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STATE OF MAINE
EXECUTIVE DEPARTMENT
OFFICE OF NUCLEAR SAFETY ADVISOR
112 STATE HOUSE STATION
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04333-0112

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November 15, 2004

Stewart W. Brown, Sr. Project Manager
Spent Fuel Project Office
Office of Nuclear Material Safety & Safeguards
U.S.N.R.C.
Rockville, Maryland 20852

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

Dear Mr. Brown:

I have reviewed the request for the two exemptions by Maine Yankee Atomic Power Company (MYAPAC) submitted in letter dated February 25, 2004, and a supplemental letter dated June 8, 2004 in which MYAPC has requested to be relieved by the Nuclear Regulatory Commission (NRC) 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[®] Universal Storage System; and (2) submit an annual report pursuant to Title 10 of the Code Federal Regulations (10 CFR) 72.44(d)(3). I have reviewed your environmental assessment of the effects of granting these exemptions and have met with MYAPC to discuss their request and understand the requests are narrow and specific.

MYAPC is using the NAC-UMS[®] Universal Storage System to hold the U.S. Department of Energy's (DOE) spent nuclear waste from the decommissioning reactor, licensed by the U.S. Nuclear Regulatory Commission, at an on-site independent spent fuel storage installation (ISFSI) also licensed by your organization, on an interim basis, until the U.S.DOE retrieves it's waste. The requested exemptions would allow the licensee to deviate from requirements of the NAC-UMS[®] Certificate of Compliance (CoC) No. 1015, Amendment 2, Appendix A, Technical Specifications for the NAC-UMS[®] 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



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ISFSI, except for the NAC-UMS[®] Universal Storage System; and (2) submit an annual report pursuant to 10 CFR 72.44(d)(3).

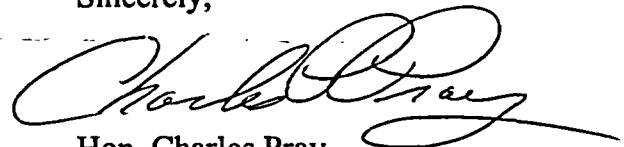
The NRC has determined "that the requirements of CoC No. 1015, Amendment 2, Appendix A, Technical Specifications for the NAC-UMS[®] System, Section A 5.1, Training Program, and Section A 5.5, Radioactive Effluent Control Program impose regulatory obligations, with associated costs, ... do not provide any increase in safety benefit."

In that, the State of Maine has no objections to the NRC granting the exemption for the current existing licensure period as long as the current outstanding statutory obligations of the United States government are met in all of its responsibility in reference to the MYAPC facility, and that no extensions of the current twenty-year licensure of the ISFSI is approved. Any extension granted by the NRC beyond that date will alter the State's approval on this and other related matters and will require a need for ongoing assessment by the State of Maine of safety benefits to the citizens of Maine beyond its original and current licensed mission. The State would be required to fully assess as to how best protect the citizens of the State from further federal lapses of obligations.

If you have any questions, please do not hesitate to contact me at (207) 287-8936.

Thank you for your patience and endurance in this matter.

Sincerely,



Hon. Charles Pray
State Nuclear Safety Advisor
The State of Maine
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