

July 14, 2010

Mr. James Connell  
ISFSI Manager  
Maine Yankee  
321 Old Ferry Road  
Wiscasset, ME 04578-4922

SUBJECT: MAINE YANKEE INDEPENDENT SPENT FUEL STORAGE INSTALLATION  
EXEMPTION FROM 10 CFR 72.212 AND 72.214 (TAC NO. 24420)

Dear Mr. Connell:

This is in response to your letter dated January 15, 2010, requesting an exemption from 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7) and 10 CFR 72.214, pursuant to 10 CFR 72.7. In your letter you stated that Maine Yankee Atomic Power Company (MY) desired to adopt Amendment No. 5 to Certificate of Compliance (CoC) No. 1015 for all sixty NAC-UMS canisters at the site. Adoption of the changes authorized by Amendment No. 5 will allow a visual alternative to Technical Specification (TS) Surveillance Requirement 3.1.6.1 to verify the operability of the concrete cask heat removal system to maintain safe storage conditions and will also remove a specification in the CoC for tamper indicating devices. CoC No. 1015, Amendment No. 5 was authorized by the NRC on September 19, 2007. MY evaluated the 60 canisters to determine conformance to CoC No. 1015, Amendment No. 5. The evaluation concluded that 59 of the 60 canisters conformed to Amendment No. 5. The 60<sup>th</sup> canister, NAC-UMS-TSC-790-016, did not comply with the 25-day requirement in TS Limiting Condition of Operation (LCO) 3.1.4, "Canister Maximum Time in Transfer Cask," of Amendment No. 5. MY requested an exemption from TS LCO 3.1.4 in its January 15, 2010 letter. MY also requested continuation of three exemptions from the terms and conditions of amendment No. 5, similar to three previously granted exemptions of Amendment No. 2. These are:

1. Appendix A, Section A 5.1, Training Program. Exemption from the requirement to develop a systematic approach to training (SAT) that includes comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-UMS Universal Storage System. This was approved by the NRC letter in its letter to MY dated December 13, 2004 (ADAMS Accession Number ML043620200).
2. Appendix A, Section A 5.5 (Section A. 5.4 in Amendment No. 2), Radioactive Effluent Control Program. Exemption from the requirement to submit an annual report pursuant to 10 CFR 72.44(d)(3) or 10 CFR 50.36(a). This was approved by the NRC letter in its letter to MY dated December 13, 2004 (ADAMS Accession Number ML043620200).
3. Appendix B, Section B 3.4.2.6. Exemption from the requirement to maintain a coefficient of friction on the ISFSI pad surface of at least 0.5. This was approved by the NRC in its letter to MY dated February 1, 2004 (ADAMS Accession Number ML 0403507970)

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 have been prepared and published in the Federal Register (75 FR 33853, June 15, 2010). A copy of the Federal Register Notice was provided to you by letter dated June 4, 2010. Based on the foregoing considerations, the staff has determined that granting the proposed exemption from specific provisions of 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 10 CFR 72.214 is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC staff has concluded that the proposed changes will not pose an increased risk to public health and safety. Accordingly, the exemption will be effective immediately.

If you have any questions, please contact me at (301) 492-3325.

**/RA/**

John Goshen, P. E., Project Manager  
Division of Spent Fuel Storage and Transportation  
Office of Nuclear Material Safety  
and Safeguards

Docket Nos.: 50-309, 72-30

Enclosure: Staff Evaluation

cc: Service List

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 have been prepared and published in the Federal Register (75 FR 33853, June 15, 2010). A copy of the Federal Register Notice was provided to you by letter dated June 4, 2010. Based on the foregoing considerations, the staff has determined that granting the proposed exemption from specific provisions of 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 10 CFR 72.214 is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC staff has concluded that the proposed changes will not pose an increased risk to public health and safety. Accordingly, the exemption will be effective immediately.

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**/RA/**

John Goshen, P. E., Project Manager  
 Division of Spent Fuel Storage and Transportation  
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cc: Service List

ADAMS: ML

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**ADAMS Accession No.: ML101960072**

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<b>DATE</b>	07/13/2010	07 /14 /2010		07/ 14 /2010	

**OFFICIAL RECORD COPY**

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**STAFF EVALUATION**

Docket Nos. 50-309, 72-30  
Maine Yankee Atomic Power Station  
Independent Spent Fuel Storage Installation

**1.0 Summary**

By letter dated January 15, 2010, Maine Yankee Atomic Power Company (MY) requested an exemption from 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7) and 10 CFR 72.214, pursuant to 10 CFR 72.7. In that letter MY stated its intent to adopt Certificate of Compliance (CoC) No. 1015, Amendment No. 5 for all 60 NAC-UMS casks. Adoption of the changes authorized by Amendment No. 5 would allow a visual alternative to Technical Specification (TS) Surveillance Requirement 3.1.6.1 to verify the operability of the concrete cask heat removal system to maintain safe storage conditions and would also remove a specification in the CoC for tamper indicating devices. CoC No. 1015, Amendment No. 5 was authorized by the Nuclear Regulatory Commission (NRC) on September 19, 2007. MY evaluated the 60 casks to determine conformance to CoC No. 1015, Amendment No. 5. The evaluation concluded that 59 of the 60 canisters conformed to Amendment No. 5. The 60<sup>th</sup> canister, NAC-UMS-TSC-790-016, did not comply with the 25-day requirement in TS Limiting Condition of Operation (LCO) 3.1.4, "Canister Maximum Time in Transfer Cask," of Amendment No. 5. MY requested an exemption from TS LCO 3.1.4 in its January 15, 2010 letter. MY also requested continuation of three exemptions from the terms and conditions of amendment No. 5, similar to three previously granted exemptions of Amendment No. 2. These are:

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3. Appendix B, Section B 3.4.2.6. Exemption from the requirement to maintain a coefficient of friction on the ISFSI pad surface of at least 0.5. This was approved by the NRC in its letter to MY dated February 1, 2004 (ADAMS Accession Number ML 0403507970)

## **2.0 Discussion**

CoC No. 1015, Amendment No. 5 has been previously evaluated by the NRC, and its adoption presents no additional radiological environmental impacts. The exemption from the requirement to maintain a coefficient of friction on the ISFSI pad surface of at least 0.5 was previously evaluated by the NRC, and it was determined to pose no increased risk to health and safety. The proposed action also includes consideration of an exemption from the requirements of TS LCO 3.1.4 of Amendment No. 5 for one storage canister at the MY ISFSI. The affected storage canister had a heat load of 9.59kW, and was placed in a transfer cask for a total of 43 days between December 28, 2002, and February 18, 2003. At that time the MY ISFSI operated under the provisions of CoC No. 1015, Amendment No. 2, and the LCO 3.1.4 time limit for a canister having a content decay heat load of less than or equal to 14kW was unlimited. During this period, the storage canister was in full compliance with CoC No. 1015, Amendment No. 2, and its stored spent fuel was maintained in a safe condition during the time the canister was in the transfer cask. The transfer of the loaded canister was completed in a safe manner to ensure the transfer cask was not used as a long-term storage device.

## **3.0 Conclusion**

The NRC has evaluated the impact to public safety that would result from granting the proposed action. The approval of the proposed action would not increase the probability or consequences of accidents, no changes would be made to the types of effluents released offsite, and there would be no increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action. Additionally the proposed action would not involve any construction or other ground disturbing activities, would not change the footprint of the existing ISFSI, and would have no other significant non-radiological impacts. In this regard, and as the ISFSI is located on previously disturbed land, it is extremely unlikely that approval of the proposed action would create any significant impact on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or to essential fish habitat covered by the Magnuson-Stevens Act. Similarly, approval of the proposed action is not the type of activity that has the potential to cause effects on historic or cultural properties, assuming such properties are present at the site of the MY ISFSI. On this basis, the staff concludes that the proposed exemption does not pose an increased risk to public health and safety.