

Rulemaking1CEm Resource

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TITLE: Regulatory Improvements for Decommissioning Power Reactors

COMMENT#: 094

Office of the Secretary is processing comments separately. This document has only Connecticut Yankee's comments. See comments 93 and 95 for others.

From: Stan Day [mailto:sday@3yankees.com]
Sent: Thursday, March 17, 2016 7:20 PM
To: RulemakingComments Resource <RulemakingComments.Resource@nrc.gov>
Subject: [External_Sender] Comments - NRC-2015-0070

The attached documents provide comments from Connecticut Yankee Atomic Power Company, Maine Yankee Atomic Power Company, and Yankee Atomic Electric Company.

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CONNECTICUT YANKEE ATOMIC POWER COMPANY

HADDAM NECK PLANT

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March 17, 2016

CY-16-014

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 No. 50-213)

Subject: Comments on the Nuclear Regulatory Commission Advance Notice of Proposed Rulemaking: "10 CFR Parts 26, 50, 52, 73, and 140, Regulatory Improvements for Decommissioning Power Reactors" [Docket ID NRC-2015-0070]

General Comments

The Rulemaking Scope Should be Limited to the ANPR's Stated Primary Objective

The U.S. Nuclear Regulatory Commission (NRC) Advance Notice of Proposed Rulemaking (ANPR) appears to be primarily focused on the transition of wet pool storage of spent fuel to dry cask storage during the decommissioning process. The term "Decommission" is defined to mean, "to remove a facility or site safely from service and reduce residual radioactivity to a level that permits (1) release of the property for unrestricted use and termination of the license; or (2) release of the property under restricted conditions and termination of the license (see 10 CFR 20.1003). As an Independent Spent Fuel Storage Installation only (ISFSI Only) facility, Connecticut Yankee Atomic Power Company (CYAPCO) is concerned about potential adverse impacts of this proposed rulemaking on facilities that have decommissioned their plants and are in an "ISFSI Only" configuration.

The NRC website's "Backgrounder on Decommissioning Nuclear Power Plants" provides the following definition of ISFSI Only, "ISFSI Only means the plant license has been reduced to include only the spent fuel storage facility." While CYAPCO endorses the ANPR's stated primary objective of the decommissioning rulemaking to, "... implement appropriate regulatory changes that reduce the number of licensing actions needed during decommissioning," the ANPR does not adequately address the "ISFSI Only" configuration.

CYAPCO urges that the scope of the rulemaking be directed at codifying those exemptions and other licensing actions that have historically been justified by licensees and approved by the NRC as part of the power reactor decommissioning process associated with the transition of storage of spent fuel from wet to dry storage. In addition to the exemptions recently granted to licensees that have been issued permanent shutdown certifications, the rulemaking should consider the historical exemptions and approvals provided to licensees that underwent the decommissioning process defined in 10 CFR 50.82 to the point of achieving “ISFSI Only” status.

The Rulemaking Should Not Apply to “ISFSI Only” Sites

The rulemaking activities addressed in the ANPR and any future rulemaking should not apply to “ISFSI Only” sites. If such a rulemaking is applicable to “ISFSI Only” sites, it should specifically address the modified requirements as they pertain to the “ISFSI Only” configuration. Otherwise, there could be significant unintended consequences regarding the licensing bases for “ISFSI Only” sites.

The “ISFSI Only” configuration is fundamentally different than a site undergoing decommissioning (be it SAFSTOR or DECON) with spent fuel stored in wet pool and/or dry cask storage. In the case of CYAPCO, physical decommissioning of the former nuclear plant and site in Haddam Neck was safely completed in 2007 with all plant buildings removed and site remediation and restoration completed. The NRC notified CYAPCO that the plant site had been decommissioned in accordance with NRC regulations and formally approved the site Final Status Survey Report in accordance with CYAPCO’s License Termination Plan. The NRC license for this site has been reduced to an area that only encompasses the ISFSI facility, which is all that remains to be decommissioned following the removal of the Spent Nuclear Fuel (SNF) and Greater-Than-Class-C (GTCC) waste by the federal government.

Should the changes proposed be codified in a final rule, there will be facilities that have already completed decommissioning of their power plant and operate in an “ISFSI Only” configuration. A facility in this configuration should be permitted to continue managing the facility according to its current licensing basis, with no changes required as a result of any alternative requirements established in this rulemaking. Such facilities are currently being managed in a safe and secure fashion in accordance with current NRC requirements. There is no safety or security reason for the Commission to impose any new or amended requirements on such licensees as a result of this decommissioning rulemaking.

The Rulemaking Should be Risk Informed Regarding “ISFSI Only” Sites

Once a site is in the “ISFSI Only” configuration, there is a substantial reduction in operational risk. For CYAPCO, the design basis for the site’s dry cask system does not include any design basis off-normal, accident, or natural phenomenon condition that could result in a breach of a storage canister. For 10 CFR Part 50 general licensees with “ISFSI Only” sites, there are numerous instances where the applicability of the ANPR

subject areas is unclear. For example, Part 26 does not apply to any “ISFSI Only” sites and there are no Certified Fuel Handlers (CFHs) at the CYAPCO site. The need for CFHs has long since passed and our designated “competent person” at our site is, in most cases, our ISFSI Shift Supervisor or ISS. The NRC staff developing this rulemaking, as well as other Part 50 related rulemakings and guidance documents, should clarify and fully risk-inform the intended scope and applicability of these efforts with respect to “ISFSI Only” sites.

Consideration of an “ISFSI Only” Licensee Status

10 CFR 72.6 defines two types of 10 CFR 72 licenses (general and specific). A general license can be issued for the storage of spent fuel in an ISFSI at power reactor sites to persons authorized to possess or operate nuclear power reactors under 10 CFR part 50 or 10 CFR part 52 in accordance with 10 CFR 72.210. A general licensee achieves an “ISFSI Only” configuration once the plant has been decommissioned in accordance with the site NRC approved License Termination Plan and only that portion of the property directly associated with the ISFSI remains within the control of the 10 CFR 50 license.

Because this ANPR does not address the “ISFSI Only” state, which is a necessary interim state of many decommissioned sites, the NRC should consider modifying 10 CFR 72 and the applicable portions of 10 CFR 50 and 10 CFR 73 to define the “ISFSI Only” state for a 10 CFR 72 general licensee to create alignment with the “ISFSI Only” state currently approved for 10 CFR 72 specific licensees. This process would be described as part of the decommissioning process defined in 10 CFR 50.82 without requiring the general licensee to file a license application in accordance with Subpart B of 10 CFR 72. This type of licensee would have the option of complying with the requirements of 10 CFR 72.32 regarding emergency planning, and 10 CFR 73.51 regarding physical security in lieu of 10 CFR 50.47 and Appendix E, and 10 CFR 73.55. Codifying this transition would also provide for a more efficient process than currently exists to obtain a 10 CFR 72 specific license for a general licensee that has obtained “ISFSI Only” status. In addition, this action would eliminate the need for numerous exemptions and other approvals that general licensees need to acquire after achieving “ISFSI Only” status, allowing the NRC to better optimize resources consistent with the Project AIM 2020 re-baselining efforts. As part of such an effort, the NRC should also consider establishing that a License Termination Plan that has been approved by the NRC in accordance with 10 CFR 50.82(a)(10) would meet the applicable requirements for the Decommissioning Plan in 10 CFR 72.30 .

Conclusion

CYAPCO appreciates the opportunity to provide comments on the ANPR concerning prospective changes to regulations for the decommissioning of nuclear power reactors.

Connecticut Yankee Atomic Power Company
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If you have any questions regarding this submittal, please do not hesitate to contact me at
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Respectfully,

 ON BEHALF OF ROB MITCHELL

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