



CONNECTICUT YANKEE ATOMIC POWER COMPANY

HADDAM NECK PLANT
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March 10, 2014
CY-14-010

Ms. Annette L. Vietti-Cook, Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

Connecticut Yankee Atomic Power Company
Haddam Neck Plant Independent Spent Fuel Storage Installation
NRC License No. DPR-61 (NRC Docket Nos. 50-213 and 72-39)

Subject: Comments on Proposed Rulemaking and Guidance, “Amendments to Material Control and Accounting Regulations,” Docket ID NRC-2009-0096 and Docket ID NRC-2013-0195

Connecticut Yankee Atomic Power Company (CYAPCO) appreciates the opportunity to provide comments on the proposed rule and guidance for 10 CFR Part 74, “Amendments to Material Control and Accounting Regulations,” which were published in the Federal Register on November 8, 2013 (78 FR 67224 and 78 FR 67225). CYAPCO is a 10 CFR Part 50 licensee that operated a single unit nuclear power plant that is now permanently shut down and decommissioned. All that remains at the site is an Independent Spent Fuel Storage Installation (ISFSI) that utilizes a 10 CFR Part 72 licensed dual-purpose dry cask storage system. Given the low risks associated with spent fuel stored in dry canisters at stand-alone ISFSI sites, CYAPCO believes that the NRC should utilize a risk-informed approach to determine if modifying the Material Control and Accounting rules associated with the regulation of stand-alone ISFSIs is appropriate or necessary to achieve a safety benefit.

CYAPCO endorses the comments submitted by the Nuclear Energy Institute on behalf of the nuclear industry on March 10, 2014, in particular those regarding the following:

1. Failure to justify provisions purporting to “strengthen” the requirements for various licensees;
2. Failure to issue regulatory guidance for entire classes of licensees (e.g., ISFSIs);
3. Failure to reflect the 1985 Commission decision that given the low safeguards importance of low enriched uranium (LEU), in tandem with 10 CFR Part 73 physical protection requirements, and the high probability of detecting a significant amount of LEU, there should be significant differences in the Material Control and Accounting (MC&A) requirements for LEU when compared to strategic special nuclear material;

4. Use of absolute (e.g., all, any) and ambiguous terms that create new requirements that are impracticable for licensees to implement and NRC to enforce;
5. Failure to provide a backfit analysis for proposed provisions that would result in a modification or addition to a system, structure or component, procedure, or organization required to operate a facility; and
6. Failure to perform an adequate regulatory analysis that properly addresses industry implementation (quantitative costs) and security and safeguards considerations (qualitative benefits).

Specifically, CYAPCO has concerns regarding the following:

1. The proposed change to 10 CFR 74.3(e) that would require that information related to MC&A to be stored in a locked file cabinet or office. This new requirement would result in a modification and/or addition to the ISFSI site procedures.
2. The proposed change to 10 CFR 74.19(e) that would require ISFSIs to establish, document, implement, and maintain an item control system. Although the NRC has not provided guidance for ISFSIs, such a new requirement would necessarily result in a modification and/or addition to the ISFSI site operating procedures for material that is stored in sealed canister systems.
3. The fact that the NRC did not address or include guidance specific to stand-alone ISFSI sites associated with the proposed new regulations.
4. The proposed implementation period of six-months. Should the new rules be promulgated, the time period proposed by NEI in their comments would be more appropriate.

CYAPCO supports NEI's position that the proposed rule appears opposed to the fundamental underpinnings of the current regulations that emphasize the negligible safeguards risk to public health from low enriched uranium. In addition, the proposed rule provides no safety basis, data or analysis to justify the fundamental restructuring of the current MC&A regulations. Given the low risks associated with spent fuel stored in dry canisters at stand-alone ISFSI sites, CYAPCO believes that the NRC should utilize a risk-informed approach to determine if modifying the Material Control and Accounting rules associated with the regulation of stand-alone ISFSIs is appropriate or necessary to achieve a safety benefit.

Respectfully,



Brantley Buerger, P.E.
ISFSI Manager

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cc: W. M. Dean, NRC Region I Administrator
M. S. Ferdas, Chief, Decommissioning Branch, NRC, Region I
J. Goshen, NRC Project Manager

RulemakingComments Resource

From: Stan Day <sday@3yankees.com>
Sent: Monday, March 10, 2014 12:18 PM
To: RulemakingComments Resource
Cc: Brantley Buerger; Maureen S. Hallberg; Bob Capstick
Subject: Comments from CY Regarding MC&A Rulemaking
Attachments: CY-14-010.pdf

To Whom It May Concern,

The attached provides Connecticut Yankee Atomic Power Company's comments regarding the proposed rulemaking regarding Material Control & Accounting.

Stan Day
Licensing Engineer