

10/28/80

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
) (Spent Fuel)
(Maine Yankee Atomic Power Station))

NRC STAFF RESPONSE TO MOTION OF SENSIBLE
MAINE POWER DATED OCTOBER 8, 1980

I. Introduction

On October 8, 1980, Sensible Maine Power (Petitioner) filed a document entitled "Motion for an Order Requiring Renotice of Significantly Increased and Modified Spent Fuel Pool Compaction and Storage Scheme." Petitioner, in essence, is requesting that this Board order that notice of Maine Yankee Atomic Power Company's (Licensee) amended proposal of September 29, 1980, be published in the Federal Register. For the reasons set forth below the Staff supports this request and attaches a proposed Federal Register notice.

II. Discussion

On September 18, 1979, the Licensee filed an application for an amendment which would revise provisions in the Technical Specifications to permit expansion of the Maine Yankee Atomic Power Station (the facility) spent fuel storage capacity from 953 to 1545 spent fuel assemblies. This proposed increase in

storage capacity was to be accomplished through a modified spent fuel pin storage concept involving the disassembly of spent fuel assemblies and reassembly into consolidated fuel bundles designed to provide a more compact fuel pin array within the existing spent fuel racks. This proposed action was noticed in the Federal Register on October 24, 1979 (44 Fed. Reg. 61273). The notice further provided that any person whose interest may be affected by the proposed amendment could submit a petition for leave to intervene in accordance with 10 C.F.R. §2.714. A timely petition for leave to intervene was filed by Petitioner. Furthermore, the State of Maine, through its Attorney General, requested the right to participate as an interested State pursuant to 10 C.F.R. §2.715(c). Thereafter, on December 3, 1979, this Board was established (44 Fed. Reg. 71490, December 11, 1979).

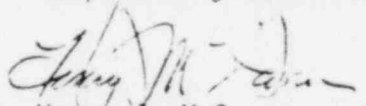
On September 29, 1980, the Licensee filed an application for an amendment which would allow an increase in spent fuel storage at the facility beyond that proposed in the September 18, 1979 application. This new proposal would allow the storage of 2430 spent fuel assemblies using the method of pin consolidation described in the September 18, 1979 application. This increased storage capacity is accomplished by the use of new storage assembly racks with closer assembly spacing than is currently in use in the spent fuel pool. With the new racks the fuel assemblies would be stored on 10.5-inch centers instead of the present storage assemblies on 12-inch centers. As a result of this aspect of the new proposal, the Licensee has furthermore requested modification of the Technical Specifications to increase the K effective from equal to or less than 0.9 (the present requirement) to equal to or less than 0.95. Finally, the new proposal would allow utilization of a spent fuel rack to occupy the facility's spent fuel cask laydown area for short-term storage.

In light of these additional proposed modifications, the NRC Staff believes that it is necessary to issue the attached "Supplement Notice of Proposed Issuance of Amendment to Facility Operating License" which would allow further opportunity for individuals to intervene on matters concerning these additional proposed modifications. We further believe that since the Licensee's proposal for increased spent fuel storage capacity at the facility is presently pending before the Board, such notice should be issued by the Board. See 10 C.F.R. §§2.105 and 2.717.

III. Conclusion

For the foregoing reasons, the Staff supports the Petitioner's request that this Board order that notice of Maine Yankee Atomic Power Company's amended proposal of September 29, 1980, be published in the Federal Register. A proposed Federal Register notice is attached.

Respectfully submitted,


Henry J. McGurren
Counsel for NRC Staff

Dated at Bethesda, Maryland,
this 28th day of October, 1980.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Robert M. Lazo, Esquire, Chairman
Mr. Gustave A. Linenberger, Member
Dr. Cadet H. Hand, Jr., Member

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

SUPPLEMENTAL NOTICE OF PROPOSED ISSUANCE OF
AMENDMENT TO FACILITY OPERATING LICENSE

A Notice of Proposed Issuance of Amendment to Facility Operating License was published in the FEDERAL REGISTER on October 24, 1979 (44 F.R. 61273) with respect to the application of Maine Yankee Atomic Power Co. (Licensee) for an amendment dated September 18, 1979, which would revise the provisions in the Technical Specifications to permit expansion of the Maine Yankee Atomic Power Station (the facility) spent fuel storage capacity from 953 to 1545 spent fuel assemblies. As indicated in this FEDERAL REGISTER notice, this increase in storage capacity was to be accomplished through a modified spent fuel pin storage concept involving the disassembly of spent fuel assemblies and reassembly into consolidated fuel bundles designed to provide a more compact fuel pin array within the existing spent fuel racks. The notice added that the amendment would not involve an increase in storage locations. On November 23, 1979, pursuant to the notice a petition for leave to intervene was filed by Sensible Maine Power. Also, on November 28, 1979, the State of Maine, by its Attorney General,

notified the Commission of its intention to participate as an interested State pursuant to 10 C.F.R. §2.715(c). Thereafter, on December 3, 1979, this Atomic Safety and Licensing Board (Board) was established to preside in this proceeding (44 F.R. 71490, December 11, 1979).

On September 29, 1980, the Licensee filed an application for an amendment which supplements the application for an amendment of September 18, 1979. The September 18, 1979 application for amendment as supplemented by the application for amendment of September 29, 1980, would permit: (1) the increase of the long-term spent fuel storage capacity of the spent fuel pool from 953 storage locations to 1500 storage locations which can accommodate 1500 spent fuel assemblies in their as discharged form or 2430 spent fuel assemblies consolidated for spent fuel pin storage as described by the application for amendment dated September 18, 1979, and (2) the utilization of a spent fuel rack to occupy the facility's spent fuel cask laydown area for short-term storage, when necessary. The increase in long-term storage capacity would be accomplished by replacement of the existing spent fuel racks in which spent fuel assemblies are stored on 12-inch centers with new racks in which spent fuel assemblies and/or spent fuel pin storage containers are stored on 10.5-inch centers. As a result of the proposal to use the new spent fuel storage racks, the Licensee has requested modification of the Technical Specifications to increase the K effective from equal to or less than 0.90 to equal to or less than 0.95.

As a result of the additional proposed modifications, the Atomic Safety and Licensing Board on behalf of the Nuclear Regulatory Commission (Commission) is hereby issuing a Supplemental Notice of Proposed Issuance of Amendment to Facility Operating License for the facility. By this Supplemental Notice the Commission is affording any person whose interest may be affected by the additional proposed modifications (the utilization of the new spent fuel storage racks to increase spent fuel storage capacity and the utilization of the fuel cask laydown area for additional temporary storage) the opportunity to participate in this proceeding.

By _____, 1980, any person whose interest may be affected by these additional modifications and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene in accordance with the provisions of 10 C.F.R. §2.714. Those who have previously filed in response to the October 24, 1979 Notice of Proposed Issuance of Amendment need not refile unless they wish to do so. If they do not refile, their rights to participate will be considered on the basis of their previous filings.

As required by 10 C.F.R. §2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Atomic Energy Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding

as to which petitioner wishes to intervene. Any person who pursuant to this notice has either filed a petition for leave to intervene or been admitted as a party may amend his petition, without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated with regard to the additional proposed modifications, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Branch or may be delivered to the Commission's Public Document Room, 1717 H Street,

N.W., Washington, D. C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 324-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Clark: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this FEDERAL REGISTER notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D. C. 20555, and to Thomas G. Dignan, Jr., Esq., and R. K. Gad III, Esq., Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 02110, attorney for the Licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the presiding officer of the Board that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 C.F.R. §2.714(a)(i)-(v) and §2.714(d).

For further details with respect to this action, see the application for amendment dated September 18, 1979, and the supplemental application dated

September 29, 1980, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C. and at the local Public Document Room at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

Dated at Bethesda, Maryland, this _____ day of _____, 19__.

FOR THE ATOMIC SAFETY AND LICENSING BOARD

Robert M. Lazo, Chairman

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 RESPONSE TO MOTION OF SENSIBLE MAINE POWER DATED OCTOBER 8, 1980" and "SUPPLEMENTAL NOTICE OF PROPOSED ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE" 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, by deposit in the Nuclear Regulatory Commission internal mail system, this 28th day of October, 1980:

Robert M. Lazo, Chairman, Esq.*
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

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

Mr. Gustave A. Linenberger*
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Thomas Dignan, Esq.
Ropes & Gray
225 Franklin Street
Boston, MA 02110

Stanley Tupper
Tupper & Bradley
102 Townsend Avenue
Boothbay Harbor, ME 04538

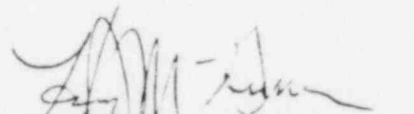
John M. R. Paterson
Deputy Attorney General
Department of the Attorney General
State House
Augusta, ME 04333

David Santee Miller
Counsel for Petitioner
213 Morgan Street, N.W.
Washington, DC 20001

Atomic Safety and Licensing Board
Panel*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing Appeal
Panel (5)*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Docketing and Service Section (7)*
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555


Henry J. McGurran
Counsel for NRC Staff

POOR ORIGINAL