

M. Meisner

April 25, 2005

Michael J. Meisner
Vice President and Chief Nuclear Officer
Maine Yankee
321 Old Ferry Road
Wiscasset, ME 04578-4922

SUBJECT: ISSUANCE OF AN EXEMPTION FROM THE RECORDKEEPING
REQUIREMENTS OF 10 CFR 72.72(d), MAINE YANKEE INDEPENDENT
SPENT FUEL STORAGE INSTALLATION

Dear Mr. Meisner:

This is in response to your November 29, 2004, letter requesting an exemption from 10 CFR 72.72(d), pursuant to 10 CFR 72.7. In your letter, you requested an exemption from 10 CFR 72.72(d) regarding the storage of spent fuel, high-level radioactive waste, and reactor related GTCC (Greater Than Class C) waste records. Granting of the requested exemption would permit Maine Yankee to maintain a single set of spent fuel records in accordance with the records storage requirements of 10 CFR 50.70(d)(1) consistent with the storage requirements for Maine Yankee 10 CFR Part 50 required records.

Maine Yankee requested an exemption from the requirements in 10 CFR 72.72(d), which states in part that, "Records of spent fuel, high-level radioactive waste, and reactor-regulated 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." Maine Yankee proposed to maintain a single set of spent fuel, high-level radioactive waste, and reactor-related GTCC waste records in accordance with the records storage requirements of 10 CFR 50.71(d)(1).

ANSI N45.2.9-1974 provides guidance for the protection of nuclear power plant Quality Assurance (QA) records against degradation. The requirements in ANSI N.45.2.9-1974 have been endorsed by the Nuclear Regulatory Commission (NRC) in Regulatory Guide 1.88, "Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records," as adequate for satisfying the record keeping requirements of 10 CFR Part 50, Appendix B. Additionally, conditions in 10 CFR Part 50, Appendix B establish that "[c]onsistent with applicable regulatory requirements [including 10 CFR 50.71(d)(1)], the applicant shall establish requirements concerning record retention, such as duration, location, and assigned responsibility." Maine Yankee has committed to implement Regulatory Guide 1.88, with minor exceptions, as discussed in Section XVII of the Quality Assurance Program (QAP), as revised. The staff has determined that these minor exceptions will not affect the safe storage of records. ANSI N 45.2.9-1974 specifies design requirements for use in the construction of record storage facilities when use of a single storage facility is desired. They include specific requirements for protection against degradation mechanisms such as fire, humidity, and condensation. ANSI N 45.2.9-1974 also provides 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 type of degradation mechanisms as nuclear power plant QA records.

The NRC staff evaluated the public health and safety and environmental impacts of the proposed exemption and determined that granting the exemption would not result in any significant impacts. For this action, an Environmental Assessment and Finding of No Significant Impact has been prepared and published in the Federal Register (70 FR 20607, dated April 19, 2005). A copy of the Federal Register Notice was provided to you by letter dated April 13, 2005.

The NRC staff considered the applicant's request and has determined that granting the proposed exemption from the requirements of 10 CFR 72.72(d) is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. The staff grants the exemption, subject to the following conditions:

- 1) Maine Yankee may maintain records of spent fuel, high-level radioactive waste, and reactor-related GTCC waste in storage either in duplicate as required by 10 CFR 72.72(d), or alternatively in accordance with the records storage requirements of 10 CFR 50.71(d)(1).
- 2) All other requirements of 10 CFR 72.72(d) shall be met.

If you have any question, please contact Mr. Jeremy Smith of my staff at 301-415-8500. Any future correspondence related to this action should reference Docket No. 72-30 and TAC No. L23792.

Sincerely,

/RA/

Brian Thomas, Deputy Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-30
TAC No. L23792

cc: Service List

April 25, 2005

ANSI N 45.2.9-1974 also provides 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 type of degradation mechanisms as nuclear power plant QA records.

The NRC staff evaluated the public health and safety and environmental impacts of the proposed exemption and determined that granting the exemption would not result in any significant impacts. For this action, an Environmental Assessment and Finding of No Significant Impact has been prepared and published in the Federal Register (70 FR 20607, dated April 19, 2005). A copy of the Federal Register Notice was provided to you by letter dated April 13, 2005.

The NRC staff considered the applicant's request and has determined that granting the proposed exemption from the requirements of 10 CFR 72.72(d) is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. The staff grants the exemption, subject to the following conditions:

- 1) Maine Yankee may maintain records of spent fuel, high-level radioactive waste, and reactor-related GTCC waste in storage either in duplicate as required by 10 CFR 72.72(d), or alternatively in accordance with the records storage requirements of 10 CFR 50.71(d)(1).
- 2) All other requirements of 10 CFR 72.72(d) shall be met.

If you have any question, please contact Mr. Jeremy Smith of my staff at 301-415-8500. Any future correspondence related to this action should reference Docket No. 72-30 and TAC No. L23792.

Sincerely,

/RA/

Brian Thomas, Deputy Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-30
TAC No. L23792

cc: Service List

DISTRIBUTION:

S. Baggett J. Smith JHickman, NMSS/DWMEP NMSS r/f SFPO r/f
(closes TAC L23792)

E:\Filenet\ML051160145.wpd

*see previous concurrence

ML051160145

OFC	SFPO	E	SFPO		OGC		SFPO		SFPO	
NAME	JSmith*		EZiegler*		STreby*		RLewis*		BThomas	
DATE	04 /20/05		04 /20 /05		04 /21 /05		04 /25 /05		04 / 25 /05	

C = COVER E = COVER & ENCLOSURE

N = NO COPY

OFFICIAL RECORD COPY

Maine Yankee Atomic Power Co
72-30

Mr. Virgil Richards, Director
Division of Radioactive Waste Management
Bureau of Land & Waste Management
2600 Bull Street
Columbia, SC 29201-1708

Thomas G. Dignan, Jr., Esquire
Ropes & Gray
One International Place
Boston, MA 02110-2624

Ms. Paula Craighead, Esquire
State Nuclear Safety Advisor
State Planning Office
State House Station #38
Augusta, ME 04333

Mr. P. L. Anderson, Project Manager
Yankee Atomic Electric Company
580 Main Street
Bolton, MA 01740-1398

First Selectman of Wiscasset
Municipal Building
U.S. Route 1
Wiscasset, ME 04578

Friends of the Coast
P.O. Box 98
Edgecomb, ME 04556

Mr. Thomas L. Williamson, Director
Nuclear Safety and Regulatory Affairs
Maine Yankee Atomic Power Company
321 Old Ferry Road
Wiscasset, ME 04578-4922

Mr. Jonathan M. Block
Attorney at Law
P.O. Box 566
Putney, VT 05346-0566

Mr. Randolph Ragland
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Mr. Patrick J. Dostie
State of Maine Nuclear Safety
Inspector
Maine Yankee Atomic Power Company
321 Old Ferry Road
Wiscasset, ME 04578-4922

Mr. William Henries, Director
Engineering
Maine Yankee Atomic Power Company
321 Old Ferry Road
Wiscasset, ME 04578-4922

Mr. Paul Bemis
Stone & Webster Engineering & Construction
c/o Maine Yankee Atomic Power Company
P.O. Box 727
Bailey Point Road & Old Ferry Road
Wiscasset, ME 04578

Randall L. Speck, Esq.
Kaye, Scholer, Fierman, Hays & Handler, LLP
McPherson Building
901 Fifteenth Street, N.W., Suite 1100
Washington, DC 20005-2327

Mr. Phil Munck
George E. Sansoucy
260 Ten Rod Road
Rochester, NH 03867-0823

Mr. Mark Roberts
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

David Lewis, Esquire
Shaw Pittman
2300 North Street, NW
Washington, DC 20037

Joseph Fay, Esquire
Maine Yankee Atomic power Company
321 Old Ferry Road
Wiscasset, ME 04578-4922

Mr. Ted C. Feigenbaum
President and Chief Executive Office
Maine Yankee Power Company
321 Old Ferry Road
Wiscasset, ME 04578-4922

W. Clough Toppan, P.E., Director
Division of Health Engineering
Department of of Human Services
#10 State House Station
Augusta, ME 04333