

11545

March 18, 1991
DUCKETTED
UNFILED

'91 MAR 18 AIO:14

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DUCKETTING & SERVICE
BRANCH

Before Administrative Judges:
Peter B. Bloch, Chair
James H. Carpenter
Charles N. Kelber

SERVED MAR 18 1991

In the Matter of

TENNESSEE VALLEY AUTHORITY
Sequoyah Nuclear Plant
(Units 1 and 2)

Facility Operating
Licenses Nos. DPR-77, DPR-79

Docket Nos. 50-327-OLA
50-328-OLA

Technical Specifications
(Work Schedules)

ASLBP No. 90-635-07-OLA

MEMORANDUM AND ORDER
(Dismissal of Petition)

MEMORANDUM

On March 15, 1991, we received a telephone call from counsel for the Tennessee Valley Authority informing us that a settlement had been achieved and that we should expect to receive by facsimile transmission a letter from James T. Springfield, Business Manager, IBEW Local 721 (petitioner) to the Secretary of the Commission formally withdrawing the petition in this case. The withdrawal request, which we received on the 15th, stated in part:

TVA and the International Brotherhood Electrical (IBEW) Workers met on March 11 and 12, 1991, to discuss concerns and worked out an equitable resolution. TVA and the IBEW have come to a joint understanding which resolves safety concerns.

D 502

The IBEW appreciates the Atomic Safety and Licensing Boards' efforts in helping both parties resolve this issue.

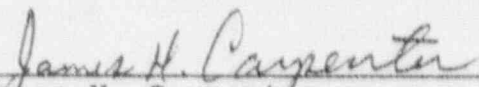
Accordingly, after having verified by telephone that the Staff of the Commission has no objection to dismissing this case (to which no party has officially been admitted), we have decided to dismiss the proceeding pending before us.¹

ORDER

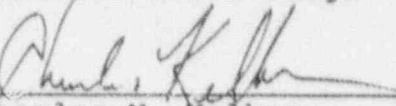
For all the foregoing reasons and upon consideration of the entire record in this matter, it is this 18th day of March, 1991, ORDERED, that:

This case is dismissed.


THE ATOMIC SAFETY AND LICENSING BOARD



James H. Carpenter
Administrative Judge



Charles N. Kelber
Administrative Judge



Peter B. Bloch
Chair

Bethesda, Maryland

¹Since the letter of withdrawal, which was acceptable to the parties, does not discuss whether the petition is withdrawn with or without prejudice (an issue that would be important only in the unlikely event that petitioner sought to refile its petition), we reach no decision on that issue.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

TENNESSEE VALLEY AUTHORITY

(Sequoyah Nuclear Plant
Units 1 and 2)

Docket No. (s) 50-327/328-OLA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (DISMISSAL OF PETITION) 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.

Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Peter B. Bloch, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
James H. Carpenter
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

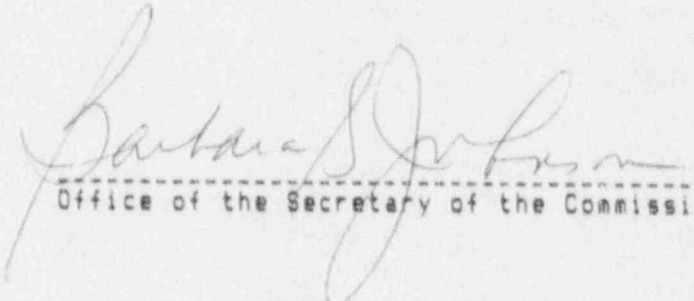
Administrative Judge
Charles N. Kelber
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Douglas R. Nichols
Assistant General Counsel, Nuclear
Tennessee Valley Authority
400 West Summit Hill Drive, Ell B33
Knoxville, TN 37902

James T. Springfield
Business Manager
I.B.E.W. Local 721
2730 Thicket Road
Soddy-Daisy, TN 37379

Dated at Rockville, Md. this
18 day of March 1991


Office of the Secretary of the Commission