

MAINE YANKEE
321 Old Ferry Road, Wiscasset, Maine 04578

January 21, 2019
OMY-19-001
Re: 10 CFR 72.4 and 10 CFR 72.7

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Maine Yankee Atomic Power Company
Maine Yankee Independent Spent Fuel Storage Installation
NRC License No. DPR-36 (NRC Docket No. 50-309)

72-1015

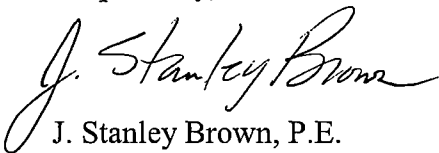
Subject: Request for Exemption from Certain Requirements of 10 CFR 72.212 and 10 CFR 72.214 for the Maine Yankee Independent Spent Fuel Storage Installation

Pursuant to 10 CFR 72.7, "Specific exemptions," Maine Yankee Atomic Power Company (Maine Yankee) requests an exemption from the requirements of 10 CFR 72.212(a)(2), 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), 10 CFR 72.212(b)(11), and 10 CFR 72.214 for the Maine Yankee Independent Spent Fuel Storage Installation (ISFSI). On December 4, 2018, the NRC issued Amendment No. 6 to Certificate of Compliance (CoC) No. 1015 for the NAC-UMS System (Reference 1). Currently, Maine Yankee's sixty NAC-UMS canisters storing spent nuclear fuel are registered to Amendment No. 5 of the CoC No. 1015 for the NAC-UMS® System (Reference 2). In order to adopt Amendment No. 6 to CoC No. 1015, Maine Yankee is requesting the continuation of four exemptions from the terms and conditions of Amendment No. 6 of CoC No. 1015 that are the same as four previously granted exemptions to Amendment No. 5 of CoC No. 1015 (Reference 3). The exemption request is provided in Attachment 1.

This letter contains no commitments.

If you have any questions regarding this submittal, please do not hesitate to contact me at (207) 882-1303.

Respectfully,



J. Stanley Brown, P.E.
ISFSI Manager

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References:

1. NRC Letter to NAC International, Amendment No. 6 to Certificate of Compliance No. 1015 for the NAC-UMS Storage System, dated December 4, 2018 (NRC Accession No. ML18333A237)
 2. Letter from J. Connell (Maine Yankee) to Document Control Desk (NRC), Maine Yankee Atomic Power Company Adoption of NAC-UMS[®] System Amendment 5 Certificate of Compliance and Canister Registration, dated July 12, 2011 (OMY-11-131) (NRC Accession No. ML11200A111)
 3. Letter from J. Goshen (NRC) to J. Connell (Maine Yankee), Maine Yankee Independent Spent Fuel Storage Installation Exemption from 10 CFR 72.212 and 72.214 (TAC No. 24420), dated July 14, 2010 (ADAMS Accession No. ML101960072)
- cc: D. Lew, NRC Region I Administrator
R. Powell, Chief, Decommissioning Branch, NRC, Region I
J. Nguyen, NRC Project Manager
P. J. Dostie, SNSI, State of Maine
J. Hyland, State of Maine

Attachment 1 to OMY 19-001

Request for Exemption from Certain Requirements of 10 CFR 72.212 and 10 CFR 72.214 for the Maine Yankee Independent Spent Fuel Storage Installation

1.0 Request for Exemption

Pursuant to 10 CFR 72.7, "Specific exemptions," Maine Yankee Atomic Power Company (Maine Yankee) requests an exemption from the requirements of 10 CFR 72.212(a)(2), 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), 10 CFR 72.212(b)(11), and 10 CFR 72.214 for the Maine Yankee Independent Spent Fuel Storage Installation (ISFSI). On December 4, 2018, the NRC issued Amendment No. 6 to Certificate of Compliance (CoC) No. 1015 for the NAC-UMS[®] system (Reference 1). Currently, Maine Yankee's sixty NAC-UMS canisters storing spent nuclear fuel are registered to Amendment No. 5 of the CoC No. 1015 for the NAC-UMS[®] System (Reference 2). In order to adopt Amendment 6 to CoC No. 1015, Maine Yankee is requesting the continuation of four exemptions from the terms and conditions of Amendment No. 6 of CoC No. 1015 that are to the same as four previously granted exemptions to Amendment No. 5 of CoC No. 1015 (Reference 3). These exemptions are:

1. Appendix A, Section A.3.1.4, Canister Maximum Time in Transfer Cask." Exemption from the requirement to comply with the 25-day requirement in Limiting Condition of Operation (LCO) 3.1.4 for canister, NAC-UMS-TSC-790-016. This was originally approved by the NRC in its letter to Maine Yankee dated July 14, 2010 (ADAMS Accession Number ML101960072) (Reference 3).
2. 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[®] system. This was originally approved by the NRC in its letter to Maine Yankee dated December 13, 2004 (ADAMS Accession Number ML043620200) (Reference 4) and reapproved by the NRC in its letter to Maine Yankee dated July 14, 2010 (ADAMS Accession Number ML101960072) (Reference 3).
3. 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 originally approved by the NRC in its letter to Maine Yankee dated December 13, 2004 (ADAMS Accession Number ML043620200) (Reference 4) and reapproved by the NRC in its letter to Maine Yankee dated July 14, 2010 (ADAMS Accession Number ML101960072) (Reference 3).
4. 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 originally approved by the NRC in its letter to Maine Yankee dated February 1, 2004 (ADAMS Accession Number ML 0403507970) (Reference 5) and reapproved by the NRC in its letter to Maine Yankee dated July 14, 2010 (ADAMS Accession Number ML101960072) (Reference 3).

On February 18, 2016 (Reference 9), the NRC granted Maine Yankee an additional exemption from Amendment 5 of NAC-UMS[®] CoC No. 1015 regarding the implementation of NAC-UMS[®] Technical Specification A 5.4 during major snow and ice storms. This exemption will not be required following Maine Yankee's adoption of Amendment 6 of NAC-UMS[®] CoC No. 1015,

because TS A 5.4 is eliminated in the amendment. Thus, Maine Yankee is not including an exemption request regarding the existing exemption from NAC-UMS® TS A 5.4.

2.0 Background

10 CFR 72.210 establishes a general license to store spent fuel in an ISFSI at reactor sites as long as the 10 CFR 50 reactor license remains in effect. 10 CFR 72.212(a)(2) limits the storage of spent fuel to casks approved in 10 CFR 72, Subpart K. 10 CFR 72.212(b)(11) states that the casks “are approved for storage under the conditions specified in their Certificates of Compliance.”

The Nuclear Regulatory Commission (NRC) approved the use of the NAC-UMS® System by issuing CoC 1015 (effective November 20, 2000) (Reference 6). This constituted NRC approval and the conditions for use in storing spent fuel under the general license provisions of 10 CFR 72.210.

Maine Yankee is a 10 CFR 72 general licensee that utilizes the NAC-UMS® System in accordance with the requirements of the NAC-UMS® System CoC No. 1015. The regulations require Maine Yankee to comply with the terms and conditions of NAC-UMS® CoC No. 1015, including, but not limited to, the associated Technical Specifications.

On January 23, 2002 (effective date December 31, 2001), the NRC issued Amendment No. 2 to CoC No. 1015 for the NAC-UMS® System (Reference 7). This document provided the licensing basis for the design, fabrication and initial spent fuel storage of the NAC-UMS® System at Maine Yankee. Maine Yankee utilized the NAC-UMS® System as defined in Amendment No. 2 to load and store the spent fuel into the NAC-UMS® canisters and casks.

Subsequent to the completion of loading and storage of the canisters and casks for Maine Yankee, on July 12, 2011, Maine Yankee notified the NRC (Reference 2) that the 60 NAC-UMS canisters and casks storing spent fuel at the Maine Yankee ISFSI would be registered to Amendment No. 5 of NAC-UMS® CoC No. 1015 (Reference 8).

3.0 Technical Justification

Maine Yankee’s adoption of Amendment No. 6 of CoC No. 1015 and the continuation of the four exemptions from the terms and conditions of Amendment No. 6 of CoC No. 1015 that are the same as the four previously granted exemptions to Amendment No. 5 of CoC No. 1015 would not result in any impact to the safe storage of the spent fuel at the ISFSI. The NAC-UMS System is already in safe interim storage at Maine Yankee utilizing the four approved exemptions under Amendment No. 5 to CoC No. 1015. The continuation of these exemptions to permit adoption of Amendment No. 6 to CoC No. 1015 will not increase the probability or consequences of an accident. No new accident precursors are created. No changes are being made in the types or quantities of any radiological effluent that may be released offsite. There is no increase in occupational or public radiation exposure. Therefore, there is no radiological environmental impact associated with the continuation of the exemptions.

The NRC previously evaluated the impacts associated with Amendment No. 6 of CoC No. 1015 prior to issuance of the amendment (Reference 1). Thus, its adoption by Maine Yankee will not

represent any additional radiological considerations. In addition, the NRC previously granted Maine Yankee the same exemptions on July 14, 2010. Thus, the continuation of these specific exemptions is not novel. The NRC previously evaluated the impacts associated with the specific exemptions as follows:

1. Appendix A, Section A.3.1.4, “Canister Maximum Time in Transfer Cask.” Exemption from the requirement to comply with the 25-day (600 hours) requirement in Limiting Condition of Operation (LCO) 3.1.4 for canister, NAC-UMS-TSC-790-016. This was originally approved by the NRC in its letter to Maine Yankee dated July 14, 2010 (ADAMS Accession Number ML101960072) (Reference 3).
2. 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® system. This was originally approved by the NRC in its letter to Maine Yankee dated December 13, 2004 (ADAMS Accession Number ML043620200) (Reference 4) and reapproved by the NRC in its letter to Maine Yankee dated July 14, 2010 (ADAMS Accession Number ML101960072) (Reference 3).
3. 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 originally approved by the NRC in its letter to Maine Yankee dated December 13, 2004 (ADAMS Accession Number ML043620200) (Reference 4) and reapproved by the NRC in its letter to Maine Yankee dated July 14, 2010 (ADAMS Accession Number ML101960072) (Reference 3).
4. 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 originally approved by the NRC in its letter to Maine Yankee dated February 1, 2004 (ADAMS Accession Number ML 0403507970) (Reference 5) and reapproved by the NRC in its letter to Maine Yankee dated July 14, 2010 (ADAMS Accession Number ML101960072) (Reference 3).

4.0 Applicable Regulations

The specific requirements for granting exemptions to 10 CFR Part 72 licensing requirements are set forth in 10 CFR 72.7, “Specific exemptions,” which states:

“The Commission may, upon application by any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.”

5.0 Exemption Request Considerations

Maine Yankee has reviewed 10 CFR 72 and determined that an exemption request to certain requirements of 10 CFR 72.212(a)(2), 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i),

10 CFR 72.212(b)(11), and 10 CFR 72.214 is necessary for the Maine Yankee ISFSI to adopt Amendment No. 6 of CoC No. 1015. If the exemption request is granted, Maine Yankee could proceed with adoption of Amendment No. 6 of CoC No. 1015 with the same four exemptions previously granted to Amendment No. 5 of CoC No. 1015.

5.1 Authorized by Law

10 CFR 72.7 allows the NRC to grant exemptions from the requirements of 10 CFR 72. Granting of the proposed exemptions will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemptions would be authorized by law.

5.2 No Undue Risk to Public Health and Safety

The NAC-UMS System is already in safe interim storage at Maine Yankee utilizing the four requested exemptions under Amendment No. 5 to CoC No. 1015. The continuation of these exemptions to permit adoption of Amendment No. 6 to CoC No. 1015 will not increase the probability or consequences of an accident. No new accident precursors are created. No changes are being made in the types or quantities of any radiological effluent that may be released offsite. There is no increase in occupational or public radiation exposure. Therefore, there is no radiological environmental impact associated with the continuation of the exemptions. Consequently, there is no undue risk to public health and safety.

5.3 Consistent with the Common Defense and Security

The Maine Yankee ISFSI will continue to be managed in accordance with the Maine Yankee ISFSI Physical Security Plan, and the outstanding NRC Orders and Interim Compensatory Measures and associated Maine Yankee responses. The proposed exemptions will not alter the scope of the licensee's security program. Therefore, the common defense and security is not impacted by this exemption.

6.0 Environmental Consideration

The proposed exemption does 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. The ISFSI is located on previously disturbed land, thus, the proposed exemption does not have the potential to create any significant impact on aquatic or terrestrial habitat in the vicinity of the ISFSI, or to threatened, endangered, or protected species. In addition, the proposed exemption does not have the potential to cause effects on historic or cultural properties, assuming such properties are present at the site of the Maine Yankee ISFSI.

The proposed exemption would meet the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(25), because the proposed exemption involves: (i) no significant hazards consideration; (ii) no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) no significant increase in individual or cumulative public or occupational radiation exposure; (iv) no significant construction impact; (v) no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which the exemption is sought involve inspection or surveillance requirements, training requirements, or reporting requirements. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed exemption.

7.0 Conclusion

Maine Yankee has reviewed 10 CFR 72 and determined that an exemption to certain requirements of 10 CFR 72.212(a)(2), 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), 10 CFR 72.212(b)(11), and 10 CFR 72.214 is necessary to allow the Maine Yankee ISFSI to adopt Amendment No. 6 of NAC-UMS[®] CoC No. 1015.

Such an exemption meets the specific exemption requirements of 10 CFR 72.7. In addition, the exemption request would meet the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(25).

8.0 Precedent

On July 14, 2010 (Reference 7) and February 18, 2016 (Reference 9), the NRC granted Maine Yankee exemptions from certain sections of 10 CFR 72.212 and 10 CFR 72.214 regarding the NAC-UMS[®] CoC and its Technical Specifications that establish that this type of exemption request is not a novel approach.

9.0 References

1. NRC Letter to NAC International, Amendment No. 6 to Certificate of Compliance No. 1015 for the NAC-UMS Storage System, dated December 4, 2018 (ADAMS Accession No. ML18333A237)
2. Letter from J. Connell (Maine Yankee) to Document Control Desk (NRC), Adoption of NAC-UMS[®] System Amendment 5 Certificate of Compliance and Canister Registration, dated July 12, 2011 (OMY-11-131) (ADAMS Accession No. ML11200A111)
3. Letter from J. Goshen (NRC) to J. Connell (Maine Yankee), Maine Yankee Independent Spent Fuel Storage Installation Exemption from 10 CFR 72.212 and 72.214 (TAC No. 24420), dated July 14, 2010 (ADAMS Accession No. ML101960072)
4. NRC in its letter to Maine Yankee dated December 13, 2004 (ADAMS Accession No. ML043620200)

5. Letter from NRC to Maine Yankee dated February 1, 2004 (ADAMS Accession No. ML0403507970)
6. Certificate of Compliance for the NAC International (NAC) UMS[®] System, U.S. Nuclear Regulatory Commission, dated November 20, 2000.
7. Amendment No. 2 of NAC-UMS[®] Certificate of Compliance No. 1015, including Appendix A, "Technical Specifications for the NAC-UMS[®] System." dated 12/31/2001.
8. Amendment No. 5 of NAC-UMS[®] Certificate of Compliance No. 1015, including Appendix A, "Technical Specifications for the NAC-UMS[®] System." dated January 12, 2009.
9. Letter from J. Goshen (NRC) to J. Brown (Maine Yankee), Issuance of Exemption from NAC International Certificate of Compliance No. 1015 Fuel Specification and Loading Conditions at the Maine Yankee Independent Spent Fuel Storage Installation (TAC L25053), dated February 18, 2016, with an effective date of February 4, 2016.