



**YANKEE ATOMIC ELECTRIC COMPANY**  
19 Midstate Drive, Auburn, Massachusetts 01501

**DOCKET NUMBER**  
**PROPOSED RULE** **PR 2,20+50**  
**(66 FR 46230)**



**CONNECTICUT YANKEE ATOMIC POWER COMPANY**  
362 Injun Hollow Road, East Hampton, Connecticut 06424-3099

DOCKETED  
USNRC

November 20, 2001 (11:36AM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

November 16, 2001  
BYR 01-074  
CY 01-192

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Attention: Rulemakings and Adjudications Staff

Subject: Comments on the Proposed Rule – Releasing Part of Power  
Reactor Site or Facility for Unrestricted Use Before the NRC  
Approves the License Termination Plan (66 FR 46,230 –  
September 4, 2001)

Dear Sir:

Yankee Atomic Electric Company (YAEC) and Connecticut Yankee Atomic Power Company (CYAPCO) appreciate the opportunity to provide comments to the U.S. Nuclear Regulatory Commission (NRC) in response to the subject notice. This proposed rule will provide a real value to both the reactor licensee and the host community by allowing power reactors to release portions of their sites prior to the approval of a license termination plan. As such, we support this needed regulatory action.

The following discussion provides our comments:

In the proposed rulemaking, the NRC has departed from the process described in SECY-00-0023, dated February 2, 2000. We believe, however, that the proposed regulation should preserve, as an alternative, the ability to release an impacted area if it can be demonstrated that there is no residual radioactivity distinguishable from the background present. The release process should follow the same process as that for a non-impacted area – approved via letter as opposed to an amendment. The burden in this alternative is to develop and present strong reference background radiation data to support and defend the validity of its use. We feel that the appropriate criteria for indistinguishability from background does exist. Potential criteria corresponding to the current free release criteria could be used by licensees. The added benefit in the use of this alternative would be to eliminate the burdensome nature of the proposed regulation relative to releasing areas that contain no measurable radioactivity.

Template = SECY-067

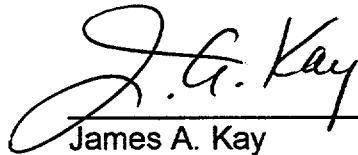
SECY-02

The regulation should also recognize licensee use of a NRC approved process prior to the rulemaking, such as the processes described in SECY-00-0023 and RIS 2000-19. If final status survey information has been submitted for NRC review for partial release of an area prior to the rulemaking becoming effective, the licensee should be allowed to proceed in accordance with the NRC approved process.

Should you have any questions regarding our comments, please do not hesitate to contact either Mr. Gerry vanNoordennen, CYAPCO Regulatory Affairs Manager at (860) 267-3938 or myself at (978) 568-2302.

Sincerely,

YANKEE ATOMIC ELECTRIC COMPANY

A handwritten signature in cursive script that reads "J. G. Kay". The signature is written in dark ink and is positioned above a horizontal line.

James A. Kay  
Manager of Regulatory Affairs