 1980, Applicant Philadelphia Electric Company filed, pursuant to 10 CFR § 2.107, a "Motion to Withdraw Application and to Terminate Proceedings" (Motion) in the captioned proceeding. In its Motion and the letter to the Director of Nuclear Reactor Regulation attached thereto, the Applicant seeks to withdraw without prejudice its application for an early site review and construction permit^{1/} for the Fulton Generating Station, Units 1 and 2 and to have the proceeding terminated.

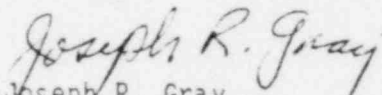
As noted, a "Notice of Hearing on Application for a Construction Permit" was published for this proceeding in the Federal Register. Accordingly,

^{1/} An application for construction permits was filed on July 3, 1973 and a "Notice of Hearing on Application for a Construction Permit" was published on December 14, 1973 (38 Fed. Reg. 34484). Pursuant to such notice, a number of persons or groups filed petitions to intervene and were admitted as parties to the proceeding, as were the States of Pennsylvania and Maryland.

On September 17, 1975 and February 19, 1976, prior to the commencement of hearings on the construction permit application, the Applicant informed the Licensing Board that its nuclear steam supply system vendor would no longer proceed with work related to the Fulton facility. The proceeding then assumed a suspended, inactive status until December 29, 1978, at which time the Applicant filed Amendment No. 32 to its construction permit application, seeking an adjudicatory early site suitability review for the Fulton site pursuant to 10 CFR § 2.101(a-1) and Subpart F to 10 CFR Part 2. To date, no hearings have been held on either the construction permit application or the adjudicatory early site review sought by the Applicant and no authorization for site work of any kind has been issued.

under 10 CFR § 2.107(a), withdrawal of the application may only be on such terms and conditions as the presiding officer may prescribe. Since neither a Limited Work Authorization nor a construction permit was issued for the application, no site work has been performed by the Applicant to date and redress of the site is, therefore, not required. Accordingly, the Staff does not object to the Applicants' request for withdrawal of application and termination of the proceeding, and has not determined that any particular conditions should attach to the withdrawal of the application.

Respectfully submitted,


Joseph R. Gray
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 24th day of December, 1980

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO REQUEST FOR WITHDRAWAL OF APPLICATION" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 24th day of December, 1980:

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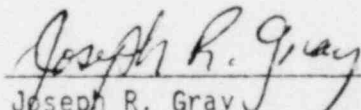
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