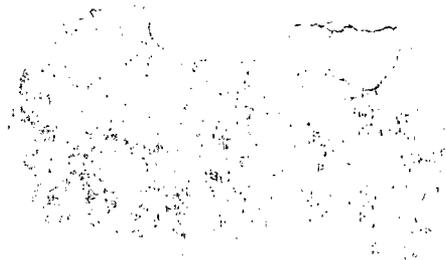




CONNECTICUT YANKEE ATOMIC POWER COMPANY

HADDAM NECK PLANT

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



CY-10-017

November 30, 2010

License No. DPR-61

Docket No. 50-213

Docket No. 72-0039

Re: 10 CFR 73.55

Doug Weaver
Division of Spent Fuel Storage and Transportation
Deputy Director for Licensing and Inspection Directorate
Mail Stop: 0-11 FI1
Washington, DC 20555-0001

Haddam Neck Plant

Response to Revised Power Reactor Security Rule and Request for Exemption

On August 2, 2010, the NRC issued a letter to Connecticut Yankee Atomic Power Company (CYAPCO) (Ref. 1) providing clarification on the applicability of the revised power reactor security regulations to a Part 50 licensee undergoing decommissioning or a Part 50 licensee that has only a general licensed Independent Spent Fuel Storage Installation (ISFSI). As discussed in the July 20, 2010 NRC webinar on this subject, these Part 50 licensees may not have recognized the applicability of the revised Power Reactor Security Rule to their facility. The NRC noted in the August 2, 2010 letter that there are currently no security or health and safety gaps at these facilities that may not be in compliance with the current 10 CFR 73.55 requirements because the Security Plans at these facilities meet the baseline requirements of the previous version of 10 CFR 73.55 and also meet the requirements in subsequent security orders. The applicable security orders for the Haddam Neck Plant are Order EA-02-104 (Ref. 2), and Order EA-03-097 (Ref. 3). The letter (Ref.1) also stated that exemptions granted to requirements in the previous version of 10 CFR 73.55 (Ref. 4) automatically transfer provided the language in 10 CFR 73.55 has not changed substantively. The NRC requested that any necessary responses, exemption requests, or amendments must be submitted 120 days after receipt of this letter.

In response to the August 2, 2010 NRC letter (Ref. 1), CYAPCO has made a good-faith attempt to interpret and implement the new rule. This letter provides the necessary response to the NRC letter and includes an exemption request in Enclosure 1 for those portions of the new 10 CFR 73.55 rule that are either not applicable or would cause an undue burden to a stand-alone ISFSI. Also

provided in Enclosure 2 is a compliance matrix that shows how CYAPCO either complies with the new rule and applicable orders or needs an exemption. The existing exemption to those portions of the old 10 CFR 73.55 is also noted in the matrix. Changes to the Physical Security Plan and implementing procedures will be made within 120 days after the exemption request is approved by the NRC.

In the statements of consideration for the Power Reactor Security Rule (Ref. 5, page 13958), the following statements are made with regard to § 72.212 references to appropriate revised paragraph designations in § 73.55.

“No change to the substantive requirements of this section is intended. Conforming changes were made to preserve the current requirements for general licenses issued per § 72.210 for the storage of spent fuel in an ISFSI. The Commission has initiated a separate rulemaking to revise the requirements for the security of ISFSIs and thus prefers to maintain the current regulatory structure until that rulemaking is completed.”

“The changes made to § 72.212 are intended to preserve those conditions and exceptions since these ISFSI licensees are not the subject of the rulemaking.”

Thus CYAPCO's intent in submitting this exemption request is to maintain the current regulatory structure prior to the Power Reactor Security Rule and therefore does not propose any changes to the Physical Security Plan (other than simple regulatory reference changes that can be implemented under 10 CFR 50.54(p)).

Enclosures 1 and 2 provide security-related sensitive unclassified non-safeguards information (SUNSI) that CYAPCO is requesting be withheld from public disclosure in accordance with 10 CFR 2.390. The cover letter when detached from Enclosures 1 and 2 does not contain SUNSI information.

Pursuant to 10 CFR 73.5, “Specific Exemptions,” CYAPCO is requesting NRC approval of an exemption from certain requirements of 10 CFR 73.55, “Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against Radiological Sabotage.” Enclosure 1, “Exemption Request,” identifies the specific requirements in the regulations that are the subject of the exemption request and contains the associated justifications.

We are requesting approval of the exemption at your earliest. If you should have any questions regarding this submittal, please contact me at (860) 267-6426.

Sincerely,


James Lenois
SFSI Manager

11/30/2010
Date

References:

- 1) Bruce A. Watson (U.S. Nuclear Regulatory Commission) Letter to Wayne Norton, President, CYAPCO, "Haddam Neck Plant – Revised Power Reactor Security Rule", dated August 2, 2010
- 2) Margaret V. Federline (U.S. Nuclear Regulatory Commission) Letter to Kenneth Heider, "Issuance of Order for Implementation of Interim Compensatory Measures for the Haddam Neck Plant," dated October 16, 2002 (EA-02-104)
- 3) Margaret V. Federline (U.S. Nuclear Regulatory Commission) Letter to Wayne Norton, "Issuance of Order for Implementation of Additional Security Measures for the Haddam Neck Plant," dated August 18, 2004 (EA-03-097)
- 4) D. Holland (U.S. Nuclear Regulatory Commission) Letter to K. J. Heider, (CYAPCO), "Issuance of Amendment Re: Security Plan Change for Independent Spent Fuel Storage Installation," dated January 30, 2003
- 5) Power Reactor Security Rule (74 Federal Register (FR) 13926) Effective May 26, 2009 for implementation March 31, 2010

Enclosures: (1) Exemption Request
(2) Compliance Matrix

cc: W. M. Dean, NRC Region I Administrator w/o enclosures
J. Joustra, Chief, Decommissioning Branch, NRC Region I w/o enclosures
J. Goshen, NRC Project Manager, Haddam Neck Plant w/o enclosures
E. L. Wilds, Jr., Director, CT DEP, Monitoring and Radiation Division w/o enclosures