

788

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
ROCHESTER GAS AND ELECTRIC)
CORPORATION)
)
(R.E. Ginna Nuclear Power)
Station, Unit No. 1))

Docket No. 50-244 OL

84 AGO -6 P2:37

OFFICE OF REGULATORY
DOCKETING & SERVICE
BRANCH

MOTION TO TERMINATE PROCEEDING

By a pleading dated July 24, 1984, intervenor Michael L. Slade withdrew all of his outstanding contentions in this proceeding. Because there are now no contentions to be heard or decided in this proceeding, Rochester Gas & Electric Corporation ("Applicant") hereby requests that it be terminated.

To date, there have been two intervenors admitted in this proceeding. Michael L. Slade was admitted as an intervenor pursuant to the Atomic Safety and Licensing Board's order of June 8, 1973. The Rochester Committee for Scientific Information ("RCSI") was admitted as an intervenor pursuant to the Licensing Board's order of August 8, 1973. The Licensing Board also granted the petition of the State of New York, originally acting through its Atomic Energy Council, to participate in this proceeding as an interested state, pursuant to 10 C.F.R. §2.715(c). See Licensing Board Order, June 8, 1973.^{1/}

^{1/} This status was subsequently confirmed by the Licensing Board's Order of March 25, 1977, and most recently by the Licensing Board's Memorandum of January 13, 1984.

In the spring of 1974, Applicant and RCSI reached an agreement that addressed several of the concerns of RCSI. On March 12, 1974, Applicant and RCSI filed a "Stipulation Terminating Proceeding as to the Rochester Committee for Scientific Information." The stipulation expressly reserved RCSI's right to make a limited appearance pursuant to 10 C.F.R. §2.715(a). The terms of the stipulation have been satisfied.

As a result of the stipulation between Applicant and RCSI, Michael Slade became the sole intervenor in this proceeding. See Licensing Board's order of March 25, 1977, ruling that "[i]n the Board's view ... the only contentions presently being asserted are those stated in the Intervenor's [Slade's] written agreement with the Regulatory Staff. All other contentions are deemed to be withdrawn." Id. at 1. Michael Slade remained the sole intervenor when no new petitions for intervention were received pursuant to the Licensing Board's Order of December 2, 1983, permitting the filing of additional petitions to intervene. Moreover, Slade did not submit any new or revised contentions pursuant to the Licensing Board's Order of March 30, 1984.

On July 24, 1984, Michael Slade withdrew all of his outstanding contentions, thereby eliminating all admitted contentions in this proceeding. The State of New York remains as a participant in this proceeding, but only as an interested state, not as a party. Compare 10 C.F.R. §2.714 with id. §2.715. It has never filed any contentions, and it has no

right to do so. Therefore, there are no contentions, and there is no reason to hold a hearing.

WHEREFORE, Applicant requests that the Licensing Board terminate this proceeding.

Respectfully submitted,

LeBOEUF, LAMB, LEIBY & MacRAE

By

Harry H. Vaigo
Partner

Of Counsel:

WILLIAM C. MARCOUX
PAUL H. FALON

August 3, 1984

1333 New Hampshire Avenue, N.W.
Suite 1100
Washington, D.C. 20036
(202) 457-7500

Attorneys for Rochester Gas and
Electric Corporation

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NUCLEAR REGULATORY COMMISSION

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(R.E. Ginna Nuclear Power Plant,)
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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of "MOTION TO TERMINATE PROCEEDING" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, this third day of August, 1984.

Herbert Grossman, Esq., Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Emmeth A. Luebke
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Mitzi A. Young, Esq.
Mary E. Wagner, Esq.
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Mr. Michael L. Slade
12 Trailwood Circle
Rochester, NY 14618

Ezra Bialik
Assistant Attorney
General
Environmental Protection
Bureau
New York State Department
of Law
2 World Trade Center
New York, NY 10047

Mr. Robert N. Pinkney
Supervisor
Town of Ontario
107 Ridge Road West
Ontario, NY 14519

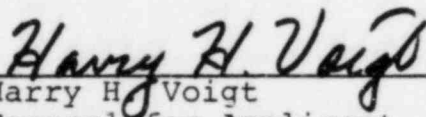
Stanley B. Klimberg, Esq.
General Counsel
Jay Dunkleberger
New York State Energy
Office
Agency Building 2
Empire State Building
Albany, NY 12223

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

Mr. Roger W. Kober
Vice President
Electric and Steam Production
Rochester Gas and Electric
Corporation
89 East Avenue
Rochester, NY 14649

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

Docketing & Service Section
Office of the Secretary
U.S. Nuclear Regulatory
Commission
Washington, DC 20555



Harry H. Voigt
Counsel for Applicant