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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF'S RESPONSE TO YANKEE ATOMIC ELECTRIC
COMPANY'S MOTIONS TO STRIKE UNAUTHORIZED PLEADINGS

Pursuant to 10 C.F.R. § 2.730, the staff of the Nuclear Regulatory Commission (Staff) hereby responds to "Motion of Yankee Atomic Electric Company To Strike Unauthorized Planning Board Pleading," dated April 30, 1998, and "Motion Of Yankee Atomic Electric Company to Strike Unauthorized NECNP Pleading," dated May 1, 1998. For the reason set forth below, the Staff supports both motions.

In response to a notice in the *Federal Register*, the Commission received four letters requesting hearings regarding the License Termination Plan for the Yankee Nuclear Power Station.¹

¹ These letters were from New England Coalition on Nuclear Pollution, Citizens Awareness Network, Nuclear Information and Resource Service, and the Franklin Regional Planning Board. See Letter to the Secretary of the Commission from the New England Coalition on Nuclear Pollution, February 24, 1998; Letter to Chairman Shirley A. Jackson from Citizens Awareness Network, February 26, 1998; Letter to the Office of the Secretary from Nuclear Information and Resource Service, February 27, 1998; and Letter to the Office of the Secretary from Franklin Regional Planning Board, February 27, 1998.

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The Staff and Yankee Atomic Electric Company (YAEC) filed responses to these letters.² On March 25, 1998, the Atomic Safety and Licensing Board (Board) designated in the above-captioned proceeding issued a Memorandum and Order directing that any petitioner intending to amend its petition should file such amendment within seven days of the receipt of the Order. Order at 1. The Board further provided YAEC and the Staff with five days after receipt of any amendment to file a response. *Id.* at 2.

On April 6, 1998, amended petitions were filed by the New England Coalition on Nuclear Pollution (NECNP) and the Franklin Regional Planning Board (FRPB). "New England Coalition on Nuclear Pollution, Inc., Amended Petition to Intervene in License Amendment Proceeding for the Yankee Nuclear Power Station License Termination Plan"; "Amendment to Franklin Regional Planning Board's Request for Hearing." In accordance with the Board's Order, the Staff and YAEC filed their responses to these amended petitions. "Response of Yankee Atomic Electric Company to Amendments to Petitions to Intervene," April 13, 1998; "NRC Staff's Response to Amendment to Franklin Regional Planning Board's Request for Hearing," April 14, 1998; "NRC Staff's Response to New England Coalition on Nuclear Pollution's Amended Petition to Intervene," April 17, 1998.

On April 28, 1998, FRPB and NECNP filed replies to the Staff's and YAEC's responses. "Franklin Regional Planning Board's Reply to Yankee Atomic Electric Company's and NRC Staff's

² "NRC Staff's Response to Requests for Hearing," March 16, 1998; "Answer to Petition to Intervene and Request for Hearing of Franklin Regional Planning Board," March 11, 1998; "Answer to Petition and Request for Hearing of New England Coalition on Nuclear Pollution, Inc.," March 11, 1998; "Answer to Petition to Intervene and Request for Hearing of Nuclear Information and Resource Service," March 11, 1998; "Answer to Petition to Intervene and Request for Hearing of Citizens Awareness Network, Inc.," March 11, 1998.

Answers to Franklin Regional Planning Board's Amendment"; "Reply of New England Coalition on Nuclear Pollution Inc., to Yankee Atomic Electric Company's and the NRC Staff's Answers to Amended Petitions."

Neither the Commission's regulations nor the Board's Order authorizes the filing of replies to the Staff's and YAEC's responses to the amended petitions. Accordingly, the Staff supports YAEC's motions to strike the unauthorized replies.

Respectfully submitted,

Ann P Hodgdon
Ann P. Hodgdon
Counsel for NRC Staff

APH for
Marian L. Zabler
Counsel for NRC Staff

Dated at Rockville, Maryland
this 12th day of May, 1998

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NUCLEAR REGULATORY COMMISSION

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(Yankee Nuclear Power Plant))

OFFICE OF SECURITY
RULEMAKING AND
ADJUDICATIONS STAFF

Docket No. 50-029-LA

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO YANKEE ATOMIC ELECTRIC COMPANY'S MOTIONS TO STRIKE UNAUTHORIZED PLEADINGS" in the above-captioned proceeding have been served on the following through deposit in the Nuclear Regulatory Commission's internal mail system, or by deposit in the United States mail, first class, as indicated by an asterisk this 12th day of May, 1998:

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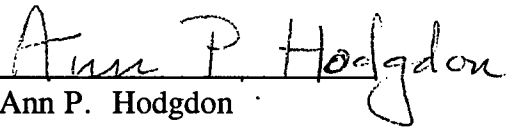
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