



CONNECTICUT YANKEE ATOMIC POWER COMPANY

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

CY-12-039
June 20, 2012
License No. DPR-61
Docket No. 50-213
Docket No. 72-0039
Re: 10 CFR 50.4

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Haddam Neck Plant
Request for Exemption to Revised Emergency Planning Rule

Pursuant to 10 CFR 50.12, Connecticut Yankee Atomic Power Company (CYAPCO) requests NRC approval of an exemption from specific requirements of 10 CFR Part 50.47, Emergency Plans and 10 CFR 50, Appendix E, Emergency Planning and Preparedness for Production and Utilization Facilities.

The NRC issued a Final Rule promulgating Enhancements to Emergency Preparedness Regulations in the Federal Register on November 23, 2011 (Reference 1). Pursuant to the Final Rule, licensees are permitted to defer implementation of the final rule until June 20, 2012 with some exceptions. The final rule was described in the Federal Register in terms of six security related emergency planning (EP) issues and six non-security related EP issues. These are identified below:

A. Security-Related EP Issues

1. On-Shift Staffing Analysis
2. Emergency Action Levels for Hostile Action
3. Emergency Response Organization Augmentation and Alternative Facilities
4. Licensee Coordination with Offsite Response Organizations During Hostile Actions
5. Protection for Onsite Personnel
6. Challenging Drills and Exercises

B. Non-Security Related EP Issues

1. Backup Means for Alert and Notification Systems
2. Emergency Declaration Timeliness

AY45
NM5526
NM55

3. Emergency Operations Facility – Performance Based Approach
4. Evacuation Time Estimate Updating
5. Amended Emergency Plan Change Process
6. Removal of Completed One-Time Requirements

This discussion in the Federal Register refers to the applicability of some of these new or changed requirements to “nuclear power reactor licensees.” Other aspects of the rule are discussed with regard to applicability to “non-power reactor licensees.” The issues identified above which apply only to “nuclear power reactor licensees” are: A.1 through A.5, portions of A.6, and B.1 through B.4. 10CFR 50.4 define the terms: “nuclear reactor” and “non-power reactor.” Neither of these definitions characterize licensees that have submitted certifications to permanently cease operations and permanently remove fuel from the reactor, pursuant to 10 CFR 50.82(a), such as CYAPCO. Therefore, while CYAPCO holds an operating license, that license no longer authorizes operation of the reactor and thus it could be argued that the new or changed rules described in the subject rulemaking are not applicable to the former CYAPCO power plant site, because of its 50.82 certification submission.

Furthermore, the Federal Register notice references a completed backfit analysis for the final rule. This Backfit Analysis, dated September 1, 2010 (Reference 2), is based upon the assumption that 65 power reactor sites and 32 non-power reactor sites are affected by this rule. According to Section 3.2.4 of this analysis, the information used in the analysis was taken from NUREG-1350, Vol. 21, NRC Information Digest, 2009-2010 Edition (Reference 3). A review of this Digest Edition reveals that the analysis did not consider decommissioning or decommissioned sites, e.g., the CYAPCO ISFSI.

Nonetheless, a review of the revised rule was conducted against the current license basis and NRC approved exemptions on Emergency Planning. The review determined that additional exemptions from portions of 10CFR Part 50 may be required. While CYAPCO believes that the existing Emergency Planning exemptions continue to apply to the regulations as modified and augmented, CYAPCO is requesting an exemption for some of the aspects of the new rule to clarify the license basis.

Enclosure 1, "Exemption Request," identifies the specific requirements in the regulations that are the subject of the exemption request and contains the associated justifications. The regulations are grouped together according to the six security related emergency planning (EP) issues and six non-security related EP issues described above.

Enclosure 2, "Connecticut Yankee Compliance Matrix for Emergency Plan" identifies the regulations in order, compares the previous version of the regulation to the new rule and identifies the previous regulation as previously exempted with references to the relevant correspondence and license controlled documents.

Pursuant to 10 CFR 50.12, "Specific Exemptions," CYAPCO is requesting NRC approval of an exemption from certain requirements of 10 CFR 50.47 and 10 CFR 50, Appendix E,. Enclosure 1, "Exemption Request," identifies the specific requirements in the regulations that are the subject of the exemption request and contains the associated justifications. Enclosure 2 provides a compliance matrix.

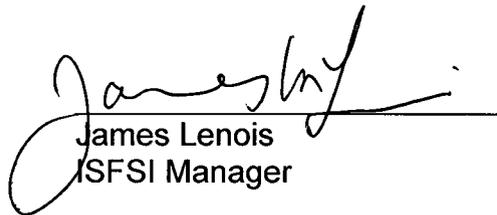
CYAPCO has determined that this exemption request and its impact on the corresponding emergency plan is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security in accordance with 10CFR50.12. Thus CYAPCO's intent in submitting this exemption request is to maintain the current regulatory structure prior to the Enhancements to Emergency Preparedness Regulations and, therefore, does not propose any changes to the Emergency Plan or implementing procedures other than simple regulatory reference changes that can be implemented under 10 CFR 50.54(q).

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. An affidavit in Attachment 1 to this letter provides the justification to withhold Enclosures 1 and 2 from public disclosure. The cover letter when detached from Enclosures 1 and 2 does not contain SUNSI information.

This submittal contains no new regulatory commitments or revisions to existing commitments.

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

Sincerely,


James Lenois
SFSI Manager


Date

References:

- 1) Enhancements to Emergency Preparedness Regulations (76 Federal Register (FR) 72560) dated November 23, 2011, effective December 23, 2011 for implementation June 20, 2012 with exceptions

- 2) Regulatory Analysis and Backfit Analysis, Final Rulemaking: Enhancements to Emergency Preparedness Regulations (10 CFR Parts 50 and 52), U.S. NRC, dated August 4, 2011
- 3) NUREG-1350, Volume 21, NRC Information Digest 2009-2010 Edition, U.S. NRC, August 2009

Attachment: (1) Affidavit of James Lenois

Enclosures: (1) Exemption Request
(2) Connecticut Yankee Compliance Matrix for Emergency Planning Sections 10 CFR 50.47 and 10 CFR 50 Appendix E

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

Affidavit of James Lenois

a) I am the Manager of the Independent Spent Fuel Storage Installation (ISFSI) for Connecticut Yankee Atomic Power Company (CYAPCO), and as such have the responsibility of reviewing the proprietary and confidential information sought to be withheld from public disclosure in connection with our license to store spent nuclear fuel and Greater-than-Class C radioactive waste. I am authorized to apply for the withholding of such proprietary and SUNSI information from public disclosure on behalf of CYAPCO.

b) I am making this affidavit in conformance with the provisions of 10 CFR 2.390 of the regulations of the Nuclear Regulatory Commission (NRC), and in conjunction with CYAPCO's request for withholding, which is accompanied by this affidavit.

c) I have knowledge of the criteria used by CYAPCO in designating information as proprietary or sensitive unclassified non-safeguards information (SUNSI).

d) By this submittal, CYAPCO seeks to protect from disclosure certain SUNSI information contained in this document. Enclosures 1 and 2 contain security related information that is not public. This affidavit discusses the bases for withholding Enclosures 1 and 2, as indicated therein, from public disclosure. The exemption request and the compliance matrix contain SUNSI that CYAPCO has previously determined to be withheld from public disclosure.

e) Pursuant to the provisions of 10 CFR 2.390(b)(4), the following is furnished for consideration by the NRC in determining whether the SUNSI information sought to be protected should be withheld from public disclosure.

1. The information for which protection from disclosure is sought has been held in confidence by CYAPCO. This information is SUNSI-related to CYAPCO, and CYAPCO seeks to protect it as such. The SUNSI to CYAPCO is found in the documents listed in paragraph (d), above. CYAPCO has separated the SUNSI from non-proprietary information in the cover letter. Therefore, CYAPCO seeks to protect the separated information from public disclosure.

2. The SUNSI information was identified as SUNSI by CYAPCO using the guidance in NRC Regulatory Issue Summary (RIS) 2005-26, "Control of Sensitive Unclassified Non-Safeguards Information Related to Nuclear Power Reactors."

3. The NRC has previously determined that the SUNSI should be withheld from public disclosure.

4. The information sought to be withheld is being provided to the NRC in confidence, and, under the provisions of 10 CFR 2.390, it is to be received in confidence by the NRC.

5. The information sought to be withheld is not available in public sources, to the best of CYAPCO's knowledge and belief.

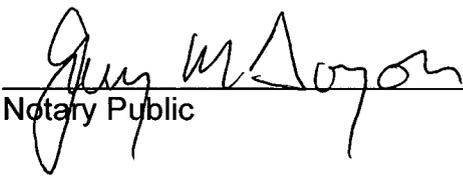
For all of the reasons discussed above, CYAPCO requests that the identified SUNSI information be withheld from public disclosure.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 20, 2012:



Mr. James Leno
SFSI Manager
Connecticut Yankee Atomic Power Company
362 Injun Hollow Road
East Hampton, Connecticut 06424-3099



Notary Public

Guy M. Doyon
My Commission Expires 2/28/2015

My commission expires on: _____

