



# CONNECTICUT YANKEE ATOMIC POWER COMPANY

HADDAM NECK PLANT

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

September 1, 2009  
CY-09-012

License No. DPR-61  
Docket No. 50-213  
Docket No. 72-1025  
Re: 10 CFR 72.212

U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, DC 20555

Haddam Neck Plant  
Request for Exemption from 10 CFR 72  
Supplemental Information

On September 16, 2008, Connecticut Yankee Atomic Power Company (CYAPCO) submitted a request for Exemption from 10 CFR 72 for the Haddam Neck Independent Spent Fuel Storage Installation (ISFSI)<sup>1</sup>. In discussions with the NRC Staff it was determined that the previously granted exemption from certain requirements of 10 CFR 72.212 and 72.214 issued by the NRC on September 22, 2005<sup>2</sup>, regarding the training program, would need to be reauthorized for CYAPCO to implement Amendment 5 to Certificate of Compliance No. 1025<sup>3</sup>.

Amendment No. 5 to Certificate of Compliance (CoC) No. 1025 for the NAC International, Inc. Multi-Purpose Canister (NAC-MPC) System was issued by the NRC Staff on September 19, 2007. The effective date of the amended CoC was July 24, 2007. Revision 7 to the NAC Final Safety Analysis Report to reflect the amendment to the CoC was submitted to the NRC on February 15, 2008. The amendment is applicable to only two sites: the Haddam Neck Independent Spent Fuel Storage Installation (ISFSI) and the Yankee Atomic ISFSI. Both sites are decommissioned power reactors that utilize a fixed number of NAC-MPC storage casks. The CoC amendment was requested for all previously loaded casks of this single design.

Connecticut Yankee Atomic Power Company (CYAPCO) intends to implement Amendment No. 5 to the NAC-MPC CoC for operational benefits and to avoid potential regulatory issues that could arise in the future. CYAPCO has performed an evaluation

<sup>1</sup> James Lenois (CYAPCO) letter to the U.S. NRC Document Control Desk, Request for Exemption from 10 CFR 72, September 16, 2008.

<sup>2</sup> W. Ruland (U.S. NRC) letter to J. Bourassa (CYAPCO), Exemption from 10 CFR 72.212 and 72.214 for Dry Spent Fuel Storage Activities, September 22, 2005.

<sup>3</sup> Amendment No. 5 to Certificate of Compliance No. 1025 for the NAC International, Inc. Multi-Purpose Canister (NAC-MPC) System, issued September 19, 2007, Docket No. 72-1025.

NIMS301  
NIMS5

consistent with 10 CFR 72.212 to verify that the Haddam Neck casks will fully conform to the terms, conditions, and specifications of the CoC, as amended by Amendment No. 5. In particular, Amendment No. 5 will allow a visual inspection alternative to Surveillance Requirement 3.1.6.1 to verify the operability of the concrete cask heat removal system to maintain safe storage conditions. This alternative has been determined to be in accordance with the requirements of 10 CFR 72.122(h)(4). Amendment No. 5 also removes a specification in the CoC for tamper-indicating devices. CYAPCO is confident that Amendment No. 5 to CoC No. 1025 for the NAC-MPC can be safely and properly implemented for the previously loaded casks at Haddam Neck by implementing changes to relevant surveillance procedures in accordance with 10 CFR 72.48(c) and 72.212.

Enclosure 1 provides the exemption request that will allow CYAPCO to deviate from the requirements in Amendment 5, Appendix A, Technical Specifications for the NAC-MPC System, Section A.5.1, Training Program.

Also, it is CYAPCO's understanding that the exemption request provided in the September 16, 2008 letter is no longer needed to implement Amendment No. 5. Accordingly, CYAPCO hereby withdraws the exemption request enclosed with the September 18, 2008 letter.

Should you have any questions regarding this request, please contact me at (860) 267-6426 Ext. 301.

Sincerely,

  
James Leno  
ISFSI Manager

Enclosure 1: Request for Exemption

cc: S. J. Collins, Region I Administrator  
E. Cobey, Chief, Decommissioning Branch, Region I  
M. Virgilio, Deputy Executive Director  
W. Brach, Director, Division of Spent Fuel Storage and Transportation  
J. Goshen, NRC Project Manager, Division of Spent Fuel Storage and Transportation  
S. Kraft, Senior Director, Nuclear Energy Institute  
E. L. Wilds, Jr., Director, CT DEP, Bureau of Air Management-Radiation Division

## **Enclosure 1: Exemption Request**

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>4</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 5, 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.

### **Background**

On September 16, 2008, CYAPCO notified the NRC that it intended to implement Amendment 5 to the NAC-MPC Certificate of Compliance for operational benefits and to avoid potential regulatory issues that could arise in the future. CYAPCO has performed an evaluation consistent with 10 CFR 72.212 to verify that the Haddam Neck casks will fully conform to the terms, conditions, and specifications of the CoC, as amended by Amendment No. 5. In particular, Amendment No. 5 will allow a visual inspection alternative to Surveillance Requirement 3.1.6.1 to verify the operability of the concrete cask heat removal system to maintain safe storage conditions. This alternative has been determined to be in accordance with the requirements of 10 CFR 72.122(h)(4). Amendment No. 5 also removes a specification in the CoC for tamper-indicating devices. CYAPCO is confident that Amendment No. 5 to CoC No. 1025 for the NAC-MPC can be safely and properly implemented for the previously loaded casks at Haddam Neck by implementing changes to relevant surveillance procedures in accordance with 10 CFR 72.48(c) and 72.212.

### **Discussion**

CYAPCO requests an exemption from the requirements of CoC No. 1025, Amendment No. 5, Technical Specifications, Section A 5.1, Training Program. Section A 5.1 requires the following:

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<sup>4</sup> Amendment No. 5 to Certificate of Compliance No. 1025 for the NAC International, Inc. Multipurpose Canister (NAC-MPC) System, issued September 19, 2007, Docket No. 72-1025..

“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 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 5, 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.