

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

4/2/81



In the Matter of
CONSUMERS POWER COMPANY
(Big Rock Point Plant)

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Docket No. 50-155
(Spent Fuel Pool Modification)

NRC STAFF RESPONSE TO MOTION OF
JOHN A. LEITHAUSER FOR OFFICIAL NOTICE

The Staff of the Nuclear Regulatory Commission (Staff) hereby responds to the jurisdictional question raised by the filing of Mr. Leithauser's motion before the Commission. Mr. Leithauser is not appealing any Licensing Board or Appeal Board Order. There are no matters pending before the Commission in this spent fuel pool modification proceeding. Therefore, Mr. Leithauser's motion should be referred to the Licensing Board delegated to preside over the above-captioned proceeding for further action. If any clarification of Mr. Leithauser's status is necessary, the Licensing Board should be given an opportunity, in the first instance, to make such a clarification, since it is the tribunal which initially determined Mr. Leithauser's status in this proceeding generally, and particularly with respect to the "need for power issue."

Respectfully submitted,

Janice E. Moore

Janice E. Moore
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 2nd day of April, 1981.

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CERTIFICATE OF SERVICE

I hereby certify that copies of NRC STAFF RESPONSE TO MOTION OF JOHN A. LEITHAUSER FOR OFFICIAL NOTICE 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 2nd day of April, 1981.

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