



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 30, 2002

Mr. K. J. Heider
Vice President
Yankee Atomic Electric Company
19 Midstate Drive, Suite 200
Auburn, MA 01501

SUBJECT: EXEMPTION FROM 10 CFR 72.212 AND 72.214, DOCKET NO. 72-31
TO SUPPORT THE FUEL LOADING CAMPAIGN AT YANKEE NUCLEAR
POWER STATION (YNPS) (TAC NO. L23466)

Dear Mr. Heider:

This is in response to your May 10, 2002, letter requesting an exemption to 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A) and 72.214, pursuant to 10 CFR 72.7. In your letter, you requested an exemption from Table A2-2, Intact Fuel Assembly Characteristics, in Appendix A (Technical Specifications) of Certificate of Compliance (CoC) No. 1025, to incorporate fuel enrichment fabrication tolerances into the Yankee-Class fuel parameters. This exemption would allow the Yankee Atomic Electric Company (YAEC) to maintain continuity of fuel loading activities at Yankee Nuclear Power Station to permit fuel inspections of the lower tier fuel assemblies for the fuel loading campaign which began in June 2002. Accordingly, the exemption will be effective immediately.

On April 18, 2002, the cask designer, NAC International (NAC), submitted to the U.S. Nuclear Regulatory Commission (NRC) an application to amend CoC No. 1025. The requested amendment includes the same revisions to Table A2-2 in Appendix A to the CoC as requested in this exemption. The NRC staff has reviewed the application and agreed with the applicant's conclusion that the MPC system is not significantly affected by increasing the enrichment by 0.03 wt % above the previous design basis enrichment and does not impact the ability of the NAC-MPC to meet the requirements of 10 CFR Part 72. The staff has completed its technical review of this amendment request and will initiate the rulemaking process of revising 10 CFR 72.214 to add this amendment to the approved version of CoC No. 1025.

After reviewing the information provided in your letter and NAC's April 18, 2002, NAC-MPC amendment application, the staff has determined that the safety basis for increasing the fuel enrichments to take into account fabrication tolerances are adequate to grant the exemption.

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 (67 FR 49046, dated July 29, 2002). A copy of the Federal Register Notice was provided to you by letter dated July 24, 2002. Based on the foregoing considerations, the staff has determined that granting the proposed exemption from the provisions of 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), and 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. Specifically, this exemption permits YAEC to

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deviate from the fuel enrichment limits as contained in CoC No. 1025, Revision 1, Appendix A, Table A2-2 as follows (all enrichments are in wt % of U-235):

Combustion Engineering Type A	Maximum-	3.93	Minimum-	3.66
Combustion Engineering Type B	Maximum-	3.93	Minimum-	3.66
Exxon Type A	Maximum-	4.03	Minimum-	3.46
Exxon Type B	Maximum-	4.03	Minimum-	3.46
Westinghouse Type A	Maximum-	4.97	Minimum-	4.90
Westinghouse Type B	Maximum-	4.97	Minimum-	4.90
United Nuclear Type A	Maximum-	4.03	Minimum-	3.96
United Nuclear Type B	Maximum-	4.03	Minimum-	3.96

If you have any questions, please contact David Tiktinsky of my staff at (301) 415-8523. Any future correspondence related to this action should reference Docket 72-31 and TAC No. L23466.

Sincerely,

/RA/

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket Nos.: 72-31, 72-1025, 50-29

cc: Mr. Russell A. Mellor, President, YAEC
YAEC Service List

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deviate from the fuel enrichment limits as contained in CoC No. 1025, Revision 1, Appendix A, Table A2-2 as follows (all enrichments are in wt % of U-235):

Combustion Engineering Type A	Maximum-	3.93	Minimum-	3.66
Combustion Engineering Type B	Maximum-	3.93	Minimum-	3.66
Exxon Type A	Maximum-	4.03	Minimum-	3.46
Exxon Type B	Maximum-	4.03	Minimum-	3.46
Westinghouse Type A	Maximum-	4.97	Minimum-	4.90
Westinghouse Type B	Maximum-	4.97	Minimum-	4.90
United Nuclear Type A	Maximum-	4.03	Minimum-	3.96
United Nuclear Type B	Maximum-	4.03	Minimum-	3.96

If you have any questions, please contact David Tiktinsky of my staff at (301) 415-8523. Any future correspondence related to this action should reference Docket 72-31 and TAC No. L23466.

Sincerely,

(Original Signed by M. W. Hodges for:)

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket Nos.: 72-31, 72-1025, 50-29

cc: Mr. Russell A. Mellor, President, YAEC
YAEC Service List

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