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UNITED STATES OF AMERICA
before the
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of

VERMONT YANKEE NUCLEAR
POWER CORPORATION

(Vermont Yankee Nuclear
Power Station)

Docket No. 50-271-OLA

(Spent Fuel Pool
Expansion)

MOTION TO DISMISS PROCEEDING

NECNP and The Commonwealth of Massachusetts, being the only intervenors in this proceeding, having withdrawn therefrom and having withdrawn the sole remaining contention therein,¹ and the proceeding having thereupon become uncontested, the licensee, Vermont Yankee Nuclear Power Corporation moves that the proceeding be dismissed. See *Philadelphia*

¹The contention (known as "Environmental Contention 1") was admitted by the Licensing Board, whose decision was reversed on referral by the Appeal Board, whose decision in turn was referred to this Commission, where it is presently pending. The contention was unilaterally withdrawn by the "New England Coalition on Nuclear Pollution's and Massachusetts Attorney General's Statement of Withdrawal from Vermont Yankee License Amendment Proceedings" filed under date of May 1, 1990.

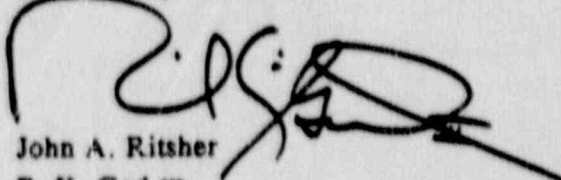
At various times, three other contentions have been admitted in this proceeding. Contention 1 was withdrawn in open court on March 22, 1989. *Vermont Yankee Nuclear Power Corp.* (Vermont Yankee Nuclear Power Station), "Memorandum and Order (Report on Oral Argument)" (April 13, 1989). Environmental Contention 2 was withdrawn at the same time. *Id.* Environmental Contention 3 (except for so much of it as depended upon Environmental Contention 1) was dismissed (by agreement) on June 30, 1989. *Vermont Yankee Nuclear Power Corp.* (Vermont Yankee Nuclear Power Station), "Memorandum and Order (Environmental Contention 3)" (June 30, 1989). Thus, on May 1, 1990, Environmental Contention 1 was the last remaining contention, and upon its withdrawal, the proceeding became *ipso facto* uncontested.

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Electric Company (Limerick Generating Station, Units 1 and 2), ALAB-
£30, 23 NRC 59, 60 (1986).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. A. Ritscher', with a long horizontal flourish extending to the right.

John A. Ritscher

R. K. Gad III

Ropes & Gray

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Attorneys for the Licensee.

*Vermont Yankee Nuclear Power
Corporation*

Dated: May 3, 1990.

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Certificate of Service

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I, R. K. Gad III, hereby certify that on May 3, 1990, I made service of the within "Motion to Dismiss Proceeding" by mailing a copy thereof, first class mail, postage prepaid, as follows:

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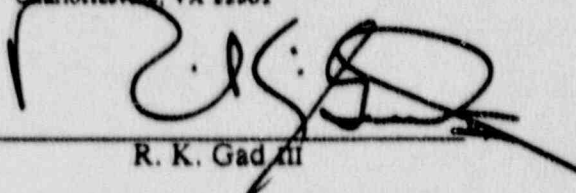
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