

Maine Yankee

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November 29, 2004
MN-04-057 RA-04-108

UNITED STATES NUCLEAR REGULATORY COMMISSION
Attention: Document Control Desk
Washington, D.C. 20555

Reference: License No. DPR-36 (Docket No. 72-30)

Subject: Maine Yankee Request for Exemption from Certain Requirements of 10 CFR
72.72(d)

Ladies and Gentlemen:

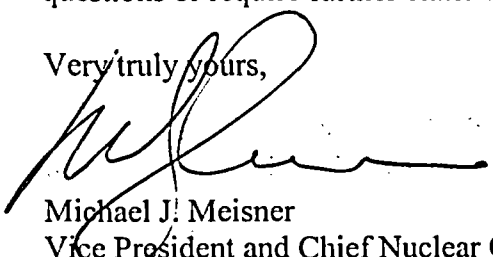
Maine Yankee respectfully requests exemption from certain requirements of 10 CFR 72.72(d) regarding the storage of spent fuel, high-level radioactive waste, and reactor-related GTCC waste records. In the enclosed exemption request, Maine Yankee proposes to maintain records of spent fuel, high-level radioactive waste, and reactor-related GTCC waste containing special nuclear material meeting the requirements in 10 CFR 72.72(a) either in duplicate as required by 10 CFR 72.72(d), or alternatively in accordance with the record storage requirements of 10 CFR 50.71(d)(1).

The records required by 72.72(d) will be maintained in a manner consistent with record storage requirements in the Maine Yankee NRC-approved Quality Assurance Program (QAP). The QAP includes a commitment to ANSI N46.2.9-1974.

The requested exemption will provide for uniform and consistent recordkeeping procedures and processes for the Maine Yankee ISFSI, and will eliminate the diversion of resources and attention necessary to maintain a duplicate set of records at a remote location. The nature and scope of this request is consistent with exemptions to 10 CFR 72.72(d) previously approved by the NRC for the Palo Verde, Rancho Seco and Diablo Canyon nuclear generating stations.

Please contact me at 207-721- 8997 or by e-mail mcisncrm@myapc.com if you have any questions or require further clarification.

Very truly yours,



Michael J. Meisner
Vice President and Chief Nuclear Officer

RM 5501

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Attachment I: Request for Exemption from Certain Requirements of 10 CFR 72.72(d)

c: Mr. S. J. Collins, USNRC Region I
Dr. R. R. Bellamy, NRC Region 1
Mr. J. T. Buckley, NRC NMSS
Mr. S. W. Brown, NRC SFPO
Senator Charles Pray, State Nuclear Safety Advisor
Mr. P. J. Dostie, State of Maine
Mr. R. Shadis, Friends of the Coast

ATTACHMENT I

REQUEST FOR EXEMPTION FROM CERTAIN REQUIREMENTS OF 10 CFR 72.72(d)

References:

- (a) Letter from Michael Sellman, Maine Yankee, to NRC, Certification of Permanent Cessation of Power Operation and Permanent Removal of Fuel From the Reactor, August 7, 1997

I. REQUEST FOR EXEMPTION

MAINE YANKEE ATOMIC POWER COMPANY (MYAPC) hereby requests exemption from 10 CFR 72.72(d), pursuant to 10 CFR 72.7, regarding the storage of spent fuel, high-level radioactive waste, and reactor-related GTCC waste records.

Maine Yankee proposes to maintain records of spent fuel, high-level radioactive waste, and reactor-related GTCC waste containing special nuclear material meeting the requirements in 10 CFR 72.72(a) either in duplicate as required by 10 CFR 72.72(d), or alternatively in accordance with the record storage requirements of 10 CFR 50.71(d)(1).

No exemption is requested from the 10 CFR 72.72(d) requirements for record retention period.

II. BACKGROUND

On August 7, 1997, MYAPC submitted "Certification of Permanent Cessation of Power Operations and Permanent Removal of Fuel from the Reactor" pursuant to 10 CFR 50.82(a)(1)(i) and (ii). With the docketing of the submittal, Maine Yankee was no longer authorized to operate the reactor or place fuel in the reactor vessel. In order to facilitate decommissioning of the facility, including demolition of the Spent Fuel Pool, Maine Yankee constructed an Independent Spent Fuel Storage Installation (ISFSI) for the interim storage of spent nuclear fuel.

Pursuant to the provisions of Subpart K to 10 CFR Part 72, Maine Yankee is currently operating an ISFSI under a general license issued to persons authorized to possess or operate nuclear power reactors under 10 CFR Part 50. Maine Yankee has completed the transfer of all spent fuel to NAC UMS[®] multipurpose dry storage containers. The NAC multipurpose system is licensed by the NRC in accordance with 10 CFR Part 71 for the transportation of spent fuel and 10 CFR Part 72 for storage.

Reactor-related GTCC is also stored – in accordance with the requirements in 10 CFR Part 50 – at the Maine Yankee ISFSI. The reactor-related GTCC does not contain special nuclear material in sufficient quantity to trigger the record-keeping requirements in §72.72, "Material balance, inventory, and records requirements for stored materials".

Maine Yankee does not possess any high level radioactive waste other than spent nuclear fuel.

10 CFR 72.72(d) requires that, "Records of spent fuel, high-level radioactive waste, and reactor-related GTCC waste containing special nuclear material meeting the requirements in paragraph (a) of this section must be kept in duplicate. The duplicate set of records must be kept at a separate location sufficiently remote from the original records that a single event would not destroy both sets of records."

10 CFR 50.71(d)(1) provides requirements for the maintenance of nuclear power plant records. The regulation states:

Records which must be maintained pursuant to this part may be the original or a reproduced copy or microform if such reproduced copy or microform is duly authenticated by authorized personnel and the microform is capable of producing a clear and legible copy after storage for the period specified by the Commission regulations. The record may also be stored in electronic media with the capability of producing legible, accurate and complete records during the required retention period. Records such as letters, drawings, specifications must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

The Maine Yankee NRC-approved Quality Assurance Program (QAP) is compliant with the regulations in 10 CFR Part 50, appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants", and 10 CFR Part 72, Subpart G, "Quality Assurance for Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste". The QAP includes a commitment to the implementation, with minor exceptions, to ANSI N45.2.9 – 1974, Requirements for the Collection, Storage and Maintenance of Quality Assurance Records for Nuclear Power Plants, as modified by Regulatory Guide 1.88. The exceptions and alternatives to ANSI N45.2.9 – 1974 in the Maine Yankee QAP, which are reproduced below, do not affect the conclusions in this exemption request:

Exception

Maine Yankee takes exception to the requirement of "protection equivalent of a NFPA Class A, four hour minimum rated facility."

Alternative

Door, structures, frames and hardware shall be designed to comply with the requirements of a minimum of a two (2) hour fire rating, meeting NFPA No. 232 guidelines.

Exception

Maine Yankee takes exception to ANSI N45.2.9, section 5.4.3

Alternative

Provisions shall be made for special processed records such as radiographs, photographs, negatives, microfilm, and magnetic media to prevent damage from excessive light, stacking, electromagnetic fields, temperature, and humidity as appropriate to the record type with appropriate consideration of packaging and storing

recommendations as provided by the manufacturer of these materials. Optical disk document imaging systems may be employed consistent with the quality controls described in NRC Generic Letter No. 88-18.

III. JUSTIFICATION FOR GRANTING THE EXEMPTION REQUEST

The basis for granting the exemption from certain requirements of 10 CFR 72.72(d) is presented below:

- A. The requested exemption will provide for uniform and consistent recordkeeping procedures and processes for the Maine Yankee ISFSI. The exemption will eliminate the diversion of resources and attention necessary to maintain a duplicate set of records at a remote location.
- B. The records required by 72.72(d) will be maintained in a manner consistent with record storage requirements in the Maine Yankee QAP. Maine Yankee's NRC-approved QAP implements the requirements of 10 CFR Part 50, Appendix B, which states in part that, "Consistent with applicable regulatory requirements, the applicant shall establish requirements concerning record retention, such as duration, location and assigned responsibility." Applicable regulatory requirements include the records maintenance requirements in 10 CFR 50.71(d)(1).
- C. The Maine Yankee QAP includes a commitment, with minor exceptions, to ANSI N45.2.9 - 1974. ANSI N45.2.9 - 1974 provides guidance for the protection of nuclear power plant Quality Assurance (QA) records against degradation. The requirements in ANSI N45.2.9 - 1974 have been endorsed by the NRC in Regulatory Guide 1.88, "Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records," as satisfying the recordkeeping requirements of 10 CFR Part 50, Appendix B. ANSI N45.2.9 - 1974 also satisfies the requirements of 10 CFR 72.72 by providing for adequate maintenance of records regarding the identity and history of the spent fuel in storage. Such records would be subject to and need to be protected from the same types of degradation mechanisms or loss as nuclear power plant QA records.
- D. The requested exemption is authorized by law. The specific requirements for granting exemptions to 10 CFR Part 72 licensing requirements are set forth in 10 CFR 72.7. §72.7, "Specific exemptions", reads, "The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations in this part, as it determines are authorized by law and will not endanger life or property; or the common defense and security and are otherwise in the public interest".
- E. The requested exemption will not endanger life or property, or the common defense and security. Records will be stored in accordance with the requirements of 10 CFR 50.71(d)(1), which states, in part, that, "The licensee shall maintain adequate safeguards against tampering and loss of records." Nothing in this request will result in any decrease

in the effectiveness of security or safeguards related to the safe storage of radioactive material at the Maine Yankee ISFSI.

- F. The requested exemption is in the public interest. Approval of this request would result in the avoidance of undue financial and administrative hardship to Maine Yankee, its owners and their ratepayers associated with complying with the requirements of 10 CFR 72.72(d).

IV. CONCLUSION

The requested exemption will provide for uniform and consistent recordkeeping procedures and processes for the Maine Yankee ISFSI, and will eliminate the diversion of resources and attention necessary to maintain a duplicate set of records at a remote location.

The records required by 72.72(d) will be maintained in a manner consistent with record storage requirements in the Maine Yankee NRC-approved Quality Assurance Program (QAP). The QAP includes a commitment to ANSI N46.2.9-1974.

Maine Yankee concludes that the requested exemption from the requirement of 10 CFR 72.72(d) is justified. The requested exemption meets the specific exemption requirements of 10 CFR 72.7. The exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest.

V. ENVIRONMENTAL IMPACT

An exemption from the requirement to store a duplicate set of ISFSI records at a separate location will have no impact on the environment. Storage of records does not change the method by which spent fuel will be stored at the Maine Yankee ISFSI. The proposed exemption does not affect the type or quantity of radioactive or non-radioactive effluents associated with the Maine Yankee ISFSI.