

at lower coolant temperature, while continuing to provide an adequate margin of safety.

(3) The requested exemption will not endanger the common defense and security: The common defense and security are not endangered by this exemption request.

On the basis of the conservatism that is explicitly incorporated into the methodologies of 10 CFR part 50, Appendix G, and ASME Code, Section XI, Appendix G, the NRC staff concludes that application of ASME Code Case N-640, as described above, would provide an adequate margin of safety against brittle failure of the RPV. This is also consistent with the determination that the NRC staff has reached for other licensees under similar conditions based upon the same considerations. The NRC staff has previously granted exemptions to use ASME Code Case N-640 for the Quad Cities Nuclear Power Station and the Limerick Generating Station Unit 1 where the NRC staff concluded that application of ASME Code Case N-640 would provide adequate safety margins consistent with 10 CFR part 50, Appendix G, and Appendix G to ASME Code, Section XI. In the same cases, the NRC staff also concluded that relaxation of the methodology in Appendix G to ASME Code, Section XI, by application of ASME Code Case N-640 is acceptable, and pursuant to 10 CFR 50.12(a)(2)(ii), would maintain the underlying purpose of the NRC regulations to ensure an acceptable margin of safety for the Quad Cities and Limerick Generating Station Unit 1 RPVs and RCSs. The licensee's proposal to use ASME Code Case N-640 for generation of the MNGP P/T limit curves is predicated on the same technical basis as was used for generation of the P/T limits for Quad Cities and Limerick Generating Station Unit 1.

Therefore, the NRC staff concludes that pursuant to 10 CFR part 50, Section 50.12(a)(1), and 10 CFR part 50, Section 50.12(a)(2)(ii), (iii), and (v), granting an exemption is appropriate and that the methodology of ASME Code Case N-640 may be used to revise the P/T limits for MNGP.

#### 4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR part 50, Section 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby

grants the Nuclear Management Company, LLC, an exemption from the requirements of 10 CFR part 50, Section 50.60(a) and 10 CFR part 50, Appendix G, for MNGP.

Pursuant to 10 CFR part 50, Section 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (68 FR 8052).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 21st day of February 2003.

For the Nuclear Regulatory Commission.

**John A. Zwolinski,**

*Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-309]

### Finding of No Significant Impact Related to Maine Yankee Atomic Power Company's License Amendment Request for Approval of the License Termination Plan

#### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company (the licensee), for the Maine Yankee Atomic Power Station (Maine Yankee), located in Lincoln County, Maine. The license amendment is related to the licensee's License Termination Plan (LTP). An environmental assessment (EA) was performed by the NRC staff in support of its review of the license amendment request, in accordance with the requirements of 10 CFR Part 51. The conclusion of the EA is a Finding of No Significant Impact (FONSI).

#### II. EA Summary

The proposed action would amend Facility Operating License DPR-36 to approve the Maine Yankee LTP. The proposed action is in accordance with the licensee's application dated October 15, 2002.

As described in the EA, the NRC staff found no significant impacts based on its review of the adequacy of the radiation release criteria and the adequacy of the final status survey to meet NRC's unrestricted release criteria. Also, further described in the EA, the

NRC staff focused its review on land use, ground and surface water, and human health and considered potential non-radiological, radiological, and cumulative impacts. In reviewing the LTP the staff also determined that the environmental impacts were enveloped by the generic analysis performed in support of "Radiological Criteria for License Termination" (62 FR 39058).

#### III. Finding of No Significant Impact

Based on this review, the NRC staff has concluded that there are no significant environmental impacts on the quality of the human environment. Accordingly, the staff has determined that preparation of an Environmental Impact Statement is not warranted.

#### IV. Further Information

The licensee's request for the proposed action (ADAMS Accession No: ML022970110) and the NRC's complete Environmental Assessment (ADAMS Accession No.: ML030340122), and other related documents to this proposed action are available for public inspection and copying for a fee at NRC's Public Document Room at NRC Headquarters, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. These documents, along with most others referenced in the EA, are available for public review through ADAMS, the NRC's electronic reading room, at: <http://www.nrc.gov/reading-rm/adams.html>.

Any questions with respect to this action should be referred to John Buckley, Decommissioning Branch, Mailstop T-7F19, Division of Waste Management, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-6607.

Dated at Rockville, Maryland, this 24th day of February, 2003.

For the Nuclear Regulatory Commission,

**Larry W. Camper,**

*Chief, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

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