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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Charles Bechhoefer, Chairman
Dr. Thomas S. Elleman
Thomas D. Murphy

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SEIVED JUL 29 1999

In the Matter of

YANKEE ATOMIC ELECTRIC COMPANY
(Yankee Nuclear Power Station)

License Termination Plan

Docket No. 50-029-LA-R

ASLBP No. 99-754-01-LA-R

July 28, 1999

MEMORANDUM AND ORDER
(Termination of Proceeding)

This proceeding concerns the adequacy of the License Termination Plan (LTP) submitted by Yankee Atomic Electric Company (YAEC or Licensee) for the Yankee Nuclear Power Station located in Rowe, Massachusetts. YAEC has withdrawn its current LTP, has indicated that it will file another substantially different LTP at a later undetermined date that could be a decade or more in the future, and has moved to terminate the proceeding.¹ For reasons hereafter set forth, we are granting the requested withdrawal and terminating the proceeding.

¹Board Notification (Withdrawal of Application) and Motion To Terminate Proceeding and Dismiss Appeal, dated May 26, 1999 [Termination Motion].

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1. Procedural Background. The procedural background to the Licensee's termination motion is set forth in our June 14, 1999 Memorandum and Order (Requesting Replies to NECNP Response to Termination Motion), LBP-99-22, 49 NRC _____. There, we determined that, pursuant to 10 C.F.R. § 2.107, the Licensing Board rather than the Commission should rule in the first instance on the termination motion, notwithstanding the circumstance that YAEC's motion to terminate was directed to the Commission. We also observed that the Intervenor, the New England Coalition on Nuclear Pollution (NECNP) and the Citizens Awareness Network (CAN), were opposing termination absent payment by the Licensee to the Intervenor of specified costs (including attorneys' fees) and performance by YAEC of certain discovery-related activities.² We invited replies to the NECNP/CAN proposals for payment and performance of specified tasks.

YAEC filed two responses to the NECNP/CAN proposals-- the first accompanied by a motion for leave to reply (filed before we had issued LBP-99-22) and the second a supplemental response covering additional matters raised by LBP-99-22.³ The Franklin Regional Council of Governments

²Intervenors' Opposition to Yankee Atomic Electric Company's [YAEC's] Motion to Terminate and Proposed Form of Order for Expenses, Fees and Responses to Discovery, dated June 7, 1999 [Motion for Conditions].

³Motion of YAEC for Leave to Respond to Intervenor's "Opposition to . . . Motion to Terminate [Etc.]," dated June 14, 1999 [YAEC Reply-1]; "Response of YAEC to LBP-99-22," dated June 17, 1999 [YAEC Reply-2]. We grant YAEC's request

(FRCOG) filed a response to LBP-99-22 on June 22, 1999 [FRCOG Reply]. CAN filed a reply on June 23, 1999 [CAN Reply]. NECNP's reply was filed on June 24, 1999 [NECNP Reply]. On June 29, 1999, YAEC filed a Motion for Leave to Reply to NECNP's and CAN's Replies, a motion that we grant.⁴ Finally, on July 6, 1999, the NRC Staff filed its timely response to LBP-99-22, as well as to the replies or responses filed by various other parties [Staff Response]. Faced with the foregoing plethora of papers, we turn to the substance of the proposals before us.

2. The NECNP/CAN proposals. As set forth in their June 7, 1999 proposal ["Motion for Conditions"], as well as their June 23, 1999 and June 24, 1999 replies, Intervenorors are seeking, as a condition of termination, YAEC's payment of attorneys fees and other costs of litigation. In addition, NECNP and CAN seek to have YAEC complete the discovery previously requested by NECNP or CAN and to have those responses and documents placed in the local public document room. Finally, they seek to have any termination be "with prejudice" insofar as it would affect the Commission's ruling as to their standing.

In support of this proposal, NECNP/CAN cite the extensive costs of litigating this proceeding that they have

for us to accept for filing YAEC Reply-1.

⁴Motion for Leave to Reply (Intervenorors' June 23, 1999, and June 24, 1999, Filings), dated June 29, 1999 [YAEC Reply-3].

incurred. They state (backed by an affidavit specifying particular expenses and fees for which they are seeking reimbursement) that they have invested "considerable time and money" for "over a year."⁵ They list costs and expenses of \$ 15,603 and attorneys' fees of \$ 44,254 (442.54 hours @ 100/hour), for a total of \$ 59,857.⁶

They claim that at the future date when a new LTP will likely be filed, their expenditures on this proceeding will have gone for naught: "Intervenors will not likely be able to use any of the materials or experience they have assembled to date to tackle a new LTP submitted a decade from now."⁷ They assert that, pursuant 10 C.F.R. § 2.107(a), and in the situation where, as here, the Board has issued a Notice of Hearing, we possess legal authority to condition the termination on YAEC's payment to Intervenors of such costs.

In support of the requested reimbursement, Intervenors portray YAEC's termination as an attempt to impose as much monetary cost as possible on the Intervenors. They characterize the withdrawal as "untimely." They assert YAEC had knowledge of the MARSSIM protocols⁸ more than

⁵Motion for Conditions at 1-2.

⁶Id. at 2, n.1.

⁷Id. at 3.

⁸NUREG-1575/EPA 402-R-97-106, Multiagency Radiation Survey and Site Investigation Manual (MARSSIM), dated December, 1997.

eighteen months earlier. Adoption of those protocols at this time caused the LTP to be abandoned, after Intervenor's expended much time and effort on the proceeding.⁹ "YAEC's decision to defer filing for an entire decade is plainly an attempt to avoid both this [Board's] jurisdiction of the matter and responding to the Intervenor's' legitimate and serious issues" ¹⁰

The Intervenor's go on to assert that there has been extensive public interest in this proceeding and, in particular, in the information the Intervenor's requested by way of discovery. (That information had not, as of the date of the termination motion, and has not as a result of such motion, yet been provided). The Intervenor's also reference the hydrogeological information provided by them as one of the bases for their proposed environmental contentions,¹¹ to which (as a result of the termination) no parties have responded and on which we have not acted. (The Environmental Assessment giving rise to those contentions is based on the current LTP, leading us here to dismiss those proposed contentions as moot.) NECNP/CAN assert that

⁹Proposed Findings and Conclusions, attached to Intervenor's Motion for Conditions, ¶ 1.

¹⁰Id. ¶ 3.

¹¹[NECNP's] Request for Permission to File Contentions and Contentions on the Inadequacy of NRC Staff's April 12, 1999 Environmental Assessment and Finding of No Significant Impact of Approval of the Yankee Nuclear Power Company's [LTP], dated May 17, 1999.

"Intervenors (and the public) have not obtained any reassurances about the actual levels of contamination" at the site.¹² And they call upon YAEC to perform proper hydrogeological studies to fill this information gap. The discovery responses, studies and documents may, in their view, be imposed as a condition pursuant to 10 C.F.R. § 2.107(a), and would be both provided to the Intervenors and filed in the Local Public Document Room.

3. Responses to NECNP/CAN Proposals. Of the various other parties or participants, only FRCOG supports the termination conditions sought by NECNP/CAN. It characterizes the sought discovery responses as "particularly important" to FRCOG.¹³

YAEC strongly opposes the proposed termination conditions and seeks our termination of this proceeding "without prejudice." It questions whether we have authority to award costs as a termination condition. Even assuming such authority, it questions whether the costs and fees should properly be assessed in this proceeding. YAEC characterizes the expenses incurred by NECNP/CAN as the normal type of litigation expenses for which a party would not normally be reimbursed. And it opposes the sought discovery as inconsistent with the Rules of Practice, which limit the scope of discovery to admitted contentions. With

¹²Motion for Conditions at 4.

¹³FRCOG Reply at 4.

respect to applicability to a new LTP, YAEC asserts that the admitted contentions based on the withdrawn LTP would not have any relevance. Finally, it asserts that standing must be tied to each proceeding; whether NECNP or CAN would organizationally qualify for standing regarding a new LTP, submitted many years into the future, would depend in part on the makeup and membership of the organizations at that time and whether any member would be affected by a new LTP.

The Staff for the most part takes a similar approach, favoring termination "without prejudice." The Staff agrees that standing is related to a particular proceeding. But it points out that no one has moved for the Commission to vacate its standing determination (CLI-98-21) and, accordingly, that decision remains on the books.

4. Licensing Board Analysis. It is clear that the Licensing Board has authority, given its prior issuance of a Notice of Hearing, to permit YAEC to withdraw its application on "such terms as the [Licensing Board] may prescribe." 10 C.F.R. § 2.107(a). That Rule itself does not define the conditions that may be imposed, but it manifestly does not preclude either withdrawal with prejudice, or the payment of costs and fees or the performance of the requested discovery activities as requirements of withdrawal.

a. Termination with Prejudice. YAEC first takes the position that we have no authority to terminate the

proceedings "with prejudice." It cites the rule itself (10 C.F.R. § 2.107(a)) as permitting this result only when the Commission itself grants termination and then only prior to the issuance of a Notice of Hearing.

In our opinion, YAEC's reading of the rule is tenuous at best, as well as contrary to earlier decisions. Merely because the rule explicitly permits the Commission at an early stage of the proceeding ("prior to the issuance of a notice of hearing") to terminate "with prejudice" does not necessarily or even logically mean that the more general grant of authority to Licensing Boards acting after issuance of a Notice of Hearing does not include similar authority. At that stage of the proceeding, the Licensing Board has a more detailed knowledge of the scope of a proceeding than does the Commission and thus would be in a more appropriate position to evaluate whether a termination should be with prejudice (thus barring future relitigation of similar issues). In any event, the Appeal Board previously has sanctioned a Licensing Board's exploration of the possibility of dismissal of a proceeding with prejudice. Puerto Rico Electric Power Authority (North Coast Nuclear Plant, Unit 1), ALAB-662, 14 NRC 1125 (1981). Further, the Appeal Board has explicitly confirmed a Licensing Board's authority under 10 C.F.R. § 2.107(a) to dismiss with prejudice where appropriate. Philadelphia Electric Co.

(Fulton Generating Station, Units 1 and 2), ALAB-657, 14 NRC 967, 974 (1981).

But we need not here reach the legal scope of the rule, inasmuch as we find no value to the Intervenor (to the extent they seek a "with prejudice" dismissal) of such a dismissal, except perhaps with respect to the Commission's ruling on standing. Dismissal with prejudice would amount to an adjudication on the merits of the admitted contentions. Duke Power Co. (Perkins Nuclear Station, Units 1, 2, 3), LBP-82-21, 16 NRC 1128, 1135 (1982). The contentions that we admitted were focused on the current LTP and alleged deficiencies and inadequacies therein; almost per force they could have no relevance to a future LTP based on a differing survey methodology.¹⁴

As for standing, the Commission's ruling in CLI-98-21 could be of utility to the Intervenor if they were to challenge a future LTP. As both the Staff and YAEC point out, however, standing is unique to every proceeding, depending in part on injury caused by a specific activity (such as an LTP), the identity of the person or group claiming to be affected thereby and current judicial and

¹⁴We express no opinion with respect to YAEC's termination motion insofar as it seeks dismissal of YAEC's appeal to the Commission without prejudice. We lack jurisdiction to consider that motion, or the Intervenor's attempt to have the appeal dismissed with prejudice. That motion is currently before the Commission.

administrative rulings on standing.¹⁵ We also believe that a "with prejudice" termination with respect to standing would ignore the essential usefulness of standing to determine whether persons may have an actual interest in a particular proceeding.¹⁶ Although the Commission could treat the termination as "with prejudice" with respect to its standing rulings, we lack authority to grant such a dismissal because CLI-98-21 was a ruling of the Commission itself.

However, we note that, as both the Staff and NECNP point out, there has thus far been no motion to vacate the standing rulings in CLI-98-21.¹⁷ We believe that those rulings represent a useful discussion of the basic elements of standing and can serve as guidance to the Boards and litigants generally as to the proper scope of requirements for standing. For that reason, we believe that the best course here would be for the Commission to let stand its decision in CLI-98-21 and for the Board to refrain from imposing a "with prejudice" termination with respect to standing.

¹⁵YAEC Reply-2 at 2-3; Staff Response at 6-7 and n.8. The Staff points out instances where the Commission has not required a full demonstration of standing by parties seeking to intervene in proceedings related to one in which they have been admitted. Staff Response at 6.

¹⁶Even though the scope of a proceeding on a future LTP is likely to be similar to the scope of this proceeding, the makeup of the intervening organizations may well change.

¹⁷NECNP Reply at 3; Staff Response at 5-6.

b. Reimbursement of fees and costs. The heart of the NECNP/CAN proposals is their request that termination be conditioned on reimbursement to them of their costs and fees of participation. YAEC asserts that it is doubtful that the Commission has authority to condition withdrawal on the payment of fees and expenses. It states that we could not order YAEC to pay fees and expenses and there is "grave doubt" whether we could condition withdrawal on such payment, citing an early decision in Pacific Gas & Electric Co. (Stanislaus Nuclear Project, Unit 1), LBP-83-2, 17 NRC 45, 54 (1983). It adds that the Commission has never awarded such fees and costs. It goes on to demonstrate why, even if we had the authority, imposing costs and fees as a condition of withdrawal would be inappropriate.

According to YAEC, the payment of litigation expenses as a condition of termination without prejudice is limited to cases in which the intervenor has already prevailed on specific aspects of the application (which has not happened here). YAEC distinguishes the cases cited by NECNP/CAN as based on the Federal Rules of Civil Procedure, which are not applicable here, and as premised on civil litigation, where different factors are involved, particularly a lack of the public interest function that governs NRC proceedings. Finally, YAEC characterizes the result of withdrawal as a

victory for the Intervenors, producing the result that they explicitly sought.¹⁸

YAEC's analogies are not entirely appropriate. In the first place, the Intervenors are seeking not to defeat the LTP (as YAEC claims) but rather to assure that whatever LTP might be adopted includes provisions that would protect its interests. To assert, as does YAEC, that it could withdraw any LTP with which it does not entirely agree and thereafter replace it with another is essentially to claim that the hearing process can and should be ignored. The Commission has emphatically ruled to the contrary:

The Commission [finds] it appropriate . . . to use the [license] amendment process for approval of termination plans, including the associated opportunity for a hearing, to allow public participation on the specific order required for license termination If the LTP were approved despite a failure to satisfy the requirements of 10 C.F.R. § 50.82(a)(9)(ii), then the subsequent implementation of the LTP and termination of the POL could result in the inappropriate release of a site that still poses a threat to the public health and safety . . . a decision [denying YAEC's request for approval of the LTP] would necessarily conclude that the LTP did not comply with 10 C.F.R. § 50.82(a)(9)(ii) and/or (10), and would require Yankee Atomic to draft the LTP in a way that would satisfy the requirements of those regulations . . . (emphasis supplied).

Yankee Atomic Electric Co. (Yankee Nuclear Power Station), CLI-98-21, 48 NRC 185, 196, 209-10 (1998).

Moreover, another Licensing Board determination appears to find authority for payment of fees and costs in appropriate circumstances, based in part on an Appeal Board observation in North Coast, ALAB-662, supra, 14 NRC at 1135,

¹⁸YAEC Reply-1 at 4.

n.11. See Duke Power Company (Perkins Nuclear Station, Units 1, 2 and 3), LBP-82-81, 16 NRC 1128, 1140-41 (1982) (finding payment of attorneys' fees to be authorized although unwarranted in the particular circumstance). As that Board remarked, "[i]s there something about money that takes reimbursement of litigation expenses out of the bank of possible conditions available to avoid legal harm to an adversary?" Id. at 1140. The Board ruled that "[t]he absence of specific statutory authority does not prevent boards from exercising reasonable authority necessary to carry out its responsibilities and a money condition is not necessarily barred from consideration." Id. We find that authority to be persuasive and will treat reimbursement of costs and expenses as a condition that, if warranted, we could impose under 10 C.F.R. § 2.107(a).

To determine whether litigation fees and expenses should be reimbursed, we would have to find that there has been legal harm to the Intervenor caused by some activity or action of the Licensee. The prospect of a second proceeding, standing alone, is not a legally cognizable harm. Perkins, LBP-82-81, supra, 16 NRC at 1135.

The Intervenor, however, seemingly perceive that YAEC's withdrawal at this time was designed both to cause NECNP/CAN added expenses by requiring duplicative expenses for them to protect their interests at some future date and to permit YAEC in the future to confront a different

Licensing Board more inclined than are we to accept their presentations on various issues. In short, they portray YAEC's withdrawal at this time as a type of forum shopping.

In our view, the inferences drawn by NECNP/CAN are unwarranted. YAEC appears to have valid, if not compelling, reasons for not withdrawing its current LTP until this time. The major expressed reason for the withdrawal--the planned substitution of site survey methodologies--was based on the release of the MARSSIM methodology in December 1997. This methodology had been jointly developed by numerous Federal agencies called upon to conduct site surveys--the Environmental Protection Agency, Department of Energy, Department of Defense, as well as NRC--and thus would avoid some of the multi-agency criticism to which the earlier methodology in NUREG/CR-5849 [5849] had been subject. According to YAEC, the Commonwealth of Massachusetts also concurs in the use of the MARSSIM technology. According to YAEC, "MARSSIM is considered to be more rigorous than the 5849 methodology, and it enjoys a universality of approval that the 5849 Methodology never apparently achieved." YAEC Reply-1 at 2.

The MARSSIM methodology is both lengthy and complex--its text is more than an inch of double-sided pages. It is not surprising to us that it took YAEC almost 18 months to determine that it would incorporate it into its LTP and would require a new LTP based on the complexities involved.

Moreover, under NRC regulations, YAEK is permitted to withhold filing of any LTP until two years prior to license termination, which is not predicted to take place for many years--"at least a decade," according to YAEK (Termination Motion at n.1). See also 10 C.F.R. § 50.82(a)(9)(i).

It may be true that YAEK's withdrawal of its current LTP at this time may result in the Intervenor's' expending more in total than they otherwise would have spent in litigating the adequacy of the current LTP. The opposite may also be true--Intervenor's may find less fault with a new LTP than they do with the current one. Further, although YAEK may not have agreed with all the rulings of this Board, we find no evidence at all to indicate that their withdrawal of the current LTP was motivated by forum shopping.

In any event, the litigation fees and costs for which NECNP/CAN seek reimbursement seem to be no more than the legitimate expenses of litigating a complex proceeding, for which a party would not normally be reimbursed. We believe that YAEK did not take steps that would have reduced costs to Intervenor's--such as awaiting the outcome of its motion for reconsideration of Contention 4 prior to its filing of an appeal of all contentions to the Commission. (We would have postponed the effective date of our decision on contentions to permit YAEK to seek reconsideration of one of them and nonetheless preserve its appellate rights.) But YAEK complied with all regulatory requirements in this

regard. Given our view that there has been no substantial evidence brought to our attention that YAEAC intentionally caused the Intervenor's to suffer unwarranted or unusual litigation costs, we are hereby denying as unwarranted the NECNP/CAN request for us to condition termination on reimbursement of fees and costs.

c. Continuation of Discovery. As a condition of termination, NECNP/CAN would have us require YAEAC to complete its responses to the Intervenor's interrogatories and requests for documents that were pending on the date of the termination motion and to provide the results to the Intervenor's and to the NRC for placement in the local public document room. Further, the Intervenor's ask us to order YAEAC to undertake hydrogeological studies in response to the Intervenor's conclusions set forth as a basis for their proposed contentions on the environmental assessment (which, earlier in this Order, we have dismissed as moot)¹⁹.

As summarized earlier, FRCOG strongly supports the discovery-related conditions for termination. YAEAC and the Staff each oppose their adoption. We conclude that, although we would have the authority under 10 C.F.R. § 2.107 to condition termination on YAEAC's performance of the requested discovery-related conditions, the proposed conditions are not warranted or appropriate in the present factual situation.

¹⁹Motion for Conditions at 12, 13.

Discovery, of course, is peculiarly related to particular proceedings and particular contentions. In a proceeding of this type, discovery is not available absent a Licensing Board's approval of particular contentions. 10 C.F.R. § 2.740(b). The scope of discovery is confined to the contentions that have been admitted.

In the context of this proceeding, the Licensee would have been required to respond to such discovery requests as are "relevant to the subject matter involved in the proceeding"--i.e., admitted contentions with respect to the Licensee's LTP under review.²⁰ Information and documents that may be relevant to a new LTP to be submitted some time in the future are manifestly not relevant to the subject matter of this proceeding. (To the same effect, the information and documents requested here could not under present rules be relevant to a new LTP that is not under consideration at this time.)

We note that, in one proceeding, a Licensing Board conditioned the termination of a proceeding on the preservation by the applicant (for a construction permit) of discovery documents. See Pacific Gas and Electric Co. (Stanislaus Nuclear Project, Unit 1), LBP-83-2, 17 NRC 45, 53 (1983). In that case, the parties had undertaken extensive discovery involving production of in excess of a

²⁰10 C.F.R. § 2.740(b)(1). We express no opinion as to the propriety of any of the particular discovery requests for which NECNP/CAN as well as FRCOG seek responses.

million and a half documents. The applicant itself had proposed the preservation of discovery documents for a reasonable period of time.

The facts in Stanislaus are distinguishable from those now before us. Documents already produced were involved, rather than documents for which a request has been filed. Given the likelihood of the same construction-permit application being refiled in the foreseeable future, and given the concurrence of the applicant and Staff in the proposal, the condition was believed by the Licensing Board to serve a legitimate and useful purpose.

In contrast, requiring the not-yet-undertaken discovery responses requested by the Intervenor here as a condition of termination would not appear to serve any useful purpose in this proceeding and would not be authorized with respect to a future proceeding. We are thus denying the request.

Intervenors' request for hydrogeological studies is, in the context of NRC's discovery rules, even less warranted than the other discovery requests. The studies being sought would be in response to scientific opinions expressed as a basis for proposed contentions on which we have never ruled, and which we are dismissing as moot by this Order. The studies would be outside the scope of the discovery rules because they would not even bear on an admitted contention. We are accordingly denying the Intervenor's request for hydrogeological studies.

Finally, Intervenors have set forth public-interest reasons why the discovery they seek and the studies they wish to have performed should be included as a termination condition. We, however, can find no justification for granting a discovery request that is essentially outside the scope of the discovery rules governing this proceeding.

5. Conclusion. Intervenors in this proceeding have played a useful role in pointing out possible deficiencies in the LTP before us. We commend their efforts in doing so. However, the proceeding has not yet progressed to the stage at which we could ascertain the legitimacy of their claims. YAEC has now withdrawn the LTP, for an expressed rationale that we find reasonable if not compelling and possibly premised in part on the criticisms raised by the Intervenors. We are accordingly granting YAEC's termination motion without prejudice and without imposing any conditions.²¹

²¹In submitting an LTP in the future (which it is required by regulation to do), the Licensee may wish to preclude or limit further litigation of the type involved here by consulting interested persons (including representatives of NECNP, CAN and FRCOG) prior to such submission. Consultation among the parties in the case of the LTP being reviewed here might have been preferable to litigation as a means of resolving the questions raised by the contentions. In that regard, certain of the contentions appear to us to have focused on the clarity of the LTP rather than upon its substance and thus might have been resolved through minor negotiation.

6. Order.

For the reasons set forth above, it is, this 28th day of July, 1999,

ORDERED:

1. The Intervenor's proposed late-filed contentions, dated May 17, 1999, are hereby dismissed as moot.

2. The Licensee's motions for us to accept for filing its replies dated June 14, 1999 [YAEC Reply-1] and June 29, 1999 [YAEC Reply-3], and the Intervenor's requests for us to accept for filing their replies dated June 23 and 24, 1999 [CAN reply; NECNP Reply] are hereby granted.


3. Intervenor's Motion for Conditions, dated June 7, 1999, is hereby denied.


4. The motion of YAEC to terminate this proceeding without prejudice is hereby granted. (To the extent YAEC's termination motion seeks dismissal of its appeal to the Commission, that matter is still pending before the Commission and is subject to Commission action.)

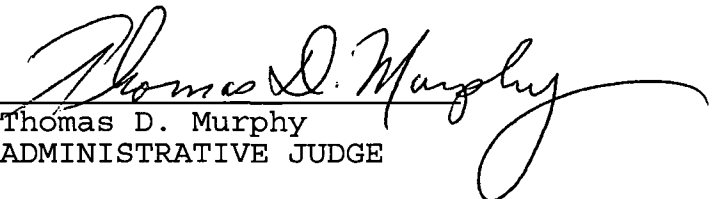
5. This Memorandum and Order is effective immediately and will become the final order of the Commission in this matter forty (40) days after its issuance date unless any party petitions for Commission review in accordance with 10 C.F.R. § 2.768, or unless the Commission takes review sua sponte. Any party may file a petition for review within fifteen (15) days of service of this Memorandum and

Order, conforming to the requirements set forth in 10 C.F.R.
§ 2.786(b).

The Atomic Safety and
Licensing Board


Charles Bechhoefer, Chairman
ADMINISTRATIVE JUDGE


Dr. Thomas S. Elleman *by CB*
ADMINISTRATIVE JUDGE


Thomas D. Murphy
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 28, 1999

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
YANKEE ATOMIC ELECTRIC COMPANY)	Docket No. 50-029-LA
)	
(Yankee Nuclear Power Station))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (TERMINATION OF PROCEEDING) (LBP-99-27) 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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Docket No. 50-029-LA

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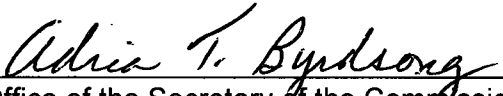
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Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 29 day of July 1999