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UNITED STATES NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-309

MAINE YANKEE ATOMIC POWER COMPANY

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 spent fuel storage capacity from 953 to 1545 spent fuel assembling at the Maine Yankee Atomic Power Station (the facility) located in Lincoln County Maine. 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, an 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

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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.

Pursuant to an order issued by the Board in this proceeding on January 6, 1981 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 February 27, 1981 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 fifteen (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, DC 20555, Attention: Docketing and Service Branch or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, DC 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, DC 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.

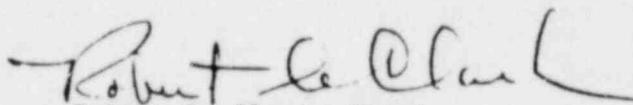
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or request for hearing will not be entertained absent a determination by the presiding officer of the Board that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 C.F.R. §2.714(a)(1)(i)-(v) and §2.714(d).

For further details with respect to this action, see (1) the application for amendment dated September 18, 1979, and (2) 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, DC and at the local Public Document Room at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 15th day of January, 1981.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, appearing to read "Robert A. Clark". The signature is written in dark ink and is positioned above the typed name and title.

Robert A. Clark, Chief
Operating Reactors Branch #3
Division of Licensing