

August 10, 2004

Mr. Charles Pray  
State Nuclear Safety Advisor  
The State of Maine  
112 State House Station  
Augusta, ME 04333-0012

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT RELATED TO MAINE YANKEE  
ATOMIC POWER COMPANY'S INDEPENDENT SPENT FUEL STORAGE  
INSTALLATION; DOCKET NO. 72-30 (TAC NO. L23714)

Dear Mr. Pray:

The U.S. Nuclear Regulatory Commission is considering Maine Yankee Atomic Power Company's (MYAPC) request submitted by letter dated February 25, 2004, and supplemented by letter dated June 8, 2004, for two exemptions. MYAPC has requested to be relieved from the requirements to: (1) develop training modules under its systematic approach to training that include comprehensive instructions for the operation and maintenance of the independent spent fuel storage installation, except for the NAC-UMS<sup>®</sup> Universal Storage System; and (2) submit an annual report pursuant to Title 10 of the Code Federal Regulations (10 CFR) 72.44(d)(3). In accordance with the requirements of 10 CFR 51.21, we have performed an environmental assessment of the effects of granting these exemptions. A copy of our draft environmental assessment is enclosed for your review. Should you have any comments or suggestions on this draft assessment, please provide them to me within 30 days from the date of this letter. If you have any questions, please do not hesitate to contact me at (301) 415-8531.

Thank you for your assistance in this matter.

Sincerely,

/RA/  
Stewart W. Brown, Sr. Project Manager  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket Nos.: 72-30, 72-1015, and 50-309

Enclosure: Draft Environmental Assessment

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U.S. NUCLEAR REGULATORY COMMISSION  
DOCKET NO. 72-30  
MAINE YANKEE ATOMIC POWER COMPANY  
INDEPENDENT SPENT FUEL STORAGE INSTALLATION  
ISSUANCE OF ENVIRONMENTAL ASSESSMENT  
AND FINDING OF NO SIGNIFICANT IMPACT  
FOR PROPOSED EXEMPTIONS

The U.S. Nuclear Regulatory Commission (NRC, or the staff) is considering issuance of two exemptions to Maine Yankee Atomic Power Company (the licensee), pursuant to Title 10 of the Code of Federal Regulations (10 CFR) 72.7, from specific provisions of 10 CFR 72.212(a), 72.212(b)(2)(i), 72.212(b)(7), and 72.214. The licensee is using the NAC-UMS<sup>®</sup> Universal Storage System to store spent nuclear fuel from the decommissioning reactor at an on-site independent spent fuel storage installation (ISFSI). The requested exemptions would allow the licensee to deviate from requirements of the NAC-UMS<sup>®</sup> Certificate of Compliance (CoC) No. 1015, Amendment 2, Appendix A, Technical Specifications for the NAC-UMS<sup>®</sup> System, Section A 5.1, Training Program, and Section A 5.5, Radioactive Effluent Control Program. Specifically, the two exemptions would relieve the licensee from the requirements to: (1) develop training modules under its systematic approach to training (SAT) that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the

NAC-UMS<sup>®</sup> Universal Storage System; and (2) submit an annual report pursuant to 10 CFR 72.44(d)(3).

#### ENVIRONMENTAL ASSESSMENT (EA)

Identification of Proposed Action: The proposed action is to exempt the licensee from regulatory requirements to develop certain training and submit an annual report. By letter dated February 25, 2004, as supplemented June 8, 2004, the licensee requested two exemptions from certain regulatory requirements of 10 CFR 72.212(a), 72.212(b)(2)(i), 72.212(b)(7), and 72.214. The proposed exemptions would allow the licensee to deviate from the requirements in CoC No. 1015, Amendment 2, Appendix A, Technical Specifications for the NAC-UMS<sup>®</sup> System, Section A 5.1, Training Program, and Section A 5.5, Radioactive Effluent Control Program. The licensee is storing spent nuclear fuel under the general licensing provisions of 10 CFR Part 72 in the NAC-UMS<sup>®</sup> Universal Storage System at an ISFSI located at the Maine Yankee Atomic Power Station in Wiscasset, Maine.

CoC No. 1015, Amendment 2, Appendix A, Technical Specifications for the NAC-UMS System, Section A5.1, Training Program, requires that a training program for the NAC-UMS<sup>®</sup> Universal Storage System be developed under the general licensee's SAT. Further, the training modules must include comprehensive instructions for the operation and maintenance of the NAC-UMS<sup>®</sup> Universal Storage System and the ISFSI. In addition, CoC No. 1015, Amendment 2, Appendix A, Technical Specifications for the NAC-UMS System, Section A5.5, Radioactive Effluent Control Program, Item c. requires an annual report to be submitted pursuant to 10 CFR 72.44(d)(3).

By exempting the licensee from the requirements of 10 CFR 72.212(a), 72.212(b)(2)(i), 72.212(b)(7), and 72.214 for this request, the licensee will not be required to either develop training modules that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-UMS<sup>®</sup> Universal Storage System; or submit an annual report pursuant to 10 CFR 72.44(d)(3).

The proposed action before the NRC is whether to grant two exemptions under the provisions of 10 CFR 72.7. The staff has reviewed the two exemption requests submitted by the licensee and determined that not requiring the licensee to: (1) develop training modules under its SAT that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-UMS<sup>®</sup> Universal Storage System; and (2) submit an annual report pursuant to 10 CFR 72.44(d)(3) are administrative changes, and would have no significant impacts to the environment.

Need for the Proposed Action: The staff has determined that the requirements of CoC No. 1015, Amendment 2, Appendix A, Technical Specifications for the NAC-UMS<sup>®</sup> System, Section A 5.1, Training Program, and Section A 5.5, Radioactive Effluent Control Program impose regulatory obligations, with associated costs, that do not provide any increase in safety benefit. Granting the requested exemptions will allow the licensee not to have to: (1) develop training modules under the SAT that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-UMS<sup>®</sup> Universal Storage System; or (2) submit an annual report pursuant to 10 CFR 72.44(d)(3). Thus, the licensee will not incur the costs associated with these activities.

Environmental Impacts of the Proposed Action: The staff has determined that the proposed action would be an administrative action that would not endanger life or property. Further, the staff concludes that there is reasonable assurance that these proposed exemptions will have no impact on off-site doses.

The proposed action would not increase the probability or consequences of accidents, no changes would be made to the types of effluents that may be released offsite, and there would be no increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action. Additionally the proposed action would have no significant non-radiological impacts.

Alternative to the Proposed Action: The alternative to the proposed action would be to deny approval of these exemptions. Denial of these exemption requests would have the same environmental impact as the proposed action.

Agencies and Persons Consulted: Only the NRC staff prepared this EA. No other sources were used. NRC staff by letter dated July 22, 2004, provided a draft of this EA to Mr. Charles Pray, State Nuclear Safety Advisor for the State of Maine for review. The State of Maine provided its comments by letter dated August XX, 2004. **OPEN UNTIL MAINE'S COMMENTS ARE PROVIDED.** The NRC staff has determined that a consultation under Section 7 of the Endangered Species Act is not required because the proposed action will not affect listed species or critical habitats. The NRC staff has also determined that the proposed action is not a type of activity having the potential to cause effects on historic properties.

Therefore, no consultation is required under Section 106 of the National Historic Preservation Act.

Conclusions: The staff has concluded that the proposed action of granting these exemptions and not requiring the licensee to develop certain training or submit an annual report will not significantly impact the quality of the human environment and does not warrant the preparation of an environmental impact statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

#### FINDING OF NO SIGNIFICANT IMPACT

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR Part 51. Based upon the foregoing EA, the NRC finds that the proposed action of granting two exemptions from the specific provisions of 10 CFR 72.212(a), 72.212(b)(2)(i), 72.212(b)(7), and 72.214 and not requiring the licensee to: (1) develop training modules under its SAT that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-UMS<sup>®</sup> Universal Storage System; and (2) submit an annual report pursuant to 10 CFR 72.44(d)(3), will not significantly impact the quality of the human environment. Accordingly, the NRC has determined that an environmental impact statement for these proposed exemptions is not warranted.

The request for these exemptions was docketed under 10 CFR Part 72, Docket 72-30. For further details with respect to this action, see the request for these exemptions dated February 25, 2004, as supplemented June 8, 2004. The NRC maintains an Agencywide

Documents Access Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this \_\_\_ of August, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

Stewart W. Brown, Sr. Project Manager  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards