

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Shirley Ann Jackson, Chairman
Kenneth C. Rogers
Greta J. Dicus
Nils J. Diaz
Edward McGaffigan, Jr.

SERVED OCT 18 1996

In the Matter of)

YANKEE ATOMIC ELECTRIC COMPANY)

(Yankee Nuclear Power Station))

Docket No. 50-029-DCOM
Decommissioning Plan

CLI-96-9

ORDER

On September 27, 1996, the Atomic Safety and Licensing Board issued a decision and order granting Yankee Atomic Electric Company's ("YAEC") Motion for Summary Disposition in this decommissioning proceeding. LBP-96-18. The Citizens Awareness Network and New England Coalition on Nuclear Pollution ("intervenors") filed a Petition for Review of LBP-96-18 and also sought to stay the effectiveness of that order pending Commission consideration of their Petition for Review. The Commission on October 2, 1996, issued a "housekeeping stay" to permit consideration of the Petition for Review and the Stay Motion. On October 9, 1996, the Commission entered a second housekeeping stay, preventing YAEC from undertaking proposed "minor" decommissioning activities. Both the NRC staff and YAEC

subsequently filed answers opposing intervenors' petition and stay motion.

The Commission now concludes that the Petition for Review raises no substantial questions calling for Commission review of the Board's grant of summary disposition. See 10 C.F.R. § 2.786(b)(4). We therefore deny the Petition for Review and dismiss the Stay Motion as moot.

We understand that intervenors may seek judicial review of this final Commission action and, in the process, may seek a judicial stay preventing resumption of decommissioning activities by YAEC. To permit a reviewing court to consider such a stay request in an orderly way, we will adopt a two-stage administrative stay.¹ First, the stay will remain in effect until seven (7) calendar days after the issuance date of this order. Second, if the intervenors file a petition for review and a motion for a judicial stay with an appropriate United States Court of Appeals within that time, the administrative stay will automatically be extended for an additional fourteen (14)

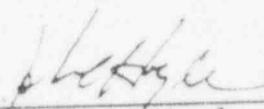
¹ This stay temporarily keeps in effect the housekeeping stays issued by the Commission on October 2 and 9, 1996.

calendar days or until the court of appeals acts on the request for a judicial stay, whichever comes first. Cf. Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), CLI-91-08, 33 NRC 461, 471-42 (1991).

It is so ORDERED.



For the Commission,



John C. Hoyle
Secretary of the Commission

Dated at Rockville, Maryland
this 15th day of October, 1996

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In the Matter of

YANKEE ATOMIC ELECTRIC COMPANY

(Yankee Nuclear Power Station)

Docket No.(s) 50-029-DCOM

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMISSION ORDER (CLI-96-9) 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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COMMISSION ORDER (CLI-96-9)

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Dated at Rockville, Md. this
18 day of October 1996


Office of the Secretary of the Commission