

October 24, 1980



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
before the
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
MAINE YANKEE ATOMIC POWER COMPANY
(Maine Yankee Atomic Power Station)

Docket No. 50-309
(Spent Fuel Pool
Compaction)

LICENSEE'S ANSWER TO MOTION OF
SENSIBLE MAINE POWER FOR AN ORDER
REQUIRING RENOTICE OF SIGNIFICANTLY
INCREASED AND MODIFIED SPENT FUEL
POOL COMPACTION AND STORAGE SCHEME

Under date of October 8, 1980, the intervenor Sensible
Maine Power (SMP) has moved this Board:

". . . to order Applicant Maine Yankee
fully and completely to notice its
amended proposal of September 29, 1980,
in the Federal Register, and to abide
all other applicable notice requirements
in the Commission's Rules and Regulations."

Maine Yankee has already abided by all notice regulations
applicable to it. Maine Yankee has neither the right nor the
duty to cause a notice to be published in the Federal Register.
NRC notices are placed in the Federal Register by the Staff.

If the motion is to be read as requesting the Board to
direct the Staff to renotice this matter, this Board does not

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have authority to issue such an order to the Staff. Carolina Power & Light Co. (Shearon Harris Nuclear Power Plant, Units 1-4), CLI-80-12, 11 NRC 514 (1980). See also Houston Lighting & Power Co. (South Texas Project, Unit Nos. 1 & 2), ALAB-381, 5 NRC 582 (1977); New England Power Co. (NEP Units 1 & 2), LBP-78-9, 7 NRC 271 (1978). Thus, SEP's motion must be denied.

Respectfully submitted,

Thomas G. Dignan, Jr.

R. K. Gad III

Ropes & Gray

Thomas G. Dignan, Jr.

R. K. Gad III

Ropes & Gray

Attorneys for the Licensee

October 24, 1980

CERTIFICATE OF SERVICE

I, Thomas G. Dignan, Jr., hereby certify that on October 24, 1980, I made service of the within document, by mailing a copy thereof, postage prepaid, to:

Robert M. Lazo, Esquire
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Mr. Gustave A. Linenberger
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Henry J. McGurren, Esquire
Office of the Executive Legal
Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Stanley R. Tupper, Esquire
Tupper and Bradley
102 Townsend Avenue
Boothbay Harbor, ME 04538

David Santee Miller, Esquire
213 Morgan Street, N.W.
Washington, D.C. 20001

John M. R. Paterson, Esquire
Deputy Attorney General
Department of the Attorney General
State House
Augusta, ME 04333

Thomas G. Dignan, Jr.

Thomas G. Dignan, Jr.