

September 22, 2005

Mr. Joseph F. Bourassa
Director, Nuclear Safety and Regulatory Affairs
Connecticut Yankee Atomic Power Company
362 Injun Hollow Road
East Hampton, CT 06424-3099

SUBJECT: EXEMPTION FROM 10 CFR 72.212 AND 72.214 FOR DRY SPENT FUEL
STORAGE ACTIVITIES - HADDAM NECK PLANT (TAC NO. L23859)

Dear Mr. Bourassa:

This is in response to your letter dated June 1, 2005, requesting an exemption from 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 72.214, pursuant to 10 CFR 72.7. In your letter, you requested an exemption from the requirements in Certificate of Compliance No. 1025, Amendment No. 4, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.1, Training Program. This exemption would relieve Connecticut Yankee Atomic Power Company (CYAPCO) from the requirement to develop training modules under the Systems Approach to Training that include comprehensive instructions for the operation and maintenance of the independent spent fuel storage installation, except for the NAC-MPC System.

The U.S. Nuclear Regulatory Commission (NRC) staff has evaluated the proposed exemptions. The staff's enclosed safety evaluation report concludes that the requested exemptions are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. Accordingly, the exemptions are granted and effective immediately. These exemptions do not relieve CYAPCO of any other regulatory obligations pursuant to either 10 CFR Parts 20 or 72.

The NRC staff evaluated the public health and safety and environmental impacts of the proposed exemptions and determined that granting this exemption would not result in any significant impacts. For this action, an Environmental Assessment and Finding of No Significant Impact were prepared and published in the Federal Register (70 FR 53813, September 12, 2005). A copy of the Federal Register Notice was provided to you by letter dated August 31, 2005.

J. F. Bourassa

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If you have any questions, please contact me or Stacie Sakai of my staff at 301-415-8500. Any future correspondence related to this action should reference Docket No. 72-39 and TAC No. L23859.

Sincerely,

/RA/

William Ruland, Deputy Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-39

Enclosure: Safety Evaluation

J. F. Bourassa

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If you have any questions, please contact me or Stacie Sakai of my staff at 301-415-8500. Any future correspondence related to this action should reference Docket No. 72-39 and TAC No. L23859.

Sincerely,

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William Ruland, Deputy Director
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Office of Nuclear Material Safety
and Safeguards

Docket No. 72-39

Enclosure: Safety Evaluation

DISTRIBUTION: (Closes TAC No. L23859)

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See previous concurrence *

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SAFETY EVALUATION REPORT
DOCKET NO. 72-39
HADDAM NECK PLANT
INDEPENDENT SPENT FUEL STORAGE INSTALLATION

1.0 Summary

By letter dated June 1, 2005, Connecticut Yankee Atomic Power Company (CYAPCO or the licensee) requested exemptions from Title 10 of the Code of Federal Regulations (10 CFR) 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 72.214, pursuant to 10 CFR 72.7. CYAPCO requested these exemptions in order to deviate from the requirements in Certificate of Compliance (CoC) No. 1025, Amendment No. 4, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.1, Training Program. The exemptions would relieve CYAPCO from the requirement to develop training modules under the Systems Approach to Training (SAT) that include comprehensive instructions for the operation and maintenance of the independent spent fuel storage installation (ISFSI), except for the NAC-MPC System.

The NRC has evaluated the technical information provided by CYAPCO to support its request for these exemptions and concluded in the discussion below that the proposed exemptions are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

2.0 Evaluation

In accordance with the provision 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 the common defense and security and are otherwise in the public interest.”

By letter dated June 1, 2005, CYAPCO requested exemptions from 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 72.214, pursuant to 10 CFR 72.7. CYAPCO requested exemptions in order to deviate from the requirements in CoC No. 1025, Amendment No. 4, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.1, Training Program.

CoC No. 1025, Amendment No. 4, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.1, Training Program, 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).

CYAPCO has requested that it be exempted from the requirement to develop, under its SAT program, modules that include comprehensive instructions for the operation and maintenance of the ISFSI. CYAPCO has not requested to be exempted from the requirement to develop,

Enclosure

under its SAT program, modules for the NAC-MPC System. CYAPCO stated that it has developed training modules which include comprehensive instructions for the operation and maintenance of the NAC-MPC System. Further, CYAPCO stated that the NAC-MPC System includes all of the structures, systems, components (SSCs) important to safety for the ISFSI based on the definition, *Structures, systems, and components important to safety*, provided in 10 CFR 72.3.

CYAPCO stated that for activities associated with the operation and maintenance of ISFSI SSCs that are not-important-to-safety, it would provide training and instructions in accordance with manufacturer's instructions and CYAPCO approved procedures. In addition, CYAPCO notes that the proposed exemption would reduce the cost associated with applying a more complex and labor intensive training process than required by regulation.

CYAPCO noted that granting this exemption would produce no additional risk to the public health and safety. Finally, CYAPCO noted that the alternative form of training that would be provided, for those SSCs considered not-important-to-safety, is less costly. CYAPCO also noted that the requested exemption would result in a savings for CYAPCO's ratepayers and thus the requested exemption is in the public interest.

The staff has reviewed CYAPCO's exemption request and agrees with CYAPCO that the current wording of Section A5.1 requires ISFSI SSCs considered not-important-to-safety to be included in CYAPCO's SAT program. The staff also agrees that requiring CYAPCO to develop training modules for the ISFSI under a higher cost program does not provide a commensurate increase in safety. The staff agrees that CYAPCO's alternative training program for the ISFSI governs only SSCs not important to safety. The staff finds that exempting CYAPCO from the requirement that CYAPCO develop, under its SAT program, training modules that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-MPC System, will not reduce safety.

3.0 **Conclusion**

The Commission has set forth its views on the application of regulations in the Agency's Strategic Plan. One of the effectiveness strategies provided to the staff is to improve NRC regulation by eliminating unnecessary requirements. Based on its review, the staff has determined that eliminating the requirements in CoC No. 1025, Amendment No. 4, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.1, Training Program, to develop training modules under the SAT, that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-MPC System will not reduce safety at the Haddam Neck ISFSI and that therefore these are unnecessary requirements for CYAPCO. Therefore, granting the requested exemptions from these requirements is authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.