

06/11/80

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
MAINE YANKEE ATOMIC POWER COMPANY) Docket No. 50-309
(Maine Yankee Atomic Power Station)) (Spent Fuel)

NRC STAFF'S RESPONSE TO CONTENTIONS
FILED BY SENSIBLE MAINE POWER

I. BACKGROUND

By Order dated January 25, 1980, the Atomic Safety and Licensing Board (the "Licensing Board") ruled that Sensible Maine Power's ("Petitioner") specific contentions must be filed by April 28, 1980. Pursuant to this Order, Petitioner submitted a timely statement of its specific contentions. The Staff's position with regard to the admissibility of those contentions is set forth below.

II. CONTENTIONS REQUIREMENTS

As a general matter, for the contentions proposed to be admissible, they must fall within the scope of the issues set forth in the Federal Register Notice of Hearing (Notice of Hearing) (See Public Service Company of Indiana, Inc. (Marble Hill Nuclear Generating Station, Units 1 and 2), ALAB-316, 3 NRC 167, 171 (1976)) in this proceeding, 44 Fed. Reg. 61273 (October 24, 1979), and comply with the requirements of 10 CFR § 2.714(b) and applicable

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Commission case law. See, e.g., Duquesne Light Co. (Beaver Valley, Unit No. 1), ALAB-109, 6 AEC 243, 245 (1973); Northern States Power Co. (Prairie Island, Unit Nos. 1 and 2), ALAB-107, 6 AEC 188, 194 (1973), aff'd, BPI v. Atomic Energy Commission, 502 F.2d 424, 429 (D.C. Cir. 1974). 10 CFR § 2.714(b) requires that a list of contentions which petitioners seek to have litigated be filed along with the bases for those contentions set forth with reasonable specificity. A contention must be rejected where:

- (a) it constitutes an attack on applicable statutory requirements;
- (b) it challenges the basic structure of the Commission's regulatory process or is an attack on the regulations;
- (c) it is nothing more than a generalization regarding the intervenor's views of what applicable policies ought to be;
- (d) it seeks to raise an issue which is not proper for adjudication in the proceeding or does not apply to the facility in question; or
- (e) it seeks to raise an issue which is not concrete or litigable.

Philadelphia Electric Co. (Peach Bottom Atomic Power Station, Units 2&3), ALAB-216, 8 AEC 13, 20-21 (1974).

The purpose of the basis requirement of 10 CFR § 2.714 is to assure that the contention in question does not suffer from any of the infirmities listed above, to establish sufficient foundation for the contention to warrant further inquiry of the subject matter in the proceeding, and to put the other parties sufficiently on notice "so that they will know at least generally what they will have to defend against or oppose." Peach Bottom,

supra at 20. From the standpoint of basis, it is unnecessary for the petition "to detail the evidence which will be offered in support of each contention". Mississippi Power & Light Co. (Grand Gulf Nuclear Station, Units 1&2), ALAB-130, 6 AEC 423, 426 (1973). Furthermore, in examining the contentions and the bases therefor, a licensing board is not to reach the merits of the contentions. Duke Power Co. (Amendment to Materials License SNM-1773 - Transportation of Spent Fuel From Oconee Nuclear Station for Storage at McGuire Nuclear Station), ALAB-528, 9 NRC 146, 151 (1979); Peach Bottom, supra at 20; Grand Gulf, supra at 426.

In a recent decision, Houston Lighting and Power Company (Allens Creek Nuclear Generating Station, Unit 1), ALAB-590, 11 NRC _____ (April 22, 1980), the Appeal Board applied the principles described above governing the admissibility of contention. The decision emphasized that in ruling on the admissibility of contentions, a licensing board is not to venture beyond the contention and its stated basis into the merits of the contention. Any question concerning the validity of the contention or of its basis must be left for consideration when the merits of the controversy are reached, i.e., through summary disposition or in the evidentiary hearing. Id., slip. op. at 8-16.

In sum, at the petition stage, it is incumbent upon the Petitioner to (1) set forth contentions which are sufficiently detailed and specific to demonstrate that the issues raised are admissible and that further inquiry is warranted, and to put the other parties on notice as to what they will have to defend

against or oppose and (2) set forth the reasons (basis) for each of the contentions without having to detail the evidence which would later be offered in support of each contention.

III. CONTENTIONS

The Petitioner has submitted fourteen contentions. These contentions, as well as the Staff position on each, follow.

Contention 1

1. Neither Applicant nor Staff has adequately considered alternatives to the proposed disassembly/reassembly/compaction scheme, (hereinafter "d/r/c scheme"). Alternatives which should be considered are set forth below. Those lettered (a) through (g) will avoid altogether the potential risks and adverse consequences of: the increased liquid, gaseous and heat emissions referenced in Contention 2; the Class 9 or other severe reactor accident situations referenced in Contention 3; the occupational exposure or health and safety considerations referenced in Contention 5; the operating procedures deficiencies referenced in Contention 6; the materials integrity or deterioration hazards referenced in Contention 7; the failures due to external traumatic causes referenced in Contentions 8 and 9; handling accidents referenced in Contention 10; the long-term storage consequences referenced in Contention 11 (regarding compaction only); the loss of water or loss of cooling function from internal failures referenced in Contention 12; and the impairment of coolant function or flow characteristics referenced in Contention 13. The alternatives lettered (h) through (l) would significantly postpone, for a period of at least several years, any necessity of enduring the risks and consequences referenced immediately above.

The alternatives which should be considered are:

- (a) The Construction of another, new or additional spent fuel pool onsite;
- (b) The physical expansion or enlargement of the existing spent fuel pool;
- (c) The construction of a new spent fuel pool offsite;

- (d) The contracting out or trans-shipment of spent fuel for storage at another power plant, or commercial or government-owned spent fuel storage facility, current information of the Commission indicating that the same will be available before 1983;
- (e) Other alternative storage opportunities, whether governmental or private, currently under study, analysis or review;
- (f) Conversion of facility enabling it to burn coal, oil, gas, or other non-nuclear fuel;
- (g) Closing or shutting down the facility;
- (h) Derating the facility, that is, reducing plant output and thereby reducing the generation of spent fuel;
- (i) Extending fuel burnup times and thereby reducing the generation of spent fuel;
- (j) The purchase of less expensive electrical power from readily available sources, (e.g., The Hon. Rene Levesque, Prime Minister of Quebec, recently visited Maine seeking a market for less expensive Canadian hydroelectric power);
- (k) Development or utilization of hydroelectric capability at existing dam sites within the State of Maine; and
- (l) Development of other power sources. [Footnote omitted]

Staff Position

In this contention Petitioner lists 12 alternatives (Contentions 1(a)-(l)) which it asserts have not been considered by the Applicant or the Staff. With regard to these alternatives, Petitioner states as basis that each of the alternatives will avoid or postpone the concerns specified in other contentions set forth in its "Intervenor's Specific Contentions". Such concerns include, inter alia, the increase in radioactive emissions (Contention 2) and occupational exposures from the compaction proposal (Contention 5). The Staff believes that this statement of basis satisfies the

"basis" requirements of 10 CFR § 2.714. The Staff believes that alternatives (e), (j), and (l), however, fail to satisfy the specificity requirement of 10 CFR § 2.714 and, thus, must be rejected as contentions. These alternatives are so broadly framed, due to the words "other alternative storage opportunities" (alternative (e)), "readily available sources" (alternative (j)),^{1/} "other power sources" (alternative (l)) that they are not litigable because they do not alert the other parties as to the specific alternatives that must be considered. Alternatives (a) through (d), (f) through (i) and (k) are sufficiently specific to notify the other parties what alternatives the petitioner is asserting, require consideration.

Accordingly, the Staff believes that contentions (a) through (d), (f) through (i), and (k) should be accepted and that contentions (e), (j) and (l) should be rejected.^{2/}

^{1/} This contention could be made more specific by limiting its scope to the importation of power from Canada.

^{2/} This contention raises questions about the need to consider particular alternatives to the proposal to expand the capacity of a spent fuel pool. This question appears to be a mixed question of law and fact. While the Staff believes that a portion of this contention should be admitted at this stage of the proceeding, the legal question, whether alternatives to the proposal to increase capacity at Maine Yankee should be considered in this proceeding, remains to be addressed. The answer to this question depends on whether the proposed action will significantly harm the environment or bring into serious question the manner in which this country's resources are being expended. NEPA Section 102(2)(C) (42 USC 4332(2)(C), the source of the requirement that environmental impact statements be prepared in connection with major Federal actions affecting the quality of the human environment) and (D) (42 USC 4332(2)(E), provides that "...all agencies of the Federal government shall...(E) study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources....") and Portland General Electric Company, et al. (Trojan Nuclear Plant), ALAB-531, 9 NRC 263, 266 (1979).

Contention 2

2. Neither Applicant nor Staff has adequately analyzed the probability or effects of the liquid and gaseous radioactive emissions likely to result from the proposed d/r/c scheme, nor has there been any showing that adverse environmental effects from the same will be kept within regulatory limits. Harmful emissions most likely to occur are Iodine 131, Cesium 137, Strontium 90, and Tritium. Further, the adverse environmental impact of additional heat likely to be discharged in the vicinity of the plant as a result of the proposed d/r/c scheme has not been adequately analyzed by Applicant or Staff, and such failures violate NEPA.

Such emissions are rendered more likely by the significantly increased handling and rehandling of spent fuel, higher concentrations of spent fuel, and the greater decay heat generated by spent fuel, in the proposed d/r/c scheme.

Staff Position

Although the Staff believes that the subject matter covered by this contention, effects of heat and radioactivity, is proper for consideration in this proceeding, the Staff believes that the specific contention set forth above does not meet the specificity requirements of 10 CFR § 2.714. Petitioner has set forth adequate basis (i.e., increased handling and higher concentrations of spent fuel due to the proposal) to support a contention that there will be an increase in the radioactivity and heat from the proposed compaction. Accordingly, the Staff believes this contention is proper.

Contention 3

3. Applicant's proposal does not ensure that spent fuel pool conditions will be maintained within regulatory or design limits in the event of a Class 9 or other extreme accident in the main reactor. Neither Applicant nor Staff has shown that in such case the electrical systems, cooling systems, and plant personnel will function sufficiently well to ensure continued safe operation of the spent fuel pool. Further, and given greater amounts of more densely packed fuel, all adverse consequences will be worsened by Applicant's scheme, including cladding fires and spent fuel explosions.

Staff Position

This contention seeks to litigate and consider the consequences of a Class 9 accident. On May 15, 1969 the Commission approved the issuance of a "Statement of Interim Policy" which deals with "Nuclear Power Plant Accident Considerations Under the National Environmental Policy Act of 1969." In that document, the Commission announced the "withdrawal of the proposed annex to Appendix D of 10 C.F.R. Part 50 and the suspension of the rulemaking proceeding that began with the publication of that proposed Annex on December 1, 1971." (p. 1). As interim guidance, the Commission determined that the probability and consequences of accidents resulting in the melting of the reactor core should be discussed in environmental impact statements issued henceforth. The statement of interim policy would appear to allow litigation of contentions involving a so-called core-melt event. However, as indicated supra, the consideration of a core-melt event must be within the scope of issues set forth in the relevant notice of hearing (44 Fed. Reg. 61273, October 24, 1979). In this proceeding, the scope of the action is an expansion of the spent fuel pool. Therefore, in order to litigate the consequences of a core-melt event, the Petitioner must allege (and provide a basis for the allegation) that either the probability or consequences of a core-melt event would be worsened by the proposed amendment. The Petitioner has not attempted to do the former, but has asserted that core-melt consequences will be greater because the more densely packed rods in the pool will cause, inter alia, cladding fires and ~~fuel~~ fuel explosions. The Staff, therefore, believes that the contention complies with the requirements of 10 C.F.R. § 2.714 and should be admitted as an issue in controversy.

Contention 4

4. The instant application is defective for the following reasons:²

(a) Said application is premature in that no need for the immediate approval of the d/r/c scheme has been shown. Applicant will have no need for the increased storage capacity for the next four years, and other circumstances are likely to obviate the need for Applicant's proposed amendment;

(b) Applicant has failed to submit to the Commission a specific and detailed description and analysis of the operating procedures to govern the d/r/c scheme; within any reasonable due process framework such statement must be furnished by Applicant before its proposal can be considered; and

(c) Applicant's failure to furnish said specific and detailed statement of operating procedures, and the Commission's consequent failure to analyze the same, violate NEPA, and severely disadvantage Intervenor in the formulation and preparation of Specific Contentions to the point of working a denial of due process against Intervenor and its members.

²The assertion of these defects in the instant application is neither to enumerate all defects in the application nor to waive Intervenor's rights of objection to others; rather, these particular defects are raised now in order to make a complete record upon the same.

Staff Position

4(a). The Staff supports admission of Contention 4(a) on the ground that it satisfies the specificity and basis requirements of 10 CFR § 2.714. Petitioner asserts with adequate specificity that the instant application for increased storage capacity for spent fuel is premature. As basis Petitioner states that the proposal for increased storage capacity is not needed for four years.

The Staff believes that the concern raised in contentions 4(b) and (c) (failure to describe the operating procedures), is similar to the concern

raised in Contention 6: that the Applicant has not identified the specific procedures that will govern the implementation of the compaction proposal. In our response to contention 6 we note that Petitioner had set forth adequate bases and specificity in support of the contention. Contention 6 is a contention appropriate for consideration in this proceeding. The material in Contention 4(b) and 4(c) should be consolidated with Contention 6 to avoid prolixity.

We also note with respect to the statement in footnote 2, that indicates that the assertion of the defects set forth in Contention 4 is not a complete list, that any late assertion of contentions must address the factors set forth in 10 CFR § 2.714(a)(1) with regard to nontimely filings.

Contention 5

5. Applicant has failed to demonstrate that occupational exposure resulting from the proposed d/r/c scheme will be kept within regulatory limits; workers will receive more than allowable doses from increased handling of fuel assemblies. This contention refers to the handling of normal as well as leaking or damaged fuel pins, both during fuel assembly, disassembly, and reassembly, and over the entire useful life of the spent fuel pool.

Staff Position

The Staff supports admission of this contention on the grounds that it satisfies the specificity and basis requirements of 10 CFR § 2.714, and raises an issue which is appropriate for consideration in this proceeding. Petitioner adequately specifies its concern that the Licensee has failed to demonstrate that occupational exposures of workers during implementation of

the proposal as well as after implementation during the term of the operating license^{8/} will be kept within regulatory limits. As basis for this contention, Petitioner asserts that the excessive doses to the workers will result from the proposal's increased handling of the spent fuel including some leaking and damaged fuel pins.

Contention 6

6. Applicant has not identified, described or analyzed the specific operating procedures to govern its d/r/c scheme. Such statement of procedures should include a thorough and detailed description of management, personnel and technical practices and guidelines concerning the hiring, testing, training and supervision of all personnel to be engaged in the d/r/c scheme.

The need for the same is especially critical where insufficiently trained, untrained, unqualified or improperly supervised personnel have been engaged in potentially hazardous activities in the recent past: E.G., "Inspection 50-309/80-04" reveals the following failures in Applicant's operation of its spent fuel pool: February 11, 1980, worker knocked into pool; February 18, 1980, improper positioning of fuel assembly; February 20, 1980, inadvertent removal of CEA from fuel assembly.

^{8/} If Petitioner by the words "useful life of the spent fuel pool" is seeking to litigate exposure beyond the license period of the reactor and spent fuel pool, the Staff would oppose this contention on the basis that it is not an appropriate contention for this proceeding. Storage of spent fuel at Maine Yankee cannot go beyond the period of time specified in the Maine Yankee operating license which must be less than 40 years. (Atomic Energy Act of 1954, as amended, § 103(c); see also 10 CFR § 50.51.) Any additional period of storage at Maine Yankee could only be permitted by submission by the Licensee of an appropriate application. Such an application would then be the subject of another entirely separate licensing action. Furthermore, as is discussed more fully below in the Staff's statement of position on Contention 11, consideration of the impacts of storage of spent fuel at Maine Yankee beyond the term of the Maine Yankee operating license is not permitted. See Virginia Electric & Power Co. (North Anna Nuclear Power Station, Units 1 & 2), ALAB-584, 11 NRC _____ (March 24, 1980, slip op. pp. 27-31.

Staff Position

The Staff supports admission of this contention on the grounds that it satisfies the specificity and basis requirements of 10 CFR § 2.714, and raises an issue which is appropriate for consideration in this proceeding. The Petitioner adequately specifies its concern that the Licensee has not identified the specific operating procedures and plans for hiring, training and supervision of workers for the proposal. As basis for this contention, Petitioner asserts that in the past untrained, unqualified and improperly supervised personnel have been engaged in activities at the Maine Yankee facility.

Contention 7

7. Applicant has not adequately considered or analyzed the materials deterioration or failures in materials integrity resulting from the increased generation of heat and radioactivity in the spent fuel pool as a result of its proposed d/r/c scheme. The adverse effects include deterioration of fuel cladding as a result of exposure to increased decay heat and radiation levels during extended periods of pool storage; loss of materials integrity of storage racks and pool liner as a result of exposure to higher levels of radiation over extended periods; and deterioration of concrete pool structure as a result of exposure to increased heat over extended periods.

Staff Position

The Staff supports admission of this contention on the grounds that it satisfies the specificity and basis requirements of 10 CFR § 2.714, and raises an issue which is appropriate for consideration in this proceeding. The Petitioner adequately specifies its concern that the Licensee has not adequately considered the effects that the additional heat and radioactivity from the proposal will have on the materials in the spent fuel pool.

Contention 8

8. Applicant has not adequately considered or analyzed the effects of extreme seismic phenomena upon the modified spent fuel pool and its contents. Such analysis should demonstrate the seismic/traumatic durability and tolerance of fuel pins, fuel assemblies, storage racks, pool liner, and concrete structure.

Such inquiry and showing by Applicant are especially critical where nearby geophisic faults and seismic phenomena were not fully known, recognized or appreciated until relatively recently, i.e., the "Robinhood Fault", within less than one-half mile of facility, was the site of an earthquake registering 4.1 on the Richter Scale in early April 1979.

Staff Position

The Staff supports admission of this contention on the grounds that it satisfies the specificity and basis requirements of 10 CFR § 2.714. The Petitioner adequately specifies its concern that the spent fuel pool and its contents have not been adequately analyzed for the required seismic event. As basis Petitioner indicates that the proposal would modify the spent fuel pool concrete, liner and assemblies as well as the storage racks for the pins and assemblies.

Contention 9

9. Applicant has not adequately considered or analyzed the effects of an aircraft crash into the spent fuel pool from the adjacent Wiscasset Airport, less than a mile from facility. Further, said airport has recently been undergoing a process of enlargement both in volume of traffic handled and in size of aircraft accommodated. In addition to the structures, devices and components noted immediately above, (Contention 8), here the traumatic tolerance of the spent fuel pool enclosure must also be considered.

Staff Position

The Staff believes that this contention is not appropriate for consideration in this proceeding. This proceeding concerns a proposal to increase the

capacity to store spent fuel at the Maine Yankee facility. The Petitioner is contending that the effects of an impact of an aircraft from the Wiscasset Airport into the spent fuel pool have not been adequately analyzed. Petitioner has completely failed to assert how this contention relates to the subject of this proceeding. Furthermore, the Staff believes that this contention lacks the necessary showing of specificity required by 10 CFR § 2.714. The words "structures, devices and components", "traumatic tolerance of the spent fuel pool enclosure", and "effects of an aircraft crash" are so broad that the contention is not litigable. Such words do not alert the parties as to the specific aspects of the Petitioner's concern. Accordingly, the Staff believes that this contention should be rejected.

Contention 10

10. Applicant has not sufficiently considered or analyzed the consequences of an accident involving the dropping of a fuel assembly or fuel cask in the pool area under the conditions created by its proposed d/r/c scheme. Given higher concentrations of fuel in the spent fuel pool, such accident is likely to yield a greater generation of heat and radioactivity.

Staff Position

The Staff supports admission of this contention on the grounds that it satisfies the specificity and basis requirements of 10 CFR § 2.714, and states an issue which is appropriate for consideration in this proceeding. The Petitioner adequately specifies its concern that the Licensee has failed to adequately analyze the consequences of an accident involving the dropping of a fuel assembly or fuel cask in the fuel pool with implementation of the proposal. As basis for this contention the Petitioner notes that the

fuel assemblies will contain more rods which could increase the consequences of an accidental drop of an assembly or cask.

Contention 11

11. Neither Staff nor Applicant has adequately considered or analyzed the long-term health, safety and environmental effects of the proposed d/r/c scheme with respect to such periods of time over which the spent fuel pool is likely to be used beyond the expiration of Applicant's operating license.

Further, insofar as Applicant fails to consider the costs of long-term operation and maintenance of the spent fuel pool beyond the expiration of its license, such failure invalidates all cost-benefit analyses relative to the proposed scheme.

Staff Position

The Staff opposes this contention on the grounds that it seeks to raise an issue which is beyond the scope of this proceeding.

This contention asserts that the Applicant and Staff have failed to adequately consider the "long-term" environmental and safety effects of the proposal beyond the term of the Maine Yankee operating license. The Commission has provided that issues concerning the long-term storage of waste beyond license terms may not be the subject of adjudication in individual licensing actions. In setting down the rulemaking proceeding to "reassess its degree of confidence that radioactive wastes produced by nuclear facilities will be safely disposed of, to determine when such disposal will be available, and whether such wastes can be safely stored until they are disposed of," the Commission stated that ". . . during this proceeding the issues being considered in the

rulemaking should not be addressed in individual licensing proceedings." Notice of Proposed Rulemaking on "Storage and Disposal of Nuclear Waste," 44 Fed. Reg. 61372, 61373 (October 25, 1979). Thus issues concerning the long-term operation of the fuel pool beyond the license-term may not be considered here. Virginia Electric & Power Co., supra.

Contention 12

12. Applicant has not adequately considered or analyzed the likelihood or consequences of a possible loss of cooling capacity or function in the spent fuel pool under the conditions presented by its proposed d/r/c scheme. More particularly, Applicant has not sufficiently considered or analyzed the effects of failures of one or more pumps, heat exchangers, transmission lines, or the loss of coolant. Applicant has not sufficiently shown or analyzed the heat and radioactivity likely to be generated in such cases, nor its ability to control the same within regulatory limits.

Staff Position

The Staff supports admission of this contention on the ground that it satisfies the basis and specificity requirements of 10 CFR § 2.714. The Petitioner adequately specifies its concern that the Licensee has not sufficiently analyzed the heat and radioactivity that would be generated if the spent fuel pool, as modified, lost its cooling capacity. As basis the Petitioner states that such cooling loss could result from the failures of "one or more pumps, heat exchangers, transmission lines, or loss of coolant".

Contention 13

13. Applicant has not adequately considered or analyzed changes in coolant flow characteristics in the spent fuel pool under its proposed d/r/c scheme. More particularly, Applicant has not shown that the cooling system will be adequate to prevent "hot spots", possible boiling, or other uncontrolled high temperature phenomena.

Staff Position

The Staff supports admission of this contention on the grounds that it satisfies the specificity and basis requirements of 10 CFR § 2.714, and raises an issue which is appropriate for consideration in this proceeding. The Petitioner adequately specifies its concern that the Licensee has not sufficiently considered the "coolant flow characteristics" of the modified spent fuel pool. The basis for this contention is understood by the Staff to be that the asserted "hot spots" and boiling will result from the asserted restricted flow that will be caused by the concentration of fuel rods if the proposal were implemented.

Contention 14

14. Neither Applicant nor Staff has shown that persons in the facility area will be safely evacuated in a timely manner in the event such action proves necessary. An adequate means of giving prompt public alarm or notice, and a safe, workable and effective evacuation plan, are essential, given the increased likelihood of accidents under Applicant's d/r/c scheme and the worsened adverse consequences resulting therefrom.

Staff Position

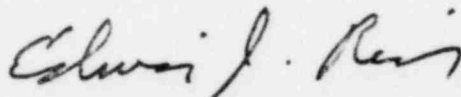
Petitioner, in essence, is contending that the Licensee's evacuation plan is inadequate. In support of this contention, however, Petitioner only asserts as basis that the compaction proposal, if implemented, would increase the likelihood of an accident and worsen the consequences. The Staff does not believe that this statement of basis supports the contention asserted by the Petitioner. Petitioner asserts that the Licensee's evacuation plan is deficient. However, Petitioner has failed to allege that the

proposed action has any relationship to or effect on the adequacy of the evacuation plan. Accordingly, the Staff believes that this contention is not appropriate for consideration in this proceeding and fails to meet the basis and specificity requirements of 10 CFR § 2.714 and should be rejected.

IV. CONCLUSION

For the reasons stated above, the Staff urges that the Licensing Board rule that Petitioner's contentions 1(a) through (d), (f) through (i) and (k), 4(a), 5, 6, 7, 8, 10, 11 and 13 be admitted as issued in controversy in this proceeding and that Petitioner's contentions 1(e), (j) and (l), 2, 3, 4(b) and (c), 9, 11 and 14 be rejected.

Respectfully submitted,



Edwin J. Rejs
Assistant Chief Hearing Counsel

Dated at Bethesda, Maryland
this 11th day of June, 1980

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

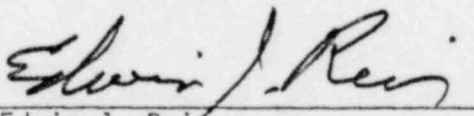
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
MAINE YANKEE ATOMIC POWER COMPANY) Docket No. 50-309
(Maine Yankee Atomic Power Station)) (Spent Fuel)

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the captioned matter. In accordance with §2.713, 10 C.F.R. Part 2, the following information is provided:

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Edwin J. Reis
Assistant Chief Hearing Counsel

Dated at Bethesda, Maryland
this 11th day of June, 1980

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
MAINE YANKEE ATOMIC POWER COMPANY) Docket No. 50-309
) (Spent Fuel)
(Maine Yanke Atomic Power Station))

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO CONTENTIONS FILED BY SENSIBLE MAINE POWER" and "NOTICE OF APPEARANCE" of Edwin J. Reis in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 11th day of June, 1980:

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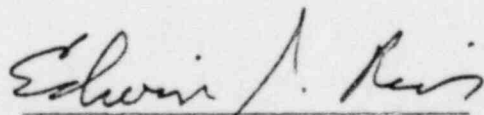
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