



ADP CR3, LLC

Crystal River Nuclear Plant
2760 South Falkenburg Rd
Riverview, FL 33578
Docket 50-302
Docket 72-1035
Operating License No. DPR-72

10 CFR 50.90

January 26, 2022
3F0122-01

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

Subject: Crystal River 3 – License Amendment Request to remove from the Facility Operating License, Appendix B, “Environmental Protection Plan (Non-Radiological) Technical Specifications”

- References:
1. NRC to CR3 letter dated March 13, 2013, “Crystal River Unit 3 Nuclear Generating Plant Certification of Permanent Cessation of Operation and Permanent Removal of Fuel from the Reactor (Adams Accession No. ML13058A380)
 2. CR3 to NRC letter dated June 26, 2019, “Notification of Revised Post-Shutdown Decommissioning Activities Report (Revised PSDAR)” (Adams Accession No. ML19177A232)
 3. NMFS to NRC letter dated January 24, 2022, “Status of Section 7 Consultation Under The Endangered Species Act for the cooling water intake system at the Crystal River Energy Complex (F/SER/2001/01080)” (Adams Accession No. ML22024A214)

Dear Sir or Madam:

Pursuant to 10 CFR 50.90, ADP CR3, LLC (ADP CR3) hereby provides this License Amendment Request to remove material no longer applicable during decommissioning from the Crystal River Unit 3 (CR3) Operating License, specifically the deletion of Appendix B, “Environmental Protection Plan (Non-Radiological) Technical Specifications.” The basis for this request is that CR3 has permanently ceased operation eliminating the non-radiological environmental effects on the Gulf of Mexico.

By letter dated March 13, 2013 (Reference 1), the NRC acknowledged the CR3 certification of permanent removal of fuel from the reactor vessel pursuant to 10 CFR 50.82 (a)(1)(ii). Therefore, the 10 CFR Part 50 license for CR3 no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel.

By letter dated June 26, 2019 (Reference 2), CR3 submitted a revised Post-Shutdown Decommissioning Activities Report (PSDAR). In this Revised PSDAR, ADP CR3 selected the DECON method, with decontamination and dismantlement activities currently in progress.

CR3 is currently dismantling the plant site and the reactor. All spent fuel is stored in the Independent Spent Fuel Storage Installation (ISFSI). CR3 has eliminated thermal releases, the intake water pumps that were used when CR3 was operating, that flowed more than a half million gallons per minute, have been permanently removed.

By letter dated January 24, 2022 (Reference 3), National Marine Fisheries Services (NMFS) docketed a letter to the NRC stating that the original Biological Opinion related to CR3 for sea turtles is no longer applicable due to the cessation of plant operations.

The National Pollutant Discharge Elimination System (NPDES) Permit reporting requirements that will remain applicable during decommissioning have been incorporated into site compliance procedure CP-500, Special Actions and Reporting Requirements. This procedure also contains other applicable reporting requirements, such as for the Offsite Dose Calculation Manual (ODCM).

On this basis, CR3 is asserting that since plant operations are permanently prohibited, the plant equipment with the most potential to impact the environment during power operations has been removed, and procedures are in place to ensure environmental reporting requirements are met, Appendix B "Environmental Protection Plan (Non-Radiological) Technical Specifications" can be removed in its entirety from the CR3 Operating License with no resulting adverse impact to the environment or to the health and safety of the public.

Enclosure 1 provides the detailed discussion of the change, technical analysis, significant hazards determination, and environmental considerations.

This letter contains no new regulatory commitments.

If you have any questions regarding this submittal, please contact Mr. Mark Van Sicklen, Licensing Manager, at (352) 436-5572.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 26, 2022.

Sincerely,



Billy Reid, Site Vice President

BR/mvs

Enclosure Discussion of Change, Technical Analysis, Significant Hazards Determination,
and Environmental Considerations

cc: NMSS Project Manager
Regional Administrator, Region I
State of Florida

ADP CR3, LLC

**DOCKET NUMBER 50-302 / 72-1035
LICENSE NUMBER DPR-72**

ENCLOSURE

**DISCUSSION OF CHANGE, TECHNICAL ANALYSIS,
SIGNIFICANT HAZARDS DETERMINATION, AND
ENVIRONMENTAL CONSIDERATIONS**

License Amendment Request to remove from the Facility Operating License, Appendix B, “Environmental Protection Plan (Non-Radiological) Technical Specifications”

1.0 Background

ADP CR3, LLC (ADP CR3) is proposing a License Amendment requesting removal of material no longer applicable during decommissioning from the Crystal River Unit 3 (CR3) Operating License, specifically Appendix B, “Environmental Protection Plan (Non-Radiological) Technical Specifications.” The basis for this request is that CR3 plant operations are permanently prohibited (Reference 1), decommissioning activities have removed equipment that had the most potential to impact the environment during plant operations, and compliance procedures are in place to ensure environmental reporting requirements will continue to be met. As stated in Appendix B, Section 1.0, Objectives of the Environmental Protection Plan, “The Environmental Protection Plan (EPP) is to provide protection of environmental values during operation and additional construction of the Crystal River Unit 3.” Each Section of the EPP is listed below with justification for removal.

Section 1.0, Objectives of the Environmental Protection Plan

This section describes the principal objectives of the EPP to ensure the operation of the unit was done in an environmentally acceptable manner, coordinated NRC requirements and maintained consistency with other agencies and to ensure the NRC was informed of environmental effects due to operation and additional construction. Since CR3 is now permanently prohibited from operation and has modified the plant such that it can no longer operate, 10 CFR 50.82(a)(6) states that licensees shall not perform any decommissioning activities that result in significant environmental impacts not previously reviewed. The EPP was established for when CR3 was operational, therefore, the EPP, is no longer applicable to CR3.

Section 2.0, Environmental Protection Issues,

This section is principally historical in nature reflecting the evolution of plant thermal and chemical discharge monitoring programs previously contained as non-radiological environmental monitoring surveillance requirements in the EPP. This information is no longer required for decommissioning activities

Section 3.0, Consistency Requirements, has three subsections, each described below:

Section 3.1, Crystal River Unit 3 Design and Operation, describes requirements for CR3 related to plant design and operation. This information no longer applies since plant operation is permanently prohibited; plant systems are abandoned and are currently being dismantled.

Section 3.2, Reporting Related to the NPDES Permit, describes the reporting requirements related to the National Pollutant Discharge Elimination System (NPDES) Permit. The reporting requirements are administrative in nature (i.e. reporting of permit violations, modifications, and renewals) and do not establish any technical requirements associated with the permit, which is administered by the state of Florida. The reporting requirements still apply to Crystal River; however, these requirements are also contained in a plant compliance procedure, CP-500, “Special Actions and Reporting Requirements,” which contains other previously relocated regulatory reporting requirements, such as for the Offsite Dose Calculation Manual (ODCM). Removing the NPDES reporting requirements from the EPP and maintaining them in a licensee procedure, which is subject to 10 CFR 50.59 for control of changes, is consistent with the Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors [58 FR 39132], which endorsed relocation of Technical Specification content not associated with plant safety to controlled licensee programs and procedures.

Section 3.3, Changes for Compliance with Other Environmental Regulations, describes why changes to unit design or operation and performance tests related to achieving other regulations were not subject to Section 3.1. This no longer applies since plant operation is permanently prohibited.

Section 4.0, Environmental Conditions, two subsections, each described below:

Section 4.1, Significant Environmental Events, describes how significant events or environmental impacts causally related to plant operation should be reported. This no longer applies due to the permanent cessation of plant operations that could causally affect the environment. In addition, non-causally related events are reported in accordance with 10 CFR 50.72(b)(2)(xi) which states "Any event or situation, related to the health and safety of the public or onsite personnel, or protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made. Such an event may include an onsite fatality or inadvertent release of radioactively contaminated materials." This regulation is still applicable and incorporated into the station's reporting requirements procedure that will provide for notification related to any significant environmental events that might occur while in decommissioning.

Section 4.2, Endangered or Threatened Sea Turtles, was related to a Biological Opinion, which contained an Incidental Take Statement issued by National Marine Fisheries Service (NMFS). NMFS recently docket (Reference 3) a correspondence with the NRC that states that since CR3 is no longer operating and the large seawater intake pumps have been permanently removed, occasional minimal dilution flow required by the NPDES permit is the only sea water used by CR3; removing the threat to endangered and threatened sea turtles. The Biological Opinion and Incidental Take Statement is no longer applicable. All of Section 4.2 no longer applies and should be removed from the EPP.

2.0 Proposed Changes

CR3 proposes that Appendix B, Environmental Protection Plan, be deleted in its entirety. The requirements were meant to be imposed during plant operations and are no longer applicable since CR3 has ceased operation and is permanently prohibited from recommencing. Section 3.2, related to the NPDES permit reporting requirements has already been duplicated in plant compliance procedure CP-500, Special Actions and Reporting Requirements, the same requirements no longer need to be in the EPP. The NMFS has determined that CR3 is no longer a threat to sea turtles and under decommissioning requirements in 10 CFR 50.82(a)(6), licensees shall not perform any decommissioning activities that result in significant environmental impacts not previously reviewed; therefore, the EPP is no longer applicable.

3.0 Regulatory Analysis

No Significant Hazards Consideration Determination

ADP CR3 has reviewed the requirements of 10 CFR 50.92 as they apply to the proposed License Amendment Request. ADP CR3 considers that the changes do not involve a significant hazards consideration. In support of this conclusion, the following analysis is provided:

1. *Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?*

The proposed change to remove the CR3 Operating License Appendix B is administrative in nature. The changes remove unnecessary historical information and remove requirements imposed to protect endangered and threatened sea turtles that could have been injured or killed during power operation of the plant. Since CR3 has permanently ceased power operation, the conditions that previously created an environmental threat no longer exist. These changes do not affect the initial conditions, assumptions, or conclusions of the CR3 accident analyses. In addition, the proposed change does not affect the operation or performance of any equipment assumed in the accident analyses. Therefore, the proposed changes would not significantly increase the probability or consequences of an accident previously evaluated.

2. *Does the proposed change create the possibility of a new or different kind of accident from previously evaluated accidents?*

The proposed change to the CR3 Operating License Appendix B is administrative in nature. This change does not affect or alter the configuration or operation of the facility and does not create any new modes of operation. Therefore, the proposed changes would not create the possibility of a new or different kind of accident.

3. *Does the proposed change involve a significant reduction in a margin of safety?*

As indicated above, the proposed change does not change the configuration or operation of the plant and does not affect the CR-3 accident analyses. The proposed changes are administrative in nature and do not affect any plant equipment, systems, or operating limits. Therefore, the proposed changes would not result in a significant reduction in a margin of safety.

Environmental Impact Evaluation

While 10 CFR 51 requires an environmental assessment (EA) or environmental impact statement (EIS) for any "major Federal action significantly affecting the quality of the human environment," it does allow the NRC discretion in evaluating the extent to which EAs or EISs are necessary. EAs or EISs are not required for any action included in the list of "categorical exclusions" set forth in 10 CFR 51.22(c). Specifically, 10 CFR 51.22(c)(9), provides that an EA is not required for the issuance of an amendment provided that:

- i. the amendment involves no significant hazards consideration,
- ii. there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, and
- iii. there is no significant increase in individual or cumulative occupational radiation exposure.

ADP CR3 considers that the provisions of 10 CFR 51.22(c)(9) are applicable to this request for changes to the CR3 Operating License Appendix B. For the reasons described below and elsewhere in this submittal, ADP CR3 believes that the three criteria of 10 CFR 51.22(c)(9) are satisfied. Therefore, this License Amendment Request should be considered under the "categorical exclusions" provisions of 10 CFR 51.22(c)(9).

The basis for this determination includes the following:

1. The proposed change to the CR3 Operating License Appendix B does not involve a significant hazards consideration as discussed above in the No Significant Hazards Consideration Determination.
2. The proposed change to the CR3 Operating License Appendix B does not result in a significant change in the types or significant increase in the amounts of any effluents that may be released offsite. The change does not result in an increase in the consequences of previously evaluated accidents. Therefore, there will be no environmental impact from the proposed CR3 Operating License Appendix B deletion.
3. The proposed change to the CR3 Operating License Appendix B does not result in a significant increase in individual or cumulative occupational exposure. This conclusion is based on the fact that change to the CR3 Operating License Appendix B is administrative in nature, non-radiological, does not result in any increased consequences of accidents previously evaluated, and is not initiators of a design basis accident or event.

Applicable Regulatory Requirements/Criteria

10 CFR 50.90, "Application for amendment of license, construction permit, or early site permit" - Whenever a holder of a license desires to amend the license, application for an amendment must be filed with the Commission, as specified in § 50.4 fully describing the changes desired, and following as far as applicable, the form prescribed for original applications. An amendment is desired to remove from the Operating License Appendix B, "Environmental Protection Plan (Non-Radiological) Technical Specifications", since the plant is no longer operating and current decommissioning activities will not pose a hazard to endangered and threatened sea turtles.

10 CFR 50.82(a)(6), "Licensees shall not perform any decommissioning activities, as defined in § 50.2, that—

- (i) Foreclose release of the site for possible unrestricted use;
- (ii) Result in significant environmental impacts not previously reviewed; or
- (iii) Result in there no longer being reasonable assurance that adequate funds will be available for decommissioning."

10 CFR 50.72(b)(2)(xi), "Any event or situation, related to the health and safety of the public or onsite personnel, or protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made. Such an event may include an onsite fatality or inadvertent release of radioactively contaminated materials."

10 CFR 50.36(a)(6), "Decommissioning. This paragraph applies only to nuclear power reactor facilities that have submitted the certifications required by § 50.82(a)(1) and to non-power reactor facilities which are not authorized to operate. Technical specifications involving safety limits, limiting safety system settings, and limiting control system settings; limiting conditions for operation; surveillance requirements; design features; and administrative controls will be developed on a case-by-case basis."

4.0 Additional References

- 4.1 CR3 to NRC letter dated October 1, 1998 "Biological Assessment for Crystal River Unit 3" (ADAMS Accession No. ML030070147)
- 4.2 NRC to CR3 letter dated July 15, 1999 "Crystal River Unit 3 - Section 7 Biological Consultation, Biological Opinion" (ADAMS Accession No. ML12006A214)
- 4.3 CR3 to NRC letter dated October 12, 1999, "License Amendment Request #253, Revision 0, Revision of Appendix B Environmental Protection Plan (Non-Radiological) Technical Specifications to Incorporate National Marine Fisheries Service Biological Opinion" (ADAMS Accession No. ML12006A215)
- 4.4 NRC to CR3 letter dated February 29, 2000, "Crystal River Unit 3 - Issuance of Amendment Regarding the Environmental Protection Plan" (ADAMS Accession No. ML003687938)
- 4.5 Florida Power Corporation (FPC) to NRC letter, dated February 19, 1982, "Technical Specification Change Request No. 84, Environment Technical Specifications"
- 4.6 NRC to FPC letter, dated October 12, 1982, "Amendment No. 58 to Facility Operating License No. DPR-72 for the Crystal River Unit 3 Generating Plant"