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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Ivan W. Smith, Chairman
Dr. Richard F. Cole
Dr. Peter S. Lam

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In the Matter of

VERMONT YANKEE NUCLEAR
POWER CORPORATION

(Vermont Yankee Nuclear
Power Station)

Docket Nos. 50-271-OLA-5
FOL No. DPR-28
ASLBP No. 92-665-02-OLA-5

July 28, 1993

MEMORANDUM
(Termination of Proceeding)

The purpose of this memorandum is to note for the adjudicatory record the termination of this license amendment proceeding. Confusion has arisen concerning the status of this unusual proceeding which, according to the adjudicatory record, incorrectly seemed to have been opened but never closed.

On January 21, 1992, the Commission published in the Federal Register a "Notice Of Consideration Of Amendment To Facility Operating License ... And Opportunity For Hearing" with respect to diesel generators at the Vermont Yankee Nuclear Power Station. 58 Fed. Reg. 5427-5435.

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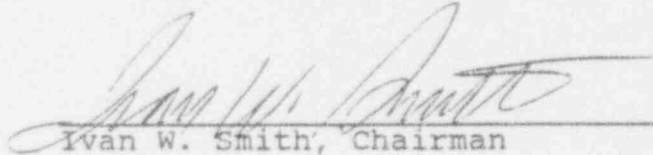
Pursuant to the Notice, on February 22, 1993, petitions for leave to intervene and requests for hearing were filed by New England Coalition on Nuclear Pollution and the Massachusetts Attorney General. The Secretary of the Commission routinely referred the petitions to the Chief Judge of the Atomic Safety and Licensing Board Panel in accordance with 10 C.F.R. § 2.772(j). The proceeding was docketed as an adjudicatory matter and, on March 5, 1993, the Chief Judge established this Atomic Safety and Licensing Board to rule on the petitions and to preside over any consequent hearing.

Before the Licensing Board could rule on the intervention petitions, Vermont Yankee Nuclear Power Corporation, on March 9, 1993, withdrew the application.¹ Since no party had been admitted to the proceeding, the Licensing Board had not issued a Notice of Hearing as provided in 10 C.F.R. § 2.105(e)(2). Therefore the Commission, not the Licensing Board, had jurisdiction over the withdrawal of the application. See 10 C.F.R. § 2.107(a). The NRC Staff, acting for the Commission, approved the

¹Letter, Donald A. Reid, Vice President, Operations, Vermont Yankee Power Corporation, to U. S. Nuclear Regulatory Commission, March 9, 1993.

withdrawal on March 25, 1993, thus terminating the proceeding.²

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

A handwritten signature in cursive script, appearing to read "Ivan W. Smith", is written over a horizontal line.

Ivan W. Smith, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland

July 28, 1993

²Letter from Daniel H. Dorman, USNRC, to Donald A. Reid, Vermont Yankee Nuclear Power Corporation, March 25, 1993, with attached notice of withdrawal.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

VERMONT YANKEE NUCLEAR POWER
CORPORATION
(Vermont Yankee Nuclear Power
Station)

Docket No.(s) 50-271-OLA-5

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM (LBP-93-16) 7/28 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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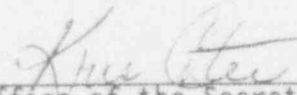
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Docket No.(s)50-271-OLA-5
LB MEMORANDUM (LBP-93-16) 7/28

Dated at Rockville, Md. this
29 day of July 1993


Office of the Secretary of the Commission