

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 04/26/99

SERVED 04/26/99

Shirley Ann Jackson, Chairman
Greta Joy Dicus
Nils J. Diaz
Edward McGaffigan, Jr.
Jeffrey S. Merrifield

In the Matter of)
)
BOSTON EDISON COMPANY and ENTERGY)
NUCLEAR GENERATION COMPANY)
)
(Pilgrim Nuclear Power Station))
)
)
)

Docket No. 50-293-LT

CLI-99-17

MEMORANDUM AND ORDER

On December 21, 1998, pursuant to Section 184 of the Atomic Energy Act, 42 U.S.C. § 2234, Boston Edison Company ("BECO," the sole owner and operator of the Pilgrim Nuclear Power Station) and Entergy Nuclear Generation Company ("Entergy Nuclear") filed an application jointly seeking the Commission's authorization, pursuant to 10 C.F.R. § 50.80, to transfer from BECO to Entergy Nuclear both the Facility Operating and the Materials Licenses for Pilgrim. Under the applicants' proposal, Entergy Nuclear would assume BECO's ongoing obligations for capital investment and operating expenses and also for any escalations in decommissioning obligations above the amount prefunded by BECO. The applicants also seek conforming amendments to the two licenses, pursuant to 10 C.F.R. § 50.90.

On January 26, 1999, the Commission published a notice of this request in the Federal Register, announcing that affected persons could file intervention petitions and hearing requests. On February 16th, the Attorney General for the Commonwealth of Massachusetts ("the AG") and Locals 369 and 387 of the AFL-CIO's Utility Workers Union of America (collectively "the unions") filed timely hearing requests and intervention petitions in opposition to BECO's license transfer request. However, the applicants and petitioners subsequently settled their differences and, on April 7th and 16th respectively, the unions and the AG filed notices of withdrawal. Under Commission case law, the withdrawal of all intervenors brings a proceeding to a close. North Atlantic Energy Serv. Corp. (Seabrook Station, Unit 1), CLI-99-16, 49 NRC __ (April 26, 1999) and cited cases.

As all petitioners to intervene have withdrawn their petitions, this proceeding is terminated.

IT IS SO ORDERED.

For the Commission
Original signed by
Annette L. Vietti-Cook

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 26th day of April, 1999.