

December 21, 2004

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

SUBJECT: RESPONSE TO STATE OF MAINE'S COMMENT ON THE DRAFT ENVIRONMENTAL ASSESSMENT PREPARED BY THE NRC RELATED TO A MAINE YANKEE ATOMIC POWER COMPANY EXEMPTION REQUEST PROVIDED BY LETTER DATED NOVEMBER 15, 2004

Dear Mr. Pray:

Thank you for reviewing the draft environmental assessment (EA) developed by the U.S. Nuclear Regulatory Commission (NRC) assessing the impacts of granting the exemptions requested by the Maine Yankee Atomic Power Company (MYAPC) in its letter dated February 25, 2004, and supplemented by letter dated June 8, 2004. The requested exemptions would allow the MYAPC 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 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 independent spent fuel storage installation (ISFSI), except for the NAC-UMS[®] Universal Storage System; and (2) submit an annual report pursuant to 10 CFR 72.44(d)(3).

In your letter dated November 15, 2004, you stated the following:

In that, the State of Maine has no objection 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 [to] protect the citizens of the State from further federal lapses of obligations.

We have examined your comment and determined that it did not raise any environmental concerns related to granting these proposed exemptions to MYAPC. Also we have determined that neither exemption requested by MYAPC is coupled with extending the period of the MYAPC's general license for its ISFSI beyond the twenty-year period of its use of the NAC-

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UMS® Universal Storage System. Certificate of Compliance No. 1015 will be eligible for renewal at the expiration of this period and, if application for reapproval is made, the State of Maine will have an opportunity to comment on such application at that time. Therefore, based on the above, we decided to grant MYAPC its requested exemptions.

Should you have any questions regarding this matter, please do not hesitate to contact me at telephone number (301) 415-8531.

Sincerely,

/RA/

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

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