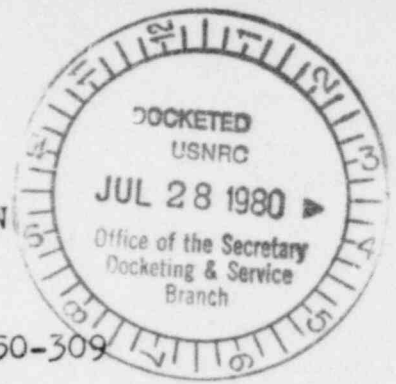


UNITED STATES NUCLEAR REGULATORY COMMISSION



In the Matter of) Docket No. 50-309
MAINE YANKEE ATOMIC POWER COMPANY) (To Increase and Modify
(Maine Yankee Atomic Power Station),) Spent Fuel Pool Capacity
Applicant.) and Systems; Compaction)

ATOMIC SAFETY AND LICENSING APPEAL BOARD

APPEAL FROM "MEMORANDUM AND ORDER
ON SCHEDULING OF PREHEARING CONFER-
ENCE AND STATUS REPORT FROM LICENSEE"

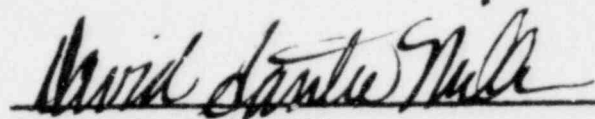
Pursuant to 10 CFR §10.714a, Intervenor Sensible Maine Power appeals the "Memorandum and Order on Scheduling of Prehearing Conference and Status Report from Licensee" of the Atomic Safety and Licensing Board Panel herein, under date of July 14, 1980.

As grounds therefor Intervenor states as follows:

1. Said decision is arbitrary, capricious, unsupported by any concrete or credible evidence, and constitutes an abuse of discretion.
2. Said erroneous decision, in its breach of several of this Commission's own regulations, constitutes a denial of procedural due process against Intervenor and against the public interest.
3. Said decision's assertion, reliance and conclusion that "The (Maine) referendum could moot the (instant) proceeding" is erroneous in fact and in law, as more fully developed below.
4. Said decision erroneously, unfairly and unlawfully protects and promotes Applicant's continuing willful violations or avoidances of the public's right to know.
5. All proper and material factors thus far developed in this

proceeding favor the prompt, timely holding of the Special Pre-hearing Conference herein without any further delay.

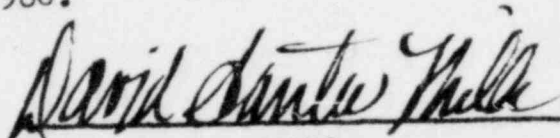
For these reasons, for the reasons in fact and in law as developed in the accompanying Brief, and for such reasons as may be developed should oral argument be had herein, Intervenor requests that the decision appealed from be reversed, and that the Special Pre-hearing Conference now due herein be had at the earliest mutual convenience of the parties.



David Santee Miller
Co-Counsel for Intervenor
213 Morgan Street, N. W.
Washington, D. C. 20001
Telephone: (202) 638-0483

CERTIFICATE OF SERVICE

I hereby certify that I have caused copies of this Appeal, the accompanying Brief, and proposed Order, to be mailed to the following named offices or individuals, first class regular mail postage prepaid, this 26th day of July, 1980.



David Santee Miller
Co-Counsel for Intervenor

Alan S. Rosenthal, Esq., Chairman
Atomic Safety & Licensing Apl. Bd.
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555 (3 copies)

Docketing & Service Branch
U. S. Nuclear Regulatory Cmsn.
Washington, D. C. 20555 (20 copies and original)

Dr. Robert M. Lazo, Esq., Chairman
Atomic Safety & Licnsng. Bd. Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Mr. Gustave A. Linenberger
Atomic Safety & Licnsng. Bd. Panel
U. S. Nuclear Regulatory Cmsn.
Washington, D. C. 20555

Dr. Cadet H. Hand, Jr., Dir.
Bodega Marine Laboratory
University of California
P. O. Box 247
Bodega Bay, CA 94923

Edwin J. Reis, Esquire
Office of Exec. Legal Dir.
U. S. Nuclear Regulatory Cmsn.
Washington, D. C. 20555

John M. R. Paterson
Deputy Attorney General
Dept. of the Atty. Gnl.
State House
Augusta, ME 04333

Thomas G. Dignan, Jr., Esq.
and R. K. Gad, III, Esq.
Ropes & Gray
225 Franklin Street
Boston, MA 02110