

# Maine Yankee

321 OLD FERRY RD. • WISCASSET, ME 04578-4922

May 5, 2005  
MN-05-021

RA-05-024

50-309

## UNITED STATES NUCLEAR REGULATORY COMMISSION

Attention: Document Control Desk  
Washington, DC 20555

- References:
- (1) USNRC Letter to Maine Yankee, dated April 11, 2005, Review of Appendix M, "LTP Change – Concrete Remediation Gamma Scans" to Maine Yankee Letter MN-05-006
  - (2) Maine Yankee Letter to USNRC, MN-05-006, dated February 16, 2005, Response to NRC RAI's on FSS Final Report Nos. 1 and 2

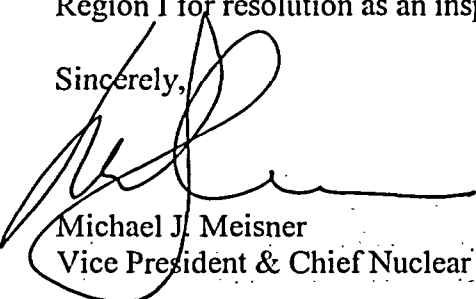
Subject: **Response to NRC RAI on Use of 10CFR50.59**

By Reference 1 you conclude that Maine Yankee inappropriately used the 50.59 process to change our License Termination Plan. This is incorrect. We have previously responded (Reference 2) to the issues you raised, and stand by our response.

The only new information presented in Reference 1 concerns the basis for your conclusion re our use of 10CFR50.59. Specifically, you note "Without gamma scan data or sampling data to verify the absence of contamination at depth, the staff does not concur with Maine Yankee's conclusion that it will meet the license termination dose criteria." However, at least two other approaches are acceptable to conclude that the license termination dose criteria have been met – an analysis of the dose consequences of a worst case potential contamination and a demonstration that no physical path exists for contamination to enter groundwater. Since both these approaches have been found acceptable, the staff's basis is not valid.

As we discussed with NMSS and Region I senior management on April 22, since there remain no unresolved technical issues concerning contamination at depth, it is our understanding that the 10CFR50.59 issue will be handled similarly to other open process issues – i.e., referred to Region I for resolution as an inspector followup item.

Sincerely,



Michael J. Meisner  
Vice President & Chief Nuclear Officer

- C:
- Dr. R. R. Bellamy, NRC Region I
  - Mr. D. R. Lewis, Esq., Shaw Pittman
  - Mr. C. Pray, State of Maine, Nuclear Safety Advisor
  - Mr. P. J. Dostie, State of Maine, Division of Health Engineering
  - Mr. D. Gillen, NRC Deputy Director, Division of Waste Management

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Mr. M. Rosenstein, USEPA Region I

Mr. S. J. Collins, NRC Regional Administrator, Region I

Mr. J. Buckley, NRC NMSS Project Manger, Decommissioning

Mr. M. Roberts, NRC Region I

Mr. R. Shadis, Friends of the Coast