

MAINE YANKEE ATOMIC POWER COMPANY

DOCKET NO. 50-309

MAINE YANKEE ATOMIC POWER STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment, Change No. 172
License No. DPR-36

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Maine Yankee Atomic Power Company (the licensee) dated March 15, 2004, as supplemented on September 2, 2004, and May 16, 2005, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the rules and regulations of the Commission as set forth in 10 CFR Chapter I;
 - B. The facility will be maintained in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission as set forth in 10 CFR Chapter I;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the regulations of the Commission and all applicable requirements have been satisfied.
2. Accordingly, Facility Operating License No. DPR-36 is amended by revising License paragraph 2.B.(9) as indicated in the attachment to this license amendment.

3. This license amendment is effective as of the date of issuance and shall be implemented within **30** days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Daniel M. Gillen, Deputy Director
Decommissioning Directorate
Division of Waste Management
and Environmental Protection,
Nuclear Material Safety
and Safeguards

Attachment: Changes to the Facility Operating License and Technical Specifications

Date of Issuance: September 30, 2005

ATTACHMENT TO LICENSE AMENDMENT NO. 172

FACILITY OPERATING LICENSE NO. DPR-36

DOCKET NO. 50-309

Revise the license by removing the pages identified below and inserting the enclosed pages. The revised pages are identified by amendment number and contain vertical lines indicating the areas of change.

License

REMOVE

-5- & -6-

INSERT

-5- & -6-

2.B.(7) This amended license is subject to the following conditions for protection of the environment:

- (a) Deleted.
- (b) Deleted.

2.B.(8) Deleted

2.B.(9) Lands Released from the Jurisdiction of Facility Operating License No. DPR-36

The lands described in the following correspondence have been released from the jurisdiction of Facility Operating License No. DPR-36. The NRC may require additional surveys and/or decontamination only if, based upon new information, it determines that the criteria of 10 CFR Part 20, Subpart E were not met and residual activity remaining at the site could result in a significant threat to public health and safety.

- (a) MYAPC Letter to USNRC dated August 16, 2001 "Early Release of Backlands, Proposed Change No. 211 as supplemented and as approved in Amendment No. 167.
- (b) MYAPC Letter to USNRC dated March 15, 2004, "Release of Non-ISFSI Site Land" as supplemented by letters dated September 2, 2004, and May 16, 2005.

2.B.(10) License Termination

- (i) The Maine Yankee License Termination Plan describes an acceptable approach for demonstrating compliance with the radiological criteria for unrestricted use, as defined by 10 CFR 20.1402, by meeting a site release criteria of 10 millirem TEDE per year over background (all pathways) and 4 millirem (as distinguishable from background) TEDE per year for groundwater sources of drinking water using appropriate dose modeling methods, pathways and parameters and acceptable final radiation survey methods.

The licensee shall implement and maintain in effect all the provisions of the approved License Termination Plan, as submitted and approved in following documents:

| Licensee Submittal | SER Approval |
|---|-------------------|
| August 13, 2001, as supplemented on October 15, 2002, with addendum | February 28, 2003 |
| September 11, 2003 | February 20, 2004 |

subject to and as amended under the following stipulations:

The licensee may make changes to the License Termination Plan without prior approval, provided the proposed changes do not:

- (a) Require Commission approval pursuant to 10 CFR 50.59;
- (b) Violate the requirements of 10 CFR 50.82(a)(6);
- (c) Reduce the coverage requirements for scan measurements;
- (d) Increase the radioactivity level, relative to the applicable derived concentration guideline level, at which an investigation occurs; or
- (e) Increase the probability (α) of making a Type I decision error.

The licensee shall submit an updated License Termination Plan in accordance with 10 CFR 50.71 (e).

- (ii) The licensee shall certify in its application for Part 50 license termination that it has met the radiological criteria for unrestricted use, as defined by 10 CFR 20.1402, by meeting a site release criteria of 10 millirem TEDE per year over background (all pathways) and 4 millirem (as distinguishable from background) TEDE per year for groundwater sources of drinking water in accordance with the approved License Termination Plan. The licensee shall at that time request NRC to confirm this certification.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed by A. Giambusso

A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

Attachments:
Appendices A & B - Technical Specifications

Date of Issuance: June 29, 1973

Amendment No. ~~170~~, 171, 172