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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))

84 AGO -6 P2:37
DOCKET NO. 50-244 OL
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 All other contentions are deemed to be withdrawn."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

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Partner

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August 3, 1984

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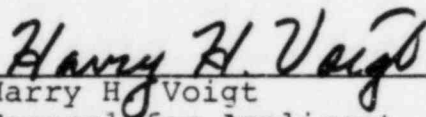
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