

# Maine Yankee

321 OLD FERRY RD. • WISCASSET, ME 04578-4922

50-309  
72-30  
72-1015  
71-9270

June 15, 2004

MN-04-040

RA-04-065

## UNITED STATES NUCLEAR REGULATORY COMMISSION

Attention: Document Control Desk

Washington, DC 20555

- References:
- (1) License No. DPR-36 (Docket No. 50-309, 72-30)
  - (2) NAC Certificate of Compliance for Spent Fuel Storage Casks Issued to NAC International Inc. Certificate No. 1015, Amendment No. 3, dated March 22, 2004
  - (3) NAC International Inc., Final Safety Analysis Report (FSAR) for the UMS® Universal Storage System Docket No. 72-1015
  - (4) Certificate of Compliance for Radioactive Material Packages Issued to NAC International Inc., Certificate No. 71-9270, Revision No. 0, dated October 31, 2002
  - (5) NAC International Inc., Safety Analysis Report for the UMS® Universal Transport Cask, Docket No. 71-9270

Subject: Application for Spent Fuel Storage Cask Reapproval and Transport Cask Approval

Gentlemen:

Maine Yankee is hereby submitting applications for Spent Fuel Storage Cask Reapproval under 10 CFR Part 72 and Transportation Cask Approval under 10 CFR Part 71.

Pursuant to 10 CFR 72.240, Maine Yankee hereby submits its application for reapproval of the spent fuel storage cask design currently approved under Certificate No. 1015, (Reference No. 2). Maine Yankee is requesting that this reapproved Certificate of Compliance (CoC) be issued to Maine Yankee Atomic Power Company for the existing term due to expire on November 20, 2020 and be applicable only to the casks being used by Maine Yankee under its general license. The reapproval application is intended to make Maine Yankee, as CoC Holder, responsible for maintaining the License Conditions, Technical Specifications, and Safety Analysis Report for its dry fuel storage system through the license amendment and 72.48 regulatory processes, while retaining the services of NAC International as the NAC-UMS cask vendor.

In support of this request, Maine Yankee is providing the Maine Yankee Atomic Power Company Final Safety Analysis Report for the NAC UMS® Universal Storage System as Attachment II. This FSAR provides a reference to the Final Safety Analysis Report, (Reference No. 3) originally submitted for the approved spent fuel storage cask design, as amended, subject to minor modifications identified in Attachment II. As indicated by these minor FSAR modifications, the application is not meant to replace the NAC Final Safety Analysis

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Report but provides additional information that is specific to Maine Yankee. As such, NRC licensing review of this application and associated minor changes should result in a minimal staff resource impact and service costs.

Maine Yankee is also requesting that the condition for termination of this Certificate of Compliance be specified as the point in time when Maine Yankee no longer owns or uses the spent fuel storage casks certified under the Certificate of Compliance. At that time, if the spent fuel were to continue to be stored in these casks, Maine Yankee would provide the records specified by 10CFR72.48(d)(5), 72.154(b), 72.174, 72.234(d)(3), 72.242, 72.248(e) to the new Certificate of Compliance holder or to the NRC, if no Certificate of Compliance holder were identified.

When NRC promulgated its final rule (55FR29181) amending its regulations to provide for the storage of spent nuclear fuel under a general license, it provided an option for general licensees to apply for cask design reapproval. The rule clearly envisioned that there would be circumstances that would make it necessary for a general licensee to become a CoC holder for the fuel storage casks in use at the facility. For instance, should a cask vendor go out of the business of supplying spent fuel storage casks during the 20-year limit of cask approval, reapproval application would be required of the licensees using the spent fuel casks prior to the expiration date of the CoC and the licensees would become the CoC holders.

As previously stated, Maine Yankee is seeking reapproval to avail itself of licensing activities and regulatory responsibilities reserved solely for the holder of a Certificate of Compliance. These licensing activities and regulatory responsibilities include but are not limited to: 1) maintaining records and submitting reports under 10CFR72.242, 2) filing applications for CoC amendments under 72.244, and 3) updating the safety analysis report under 72.248.

Maine Yankee satisfies the conditions identified in 10CFR72.240 for reapproval of the certificate of compliance as described below:

- (a) Maine Yankee is a licensee using the spent fuel storage cask model approved under the existing certificate of compliance and is therefore qualified to request reapproval.
- (b) Maine Yankee's application for reapproval is accompanied by a Safety Analysis Report (Attachment I) which references the SAR originally submitted for the approved spent fuel storage cask design, as amended, subject to certain modifications.
- (c) The modifications to the SAR identified in Attachment II do not impact the conclusion that the design of the spent fuel storage cask continues to meet the conditions in 10CFR72.238.
- (d) Since this application for reapproval is not requesting any extension in term beyond the current expiration date, the storage of spent fuel has not been and will not be significantly adversely affected by structures, systems, and components important to safety.

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In addition, Maine Yankee satisfies the conditions identified in 10CFR72.234 for conditions of approval of certificate of compliance as described below:

- (a) The spent fuel storage casks used by Maine Yankee were fabricated in compliance with 10CFR72.236. They will continue to be modified, tested, and maintained in accordance with 10 CFR 72.236.
- (b) Maine Yankee maintains a quality assurance program that meets the requirements of 10CFR Part 72, Subpart G for the design, testing and maintenance of the spent fuel storage casks used by Maine Yankee. Maine Yankee has ensured that the casks were fabricated under a QA Program that met 10 CFR 72, Subpart G requirements.
- (c) Maine Yankee shall ensure that a record is established and maintained for each spent fuel storage cask used by Maine Yankee in accordance with 10CFR72.236(d).

As a 10 CFR Part 72 Certificate of Compliance holder Maine Yankee will comply with the regulations that apply to Certificate of Compliance holders with respect to the spent fuel storage casks used by Maine Yankee. These regulations include 10 CFR 72.48 and 10 CFR Subpart L, as applicable.

Pursuant to 10 CFR 71.31, Maine Yankee hereby submits its application for approval of the radioactive material package design approved under Certificate of Compliance No. 9270, identified as Package Identification No. USA/9270/B(U)F-85. Maine Yankee is requesting that this Certificate of Compliance be issued to Maine Yankee Atomic Power Company for the existing term due to expire on October 31, 2007 and be applicable only to the casks being used by Maine Yankee under its general license. In support of this request, Maine Yankee is making reference to NAC Safety Analysis Report for the UMS® Universal Transport Cask, (Reference No. 5) for the package description required by 10 CFR 71.33 and the package evaluation required by 10 CFR 71.35.

It is Maine Yankee's intention to perform purchasing, handling, shipping, storage, cleaning, assembling, inspection, testing, operation, maintenance, repair, design, and modification activities under the authority of the approved transport CoC. Maine Yankee does not intend to fabricate dry cask transport systems and therefore does not request authority to perform such activities under the authority of the approved CoC.

Pursuant to 10 CFR 71.101(f), Maine Yankee will apply its 10 CFR Part 50, Appendix B, NRC approved Quality Assurance Program to meet the quality assurance requirements, with regard to transport packages, of §§71.101 through §§71.137. Since Maine Yankee does not intend to fabricate dry cask transport systems the annual fee for quality assurance program approval under §171.16(d)10.B will continue to apply to Maine Yankee as a user only, and not a user and fabricator.

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Maine Yankee is also requesting that the condition for termination of this Certificate of Compliance be specified as the point in time when Maine Yankee no longer owns or uses the transport packages certified under the Certificate of Compliance. At that time, if the spent fuel or Greater-than-Class-C (GTCC) waste were to continue to be transported in these packages, Maine Yankee would provide the applicable records, similar to the Part 72 requirements, to the new Certificate of Compliance holder or to the NRC, if no Certificate of Compliance holder were identified.

Pursuant to 10CFR 72.140(d), Maine Yankee Atomic Power Co. is hereby notifying the Director, Office of Nuclear Material Safety and Safeguards of its intent to apply its previously approved 10 CFR 50 Appendix B (QAP) program to spent fuel storage cask activities. Pursuant to 10CFR 71.101(f), Maine Yankee Atomic Power Co. is hereby notifying the Director, Office of Nuclear Material Safety and Safeguards of its intent to apply its previously approved 10 CFR 50 Appendix B (QAP) program to transportation activities including design, assembly, testing and modification of the Radioactive Material Packages for which it holds a NRC approved Certificate of Compliance. Accordingly, Maine Yankee provides the following information:

Docket No.: 50-309

Date of Quality Assurance Program submittal requesting NRC approval: January 28, 1998, as amended on April 13, 1998 and May 26, 1998

Date of NRC approval: July 24, 1998 (Draft Rev. 14)

Date of subsequent Quality Assurance Program submittals made pursuant to 10 CFR 50.54(a): January 27, 2000 (up to Rev. 18), January 28, 2002 (up to Rev. 21), May 9, 2002 (up to Rev. 23), May 10, 2004 (up to Rev. 27)

Date of subsequent NRC reviews: April 11, 2002 and October 29, 2002.

Current Revision in Use: Revision 27

Attachment I provides information for use by the NRC in preparing the Reapproved Certificate of Compliance for Spent Fuel Storage Casks. Attachment II provides the Maine Yankee Atomic Power Co. Final Safety Analysis Report for the NAC UMS<sup>®</sup> Universal Storage System and identifies associated modifications. Attachment III provides information for use by the NRC in preparing the Certificate of Compliance for Radioactive Material Packages.

If you have any questions, please contact us.

Sincerely,



Thomas L. Williamson, Director  
Nuclear Safety and Regulatory Affairs

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Attachments

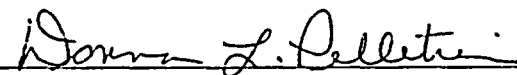
- I. Application Information for the Reapproved Certificate of Compliance For Spent Fuel Storage Casks
- II. Maine Yankee Atomic Power Co. Final Safety Analysis Report for NAC UMS® Universal Storage System
- III. Application Information for the Certificate of Compliance for Radioactive Material Packages

cc:

Dr. R. R. Bellamy, NRC Region I  
Mr. D. R. Lewis, Jr., Shaw Pittman  
Senator Charles Pray, State of Maine, Nuclear Safety Advisor  
Mr. P. J. Dostie, State of Maine, Division of Health Engineering  
Mr. S. C. O'Connor, NRC NMSS, Fuel Projects  
Mr. J. T. Greeves, NRC Director, Division of Waste Management  
Mr. H. J. Miller, NRC Regional Administrator, Region I  
Mr. J. Buckley, NRC NMSS Project Manager, Decommissioning  
Mr. M. Roberts, NRC Region I  
Mr. R. Shadis, Friends of the Coast

STATE OF MAINE

Then personally appeared before me, Thomas L. Williamson, who being duly sworn did state that he is the director, Nuclear Safety and Regulatory Affairs of Maine Yankee Atomic Power Company, that he is duly authorized to execute and file the foregoing request in the name and on the behalf of Maine Yankee Atomic Power Company, and that the statements therein are true to the best of his knowledge and belief.

  
Notary Public

My commission expires Dec. 11, 2006

**ATTACHMENT I  
APPLICATION INFORMATION FOR THE  
REAPPROVED CERTIFICATE OF COMPLIANCE  
FOR SPENT FUEL STORAGE CASKS**

Original Certificate No. 1015

Docket No. 72-1015

Amendment No. 3

Package Identification No. USA/72-1015

To Be Issued to:     Maine Yankee Atomic Power Co.  
                          321 Ferry Rd  
                          Wiscasset, ME 04578

Proposed Expiration Date: 11/20/2020

Additional Proposed Conditions:

**10.     Reapproved Certificate of Compliance Applicability**

This reapproved Certificate of Compliance issued to Maine Yankee Atomic Power Co. applies solely to the NAC UMS<sup>®</sup> spent fuel storage casks (Package Identification No. USA/72-1015) used by Maine Yankee to store spent fuel. Accordingly, Maine Yankee's regulatory responsibilities as the Certificate of Compliance holder are limited to the NAC UMS<sup>®</sup> spent fuel storage casks (Package Identification No. USA/72-1015) used by Maine Yankee to store spent fuel.

**11.     Conditions for Termination of Reapproved Certificate of Compliance**

This reapproved Certificate of Compliance issued to Maine Yankee Atomic Power Co. shall terminate in the event that Maine Yankee ceases to own or use the NAC UMS<sup>®</sup> spent fuel storage casks (Package Identification No. USA/72-1015) to store spent fuel. Prior to termination of this Certificate of Compliance, Maine Yankee shall turnover the records specified by 10CFR72.48(d)(5), 72.154(b), 72.174, 72.234(d)(3), 72.242, 72.48(e) to the new Certificate of Compliance holder or to the NRC, if no Certificate of Compliance holder were identified.

**ATTACHMENT III  
APPLICATION INFORMATION FOR THE  
REAPPROVED CERTIFICATE OF COMPLIANCE  
FOR RADIOACTIVE MATERIAL PACKAGES**

Original Certificate No. 9270

Docket No. 71-9270

Revision No. 0

Package Identification No. USA/9270/B(U)F-85

To Be Issued to:     Maine Yankee Atomic Power Co.  
                          321 Ferry Rd  
                          Wiscasset, ME 04578

Proposed Expiration Date: 10/31/2007

Additional Proposed Conditions:

6.     Certificate of Compliance Applicability

This Certificate of Compliance issued to Maine Yankee Atomic Power Co. applies solely to the NAC UMS® Universal Transport Cask Packages (Package Identification No. USA/9270/B(U)F-85) used by Maine Yankee to transport spent fuel and GTCC waste. Accordingly, Maine Yankee's regulatory responsibilities as the Certificate of Compliance holder are limited to the NAC UMS® Universal Transport Cask Packages (Package Identification No. USA/9270/B(U)F-85) used by Maine Yankee to transport spent fuel and GTCC waste.

7.     Conditions for Termination of Certificate of Compliance

This Certificate of Compliance issued to Maine Yankee Atomic Power Co. shall terminate in the event that Maine Yankee ceases to own or use the NAC UMS® Universal Transport Cask Packages (Package Identification No. USA/9270/B(U)F-85) to transport spent fuel and GTCC waste. Prior to termination of this Certificate of Compliance, Maine Yankee shall provide applicable records to the new Certificate of Compliance holder or to the NRC, if no Certificate of Compliance holder were identified.