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Conceptual Example of a Proposed Risk Management Regulatory Framework Policy Statement

Comment On: NRC-2013-0254-0027

Evaluation of a Proposed Risk Management Regulatory Framework; Request for Comment on Draft White Paper

Document: NRC-2013-0254-DRAFT-0031

Comment on FR Doc # 2015-11454

Submitter Information

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General Comment

The attached provide Yankee Atomic Electric Company's comments.

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YAEC Comments - NRC-2013-0254

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June 9, 2015
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Yankee Atomic Electric Company
Yankee Rowe Independent Spent Fuel Storage Installation
NRC License Nos. DPR-3 and SFGL-13 (NRC Docket Nos. 50-029 and 72-31)

Subject: Comments on the "NRC Staff White Paper on Options for Responding to the June 14, 2012 Chairman's Tasking Memorandum on 'Evaluating Options Proposed for a More Holistic Risk-Informed, Performance-Based Regulatory'" [Docket ID NRC-2013-0254]

Yankee Atomic Electric Company (YAEC) appreciates the opportunity to provide comments on the draft document published in the Federal Register on May 12, 2015: "NRC Staff White Paper on Options for Responding to the June 14, 2012 Chairman's Tasking Memorandum on 'Evaluating Options Proposed for a More Holistic Risk-Informed, Performance-Based Regulatory Approach'," (herein referred to as the NRC Staff White Paper).

YAEC 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 is an Independent Spent Fuel Storage Installation (ISFSI) that utilizes a 10 CFR Part 72 licensed dual-purpose dry cask storage system.

Background:

The NRC staff working group formed to review NUREG-2150 "A Proposed Risk Management Regulatory Framework [RMRF]." The RMRF working group prepared a conceptual example of a risk-informed, performance-based, defense-in-depth RMRF policy statement for Commission consideration. The RMRF working group drafted a white paper describing the conceptual example of an RMRF policy statement and published a notice seeking public comments on the white paper in the Federal Register on November 25, 2013, (78 FR 70354). YAEC provided comments on that white paper on February 25, 2014.

As stated in Section III of the subject NRC Staff White Paper Working Draft, following review of the public comments provided in response to the 2013 Federal Register Notice, the staff has developed a revised example of an over-arching risk management policy statement. The stated purpose of this example policy statement is to improve and make more consistent the regulatory framework used for all program areas including reactors, industrial, medical uses of radioactive material, nuclear waste storage and disposal, fuel cycle facilities, and radioactive material

transportation for both radiological safety and common defense and security. The NRC Staff White Paper states that such a policy statement could be written at a high level, thereby permitting each program office to implement the agency-wide policy tailored to the specific goals of each regulated activity in a manner commensurate with the hazards and technology of the regulated program area.

Comments:

As YAEC stated in its February 2014 comment letter, a risk management regulatory framework should be applied now, without the adoption of a RMRF policy statement, to the regulatory framework associated with the interim storage and transportation of commercial spent nuclear fuel and high-level radioactive waste (SNF/HLW) - in particular, with regard to the regulation of ISFSIs at stand-alone decommissioned reactor sites.

NUREG-2150 specifically encouraged the adoption of such a framework for regulatory activities associated with spent fuel dry cask storage and acknowledged the need to expedite rule changes and regulatory guidance updates for such storage based on risk considerations. It provided several findings and recommendations along those lines and YAEC continues to urge the NRC to take immediate steps to implement a risk-informed framework associated with NRC's ongoing SNF/HLW storage, security, and transportation related regulatory initiatives associated with stand-alone ISFSI sites.

Dry cask storage systems are robust passive systems that are designed to withstand the effects of design basis events and "worst case" events while maintaining the capability to provide adequate shielding and confinement of the radioactive contents and prevent nuclear criticality. These systems require minimal maintenance or repair and as noted in NUREG-2150, "Both the NRC and Electric Power Research Institute have conducted [Probabilistic Risk Assessments] PRAs of dry cask storage systems and concluded that the risk associated with them is very low" (see NUREG-2150 page xxvi). Numerous risk assessments already conducted on the safety of transportation of SNF in NRC certified transportation casks include findings and conclusions documenting the extremely low risk, such as NUREG-2125, "Spent Fuel Transportation Risk Assessment," (January 2014) and other SNF transportation related risk assessment documents.

The stated purpose of the subject policy statement example is to improve and make more consistent the regulatory framework used for all program areas, including nuclear waste storage and radioactive material transportation, and YAEC believes that this can be accomplished without the adoption of a RMRF policy statement. Accordingly, we continue to urge the NRC to develop and apply risk-informed decision-making criteria and to implement a risk management regulatory framework associated with the ongoing ISFSI security rulemaking, as well as with the current staff evaluations of the extended SNF storage and transportation regulatory paradigm directed by SRM-COMSECY-10-0007 and the associated staff Licensing Program Improvement review area that is focused on regulating ISFSIs at stand-alone decommissioned reactor sites.

If you have any questions regarding this submittal, please do not hesitate to contact me at
(413) 424-5261 ext. 303.

Respectfully,



Brian Smith
ISFSI Manager

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