



CONNECTICUT YANKEE ATOMIC POWER COMPANY

HADDAM NECK PLANT

362 INJUN HOLLOW ROAD • EAST HAMPTON, CT 06424-3099

JUN 1 2005

Docket No. 72-0039

CY-05-142

RE: 10 CFR 72.7

Director, Spent Fuel Project Office  
Office of Nuclear Material Safety and Safeguards  
U. S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington D. C. 20555

Haddam Neck Plant

Request for Exemption from Certain Requirements of 10 CFR 72.212 and 72.214  
for Dry Spent Fuel Storage Activities  
at the Independent Spent Fuel Storage Installation (ISFSI)

In accordance with 10 CFR 72.7, Specific Exemption, Connecticut Yankee Atomic Power Company (CYAPCO) is hereby requesting an exemption from certain requirements of 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 72.214. These regulations require, in part, compliance with the terms and conditions of the NAC-MPC Certificate of Compliance<sup>1</sup> for spent fuel storage in the ISFSI at the Haddam Neck Plant (HNP) site. The requested exemption would allow CYAPCO to deviate from the requirements in Certificate of Compliance (CoC) No. 1025, Amendment 4, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.1, Training Program. The exemption would relieve CYAPCO from the requirements to develop training modules under the Systems Approach to Training (SAT) that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-MPC System.

<sup>1</sup> J. Monninger (NRC) letter to T. Thompson (NAC International Inc.), "Amendment No. 4 to Certificate of Compliance No. 1025 for the NAC International, Inc. Multipurpose Canister (NAC-MPC) System", dated October 27, 2004.

nmssol

CYAPCO is not requesting any exemptions from the requirements to develop, under its SAT program, modules for the NAC-MPC System.

### Background

On December 5, 1996, CYAPCO notified the NRC that operations had permanently ceased and the fuel had been permanently removed from the reactor. With the docketing of this submittal, CYAPCO was no longer authorized to operate the reactor or place fuel in the reactor vessel in accordance with 10 CFR 50.82. CYAPCO built the ISFSI under the general license provision of 10 CFR 72, Subpart K. Subpart K grants a general license to holders of 10 CFR 50 licenses to construct and operate an ISFSI on a site licensed under 10 CFR 50. On March 26, 2005, all special nuclear material as reactor fuel was permanently removed from the HNP spent fuel pool and stored in an ISFSI located at the HNP site.

### Discussion

CYAPCO requests an exemption from the requirements of CoC No. 1025, Amendment No. 4, Technical Specifications, Section A 5.1, Training Program. Section A 5.1 requires the following:

**“A training program for the NAC-MPC SYSTEM shall be developed under the general licensee’s Systems Approach to Training Program. Training modules shall include comprehensive instructions for all activities related to the NAC-MPC SYSTEM and the Independent Spent Fuel Storage Installation (ISFSI).”**

(Note: bolding is provided to emphasize the issue under consideration for exemption.)

The CYAPCO training program for the NAC-MPC System was developed using the SAT methods. The training modules included comprehensive instructions for the operation and maintenance of the NAC-MPC System. The NAC-MPC System includes all of the important to safety Structures, Systems, and Components (SSCs) for the ISFSI (including the concrete pad for the ISFSI). The remaining ISFSI SSCs are not important to safety as defined in 10 CFR 72.3. SSCs that are not important to safety include the heating and air conditioning systems, electrical distribution, lighting, fencing and barriers, intrusion detection and alarm systems. Application of a SAT for the training and qualification of personnel who operate systems that are not important to safety would result in additional expenses for task evaluation, lesson plan development, instruction and administration without a commensurate safety benefit. For activities associated with the operation and maintenance of ISFSI SSCs that are not important to safety, CYAPCO will provide training/instructions in accordance with manufacturer’s instructions and CYAPCO approved procedures.

In accordance with the provisions of 10 CFR 72.7, "[t]he Commission may, upon application by an 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 common defense and security and otherwise in the public interest."

The requested exemption, that would relieve CYAPCO from the requirements to develop training modules under the SAT that will include the SSCs that are not important to safety, is clearly authorized by law and within the Commission's authority. A similar exemption was recently granted to Maine Yankee (Docket No. 72-030, dated January 4, 2005).

The requested exemption does not involve any additional risk to the public health and safety. The requested exemption affects only Technical Specification administrative controls associated with training programs and training of ISFSI personnel in the operation and maintenance of SSCs not important to safety at the ISFSI.

The requested exemption does not affect any accident analysis in the NAC-MPC Final Safety Analysis Report (FSAR) or cause any release of radioactive material to the environment. The exemption request does not result in a decrease in CYAPCO's ability to effectively safeguard the spent fuel stored at the ISFSI. Thus, this exemption would not endanger life or property or the common defense and security.

The requested exemption is in the public interest in that it will reduce the cost associated with applying a more complex and labor intensive training process than required by regulation. The costs associated with these activities are paid by the ratepayers that benefited from the power produced by the HNP when it was operating. The ratepayers deserve a cost-efficient operation of the ISFSI that is unencumbered by unnecessary requirements.

### Environmental Impact

The proposed action would grant an exemption from the requirements of 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 72.214. The proposed action would not increase the probability or consequences of accidents. No changes are being made in the types or quantities of any radiological effluent that may be released offsite and there is no significant increase in occupational or public radiation exposure. Therefore, there is no significant radiological environmental impact associated with the proposed action.

The proposed action does not affect non-radiological plant effluents and has no other environmental impacts. Therefore, there are no significant non-radiological impacts associated with the proposed action.

Based upon the above assessment, the proposed action will not have a significant effect on the quality of the human environment.

Summary

The information provided in this submittal gives the NRC sufficient basis for granting an exemption from the requirements of 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 72.214. The requested exemption would allow CYAPCO to deviate from the requirements in Certificate of Compliance (CoC) No. 1025, Amendment 4, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.1, Training Program. The exemption would relieve CYAPCO from the requirements to develop training modules under the Systems Approach to Training (SAT) that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-MPC System. CYAPCO is not requesting any exemptions from the requirements to develop, under its SAT program, modules for the NAC-MPC System.

CYAPCO requests that the NRC approve this exemption request at your earliest convenience.

There are no regulatory commitments contained in this submittal.

If you should have any questions regarding this submittal, please contact Mr. G. P. van Noordennen at (860) 267-3938.

Sincerely,

  
\_\_\_\_\_  
Joseph F. Bourassa

Director of Nuclear Safety/ Regulatory Affairs

6/1/05

Date

cc: S. J. Collins, USNRC, Region 1, Administrator  
T. B. Smith, USNRC, Project Manager  
M. T. Miller, USNRC, Region 1, Chief, Decommissioning and Laboratory Branch  
E. L. Wilds, Jr., CT DEP, Director, Monitoring and Radiation Division

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SUBJECT: Request for Exemption  
from Certain Requirements of  
10CFR 72.212 and 72.214

OUTGOING LETTER #: <u>CY-05-142</u>
DATE OF LETTER: <u>JUN 1 2005</u>

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PER SECTION 19-13-B102(i)(2) OF THE PUBLIC HEALTH CODE? YES  NO  OSHA? YES  NO  DEPT. OF LABOR? YES  NO

VERIFICATION FOR ACP 1.2-2.62. ATTACHMENT 9 REQUIRED? YES  NO

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