



August 8, 2019

NG-19-0085  
L-2019-142

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

Duane Arnold Energy Center  
Docket No. 50-331  
Renewed Facility Operating License No. DPR-49

NextEra Energy Duane Arnold, LLC's Request for Rescission of Commission Order EA-13-109, "Order Modifying Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions"

- References:
1. Order EA-13-109, "Order Modifying Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions," dated June 6, 2013 (ML13130A067)
  2. NextEra Energy Duane Arnold, LLC, "Certification of Permanent Cessation of Power Operations," dated January 18, 2019 (ML19023A196)

On June 6, 2013, the Nuclear Regulatory Commission ("NRC" or "Commission") issued Order EA-13-109 (Reference 1) to NextEra Energy Duane Arnold, LLC (NEDA). A discussion of NEDA's implementation of the Order is included in the Enclosure.

By letter dated January 18, 2019 (Reference 2), NEDA provided formal notification to the NRC pursuant to 10 CFR 50.82(a)(1)(i) and 10 CFR 50.4(b)(8) of the intention to permanently cease power operations at the DAEC in the fourth quarter of 2020.

The purpose of this letter is to request rescission of Order EA-13-109 upon docketing of the Title 10 Code of Federal Regulations (CFR) 50.82(a)(1) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel. The enclosure to this letter provides the good cause justification for this request.

This letter contains no new regulatory commitments. If you have any questions regarding this submittal, please contact Michael Davis, Licensing Manager at 319-851-7032.

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I declare under penalty of perjury that the foregoing is true and correct.  
Executed on August 8, 2019.



Dean Curtland  
Site Director, Duane Arnold Energy Center  
NextEra Energy Duane Arnold, LLC

Enclosure

cc: Director, Office of Nuclear Reactor Regulation  
USNRC Regional Administrator Region III  
USNRC Project Manager, Duane Arnold Energy Center  
USNRC Resident Inspector, Duane Arnold Energy Center

Enclosure to NG-19-0085

NextEra Energy Duane Arnold, LLC's Request for Rescission of Commission Order EA-13-109, "Order Modifying Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions"

2 pages follow

## **1 Request for Order Rescission**

NextEra Energy Duane Arnold, LLC (NEDA) hereby submits a request that U.S. Nuclear Regulatory Commission (NRC) Order EA-13-109, "Order Modifying Licensees with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions," be rescinded for the Duane Arnold Energy Center (DAEC) upon docketing of the Title 10 Code of Federal Regulations (CFR) 50.82(a)(1) certifications for permanent cessation of operation and permanent removal of fuel from the reactor vessel.

## **2 Background**

On June 6, 2013, the NRC issued Order EA-13-109, "Order Modifying Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions," (Reference 1) to all licensees that operate boiling-water reactors with Mark I or Mark II containment designs. The Order was effective immediately and is applicable to DAEC. The Order required NEDA to install hardened containment venting systems that can be maintained functional during severe accident conditions (i.e., following significant core damage) and included two separate implementation phases. Phase 1 included modifications to wetwell venting systems, while Phase 2 included modifications to drywell venting systems or implementation of a reliable containment strategy that met regulatory approval.

By letter dated December 19, 2018 (Reference 2), NEDA notified the NRC, as required by Item IV.D.4 of Order EA-13-109, that full compliance with the requirements of the Order, for Phases 1 and 2, had been achieved for the DAEC.

By letter dated January 18, 2019 (Reference 3), NEDA provided formal notification to the NRC pursuant to 10 CFR 50.82(a)(1)(i) and 10 CFR 50.4(b)(8) of the intention to permanently cease power operations at the DAEC in the fourth quarter of 2020. Consequently, NEDA requests the requirements of NRC Order EA-13-109 be rescinded for DAEC upon docketing of the 10 CFR 50.82(a)(1) certifications for permanent cessation of operation and permanent removal of fuel from the reactor vessel.

Order EA-13-109, Section IV.D., states that "the Director, Office of Nuclear Reactor Regulation may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause."

## **3 Basis for Rescission Request**

Upon docketing of the 10 CFR 50.82(a)(1) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, the 10 CFR Part 50 license will no longer authorize operation of the reactor or emplacement or retention of fuel into the reactor vessel.

With permanent removal of fuel from the reactor vessel, the function of primary containment will cease. Primary containment has no design function regarding protection of the fuel in the Spent Fuel Pool (SFP), or mitigation of SFP accident scenarios. Therefore, implementation of the requirements in Order EA-13-109 will no longer have any nexus to reasonable assurance of adequate protection of the public health and safety.

The proposed request is similar to those approved by the NRC for the permanently shut down and defueled Vermont Yankee Nuclear Power Station (ML14055A323), Oyster Creek Nuclear Generating Station (ML18176A068), and Pilgrim Nuclear Power Station (ML19094A533).

#### **4 Conclusion**

Based on the above, the Director, Office of Nuclear Reactor Regulation is requested to rescind Order EA-13-109 for DAEC upon docketing of the 10 CFR 50.82(a)(1) certifications for permanent cessations of operations and permanent removal of fuel from the reactor vessel.

#### **5 References**

1. NRC Order Number EA-13-109, "Order Modifying Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions" dated June 6, 2013 (ML13130A067).
2. NextEra Energy Duane Arnold, LLC, "Completion of Required Action for NRC Order Number EA-13-109, Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions," dated December 19, 2018 (ML18360A170).
3. NextEra Energy Duane Arnold, LLC, "Certification of Permanent Cessation of Power Operations," dated January 18, 2019 (ML19023A196).