

Maine Yankee

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September 2, 2004
MN-04-047

RA-04-088

Proposed Change No. 218, Supplement 3

UNITED STATES NUCLEAR REGULATORY COMMISSION
Attention: Document Control Desk
Washington, DC 20555

- References:
- (1) License No. DPR-36 (Docket No. 50-309)
 - (2) Maine Yankee Letter to the USNRC, MN-02-048, dated October 15, 2002, Revision 3, Maine Yankee's License Termination Plan
 - (3) USNRC Letter to Maine Yankee, dated February 28, 2003, Issuance of Amendment No. 168 to Facility Operating License No. DPR-36
 - (4) Maine Yankee Letter to the USNRC, MN-04-020, dated March 15, 2004, License Amendment Request: Release of Non-ISFSI Site Land, Proposed Change No. 218
 - (5) Maine Yankee Letter to the USNRC, MN-04-031, dated May 6, 2004, Release of Non-ISFSI Site Land - FSS Final Report No. 1A, Proposed Change No. 218, Supplement 1
 - (6) Maine Yankee Letter to the USNRC, MN-04-044, dated August 12, 2004, Release of Non-ISFSI Site Land - Resubmittal of FSS Final Report No. 1, Proposed Change No. 218, Supplement 2

Subject: License Amendment Request - Release of Non-ISFSI Site Land

On March 15, 2004, Maine Yankee submitted a request for amendment (Reference No. 4) to the facility operating license (Reference No. 1) pursuant to 10 CFR 50.90 and in accordance with the NRC Approved License Termination Plan (LTP) for Maine Yankee (Reference No. 2), to indicate NRC's approval of the release of the Non-ISFSI site land from the jurisdiction of the license. In support of that request, Maine Yankee supplied the information required in LTP section 1.4.2 and 5.9.3. The license amendment request contained the required dismantlement and survey information for the Spray Building (FA-1700 nine survey units) and Spray Piping (FC-0300 one survey unit) as updated by Reference No. (6). The dismantlement and survey information for the remaining non-ISFSI land and associated structures subject to the license amendment release request are being submitted to the NRC in supplemental phases as these activities are completed in accordance with the schedule as updated in Reference No. (6). In Reference No. (4) Maine Yankee requested NRC to proceed with review and approval of the license amendment in September 2004 and condition the effective date of the license amendment contingent upon the satisfactory review by the NRC of the dismantlement and survey information for the remaining non-ISFSI site land.

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In a meeting on March 17, 2004, NRC agreed to support a timely review of release records included with the initial license amendment submittal as well as the subsequent phases of release record submittals.

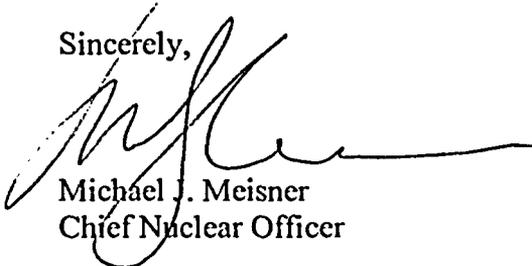
On May 6, 2004, Maine Yankee submitted the required dismantlement and survey information for several land area/building footprints making up fifteen survey units (Reference No. 5). In late May 2004, the NRC visited the Maine Yankee site and inspected FSS activities and records. As requested by Maine Yankee, NRC Staff provided at that time informal, preliminary Staff feedback on the FSS report submitted in March 2004 (Reference No. 4). During the summer of 2004, Maine Yankee incorporated NRC feedback into the release records associated with two representative, survey units. These draft or "strawman" release records were forwarded to the NRC for review. One of these was discussed in a teleconference forming the basis for Maine Yankee to revise its building related release records (Reference No. 6). The other "strawman" release record was land related and was developed to reflect the NRC informal feedback, as applicable, even though the NRC had not explicitly provided feedback on the land area FSS reports, submitted via Reference No. (5). As of this date, after almost six months of review, we understand that the NRC has performed a partial review of only four out of these twenty-five survey units and has not provided any feedback on the land related "strawman" release record.

As a result of NRC's disappointing and inadequate review progress, on August 26, 2004, Maine Yankee met onsite with Sr. NRC Managers from NRC Region I and the Office of Nuclear Material Safety & Safeguards. During this meeting, the NRC review schedule was discussed. Maine Yankee understands that (provided Maine Yankee meets the remaining submittal schedules with good quality submittals) the NRC will perform its review of the dismantlement and survey information for the remaining non-ISFSI site land in a manner which will assure timely and appropriate feedback to allow NRC to certify its acceptance of Maine Yankee's dismantlement and survey information by March 24, 2005. Therefore, Maine Yankee is no longer requesting that the NRC review and approve the license amendment in advance of receiving the remaining dismantlement and survey information. Maine Yankee understands that the issuance of the license amendment may post date the March 24, 2005 certification due to license amendment processing considerations.

This change does not affect the technical information or the significant hazards consideration contained in any of the referenced submittals and the associated Federal Register notice.

If you have any questions, please contact me.

Sincerely,



Michael J. Meisner
Chief Nuclear Officer

UNITED STATES NUCLEAR REGULATORY COMMISSION

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cc: Dr. R. R. Bellamy, NRC Region I, Division of Nuclear Materials Safety
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