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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-OLA
(Maine Yankee Atomic Power Station))	(Spent Fuel Compaction)

APPLICANT'S ANSWER TO "SMP MOTION FOR
CLARIFICATION AND MODIFICATION OF
ORDER UPON ADMISSIBILITY OF CONTENTIONS"

On April 12, 1982, following the submission of extensive briefs and memoranda on all sides this Board issued its "Memorandum and Order" ruling upon the proposed contentions of inter alia, Sensible Maine Power Co. ("SMP"). Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station), Dkt. No. 50-309-OLA (April 12, 1982). On April 30, 1982, the State of Maine filed a petition for reconsideration, which, by

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its "Memorandum and Order" issued July 21, 1982, this Board denied. SMP filed neither a motion for reconsideration of nor objections to the Order of April 12, 1982 ruling upon its proposed contentions. See 10 C.F.R. §§ 1.751a(d), 2.752(c).

Now on September 24, 1982 -- 165 days after this Board's Order ruling upon SMP's proposed contentions -- SMP has filed a curious motion seeking unclear relief but the plain thrust of which is to express dissatisfaction with the rulings made in the Board's April 12, 1982 Order and, in some obscure fashion, to obtain the modification thereof.

The applicant believes that SMP's most recent filing is, in fact, the objections referred to in 10 C.F.R. § 2.751a(d) or § 2.752(c). As such, two conclusions follow: first, that SMP's filing is distinctly out of time (some 155 days worth), and second, that "[p]arties may not file replies to the objections unless the Board so directs." Id.

Accordingly, unless and until this Board so orders, the Applicant believes that it is not permitted to address the merits of SMP's "motion," and that, in any

event, the motion, being procedurally improper under the Rules of Practice, should be denied.

By its attorneys,

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