



10 CFR 72.7

August 29, 2022

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Director, Division of Spent Fuel Management
Office of Nuclear Material Safety and Safeguards
Washington, DC 20555-0001

Pilgrim Nuclear Power Station
Renewed Facility Operating License No. DPR-35
Docket No. 50-293 and 72-1044

Subject: Request for Exemption from 10 CFR 72.212(a)(2), (b)(2), (b)(3), (b)(4), (B)(5)(i), (b)(11), and 72.214 for Pilgrim ISFSI Annual Radioactive Effluent Release Report

In accordance with 10 CFR 72.7, "Specific exemptions," Holtec Decommissioning International, LLC, (HDI) hereby requests an exemption from the requirements of Title 10 of the Code of Federal Regulations (10 CFR) Part 72.212 (a)(2), (b)(2), (b)(3), (b)(4), (B)(5)(i), (b)(11), and 72.214 for Pilgrim Nuclear Power Station (PNPS) Independent Spent Fuel Storage Installation (ISFSI) Annual Radioactive Effluent Release Report (ARERR). These 10 CFR 72.212 requirements identify that HDI must follow the Certificate of Compliance (CoC) technical specifications (TS) for the spent fuel casks it uses. Relevant cask TSs require HDI to submit a Pilgrim ISFSI ARERR to the NRC in accordance with 10 CFR 72.44(d)(3), which effectively requires report submittal within 60 days after the end of the 12-month monitoring period which begins on January 1 and ends on December 31st each year. Specifically, HDI requests exemption from the 60-day cask TS reporting requirement so that the report, can instead be incorporated into and submitted with the Pilgrim Site Annual Radioactive Effluent Release Report (ARERR) on or before May15th each year.

The exemption request is provided in Enclosure 1 to this letter. The exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest per the requirements of 10 CFR 72.7.

HDI requests that the exemption be approved prior to March 1, 2023, to align with the next ISFSI ARERR submittal.

This letter contains no new regulatory commitments.



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Should you have any questions or require further information, please contact David Noyes, Manager, Regulatory Compliance PNPS at (508) 830-7826.

Sincerely,

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Holtec International

Enclosure: Exemption from 10 CFR 72.212(a)(2), (b)(2), (b)(3), (b)(4), (B)(5)(i), (b)(11),
and 72.214 for Pilgrim ISFSI Annual Radioactive Effluent Release Report

cc:

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USNRC Project Manager, NMSS - Pilgrim Nuclear Power Station
USNRC Region I, Lead Inspector - Pilgrim Nuclear Power Station
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Enclosure 1

to

HDI Letter HDI-PIL-22-033

Exemption from 10 CFR 72.212(a)(2), (b)(2), (b)(3), (b)(4), (B)(5)(i), (b)(11), and 72.214

For Pilgrim ISFSI Annual Radioactive Effluent Release Report

Enclosure 1 to HDI Letter HDI-PIL-22-033

Exemption from 10 CFR 72.212(a)(2), (b)(2), (b)(3), (b)(4), (B)(5)(i), (b)(11), and 72.214

For Pilgrim ISFSI Annual Radioactive Effluent Release Report

Summary of Exemption Request

In accordance with the provisions of 10 CFR 72.7, "Specific exemptions," Holtec Decommissioning International, LLC (HDI) on behalf of Pilgrim Nuclear Power Plant (PNPS) requests an exemption from certain requirements of *Title 10 of the Code of Federal Regulations (10 CFR) Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste,"* Specifically, the exemption is requested from Title 10 of the Code of Federal Regulations (10 CFR) Part 72.212 (a)(2), (b)(2), (b)(3), (b)(4), (B)(5)(i), (b)(11), and 72.214. 10 CFR 72.212(b)(3) requires the licensee to comply with the terms, conditions, and specifications of the Certificate of Compliance (CoC) for the casks in use. PNPS uses the Holtec International HI-STORM 100 System to store spent fuel in the Independent Spent Fuel Storage Installation (ISFSI). Cask Certificate No. 1014, for the Hi-Storm 100 system is listed as an approved Cask in 72.214. Cask CoC Amendment 14, specification 5.4 for the Hi-Storm-100 cask requires implementation of the radioactive effluent control program per 10 CFR 72.44(d). 10 CFR 72.44(d)(3) requires that an annual radioactive effluent-release report (ARERR) be submitted to the NRC and that the report must be submitted within 60 days after the end of the 12-month monitoring period. At PNPS, the radioactive effluent monitoring period begins on January 1st and ends on December 31st each year. As such, CoC Amendment 14, Section 5.4 for the Hi-Storm-100 cask requires PNPS to submit an ARERR for the ISFSI casks prior to March 1st annually. Rather than meet the 60-day March 1 report requirement, HDI requests an exemption to submit the ISFSI radioactive effluent release report, on or before May 15th each year.

Background

HDI operates an ISFSI at the PNPS site under a general license issued in accordance with the provisions of 10 CFR 72.210. The conditions and applicable requirements for a general license to store spent fuel in storage casks in an ISFSI are identified in 10 CFR 72.212. PNPS uses the Holtec International HI-STORM 100 System to store spent fuel in the ISFSI.

Several provisions in 10 CFR 72.212 require general licensees to use storage casks in accordance with their respective terms, conditions, and specifications. More specifically, per 10 CFR 72.212(a)(2), the general license is limited to storage of spent fuel in casks approved under 10 CFR Part 72. Both 10 CFR 72.212(b)(2) and (b)(4) require general licensees to provide information to the NRC which includes cask certificate number(s) and the CoC amendment number(s) for casks used by the licensees. Under 10 CFR 72.212(b)(3), general licensees must ensure that each cask they use conforms to the terms, conditions, and specifications of a CoC or an amended CoC listed in 10 CFR 72.214. Per 10 CFR 72.212(b)(5)(i), general licensees must perform written evaluations establishing that the cask, once loaded with spent fuel or once the changes authorized by an amended CoC have been applied, will conform to the terms, conditions, and specifications of a CoC or an amended CoC listed in 10 CFR 72.214. Pursuant to 10 CFR 72.212(b)(11), general licensees must, among other things, comply with the terms, conditions, and specifications, of the CoC and, for those

casks to which the licensee has applied the changes of an amended CoC, the terms, conditions, and specifications of the amended CoC.

HDI maintains a report documenting the evaluations of the selected dry fuel storage system at PNPS, as required by 10 CFR 72.212, "Conditions of general license issued under § 72.210" (hereafter, "the 212 Report"). The 212 Report identifies the Holtec International HI-STORM 100 System as the cask system in use at PNPS. This system is authorized by Certificate No. 1014 as listed in 10 CFR 72.214. The 212 Report also identifies that all PNPS casks in-use have been upgraded to HI-Storm CoC Amendment 14 (Reference 1). CoC Amendment 14, Appendix A, Section 5.4 "Radioactive Effluent Control Program," contains the following Technical Specifications (TS) for the HI-STORM 100 System:

- a. The HI-STORM 100 Cask System does not create any radioactive materials or have any radioactive waste treatment systems. Therefore, specific operating procedures for the control of radioactive effluents are not required. Specification 3.1.1, Multi-Purpose Canister (MPC), provides assurance that there are not radioactive effluents from the SFSC [Spent Fuel Storage Cask].
- b. This program includes an environmental monitoring program. Each general license user may incorporate SFSC operations into their environmental monitoring programs for 10 CFR Part 50 operations.
- c. An annual report shall be submitted pursuant to 10 CFR 72.44(d)(3).

Section 4 of the 212 Report provides a CoC compliance summary. Section 4.2.3 of the 212 report addresses compliance with CoC Appendix A Section 5.4, "Radioactive Effluent Control Program." The 212 report reiterates the specifications identified above and takes no exception to these specification requirements. The 212 report identifies an annual report will be submitted pursuant to 10 CFR 72.44(d)(3) at the appropriate time and may be integrated into the plant's Part 50 effluent report.

The annual ISFSI facility effluent report required by the Cask CoC requires reporting the quantity of each principal radionuclide released to the environment in liquid and in gaseous effluents during the previous 12 months of operation. Since dry cask storage activities began at Pilgrim in 2015, PNPS has submitted ISFSI Annual Radioactive Effluent Release Reports (ARERR) (References 2 through 8).

The PNPS Defueled Safety Analysis (DSAR), Appendix B, Section B-5.6.3, "Radioactive Effluent Release Report," addresses station licensing basis requirements for reporting quantities of radioactive liquid and gaseous effluents and solid waste released from the facility during the previous year prior to May 15th each year in accordance with 10 CFR 50.36(a), "Technical specifications on effluents from nuclear power reactors." This site annual effluent report meets the Part 50 requirements for the overall site.

Details of Exemption and Reason for Request

As described above, and in accordance with the provisions of 10 CFR 72.7, "Specific exemptions," HDI requests an exemption from 10 CFR 72.212(a)(2), (b)(2), (b)(3), (b)(4), (b)(5)(i), (b)(11), and 72.214. These regulations require the licensee to comply with the terms, conditions, and specifications of the Certificate of Compliance (CoC) for the casks in use; and the applicable CoC Amendments. Hi-Storm 100 Cask CoC Amendment 14, Section 5.4 specification requires an annual report to be submitted pursuant to 10 CFR 72.44(d)(3). 10 CFR 72.44(d)(3) requires, "An annual report be submitted...within 60 days after the end of the 12-month monitoring period."

PNPS has separate licensing basis requirements to submit a site ARERR report to the NRC. The Pilgrim Defueled Safety Analysis Report (DSAR), Appendix B, Section B-5.6.3 addresses the 10 CFR Part 50 requirement for the site ARERR report. Both the site and the ISFSI effluent monitoring programs rely on the same effluent release monitoring period, from January 1st to December 31st, each year.

HDI is requesting an exemption to allow the ISFSI cask ARERR report to be incorporated into and submitted to the NRC, with the site ARERR report, on or before May 15 each year. No changes are proposed to procedures relied on to collect, verify, and resolve discrepancies for effluent samples obtained. This exemption addresses only the administrative due date established for the ISFSI ARERR.

As identified in the Hi-Storm 100 CoC and the 212 Report, the ISFSI will have no routine operational events which result in a release of radioactive effluents and is not expected to contribute to reported release, such that the ISFSI is not expected to impact site effluent data reporting in the future. This has been demonstrated in that all the previously submitted ISFSI ARERR reports have not identified any releases or effluents associated with ISFSI casks. The non-effluent contributor status of the ISFSI casks, combined with the fact that the reporting date does not change the outcome of the report, supports the requested exemption for allowing ISFSI ARERR submittal on or before May 15 of each year and for incorporation of ISFSI data into the required site ARERR. The revision of the due date for the ISFSI ARERR has no impact on the existing processes and procedures used for verifying the accuracy of the collected effluent data, for ensuring that no effluents are released by the Pilgrim ISFSI, and for maintaining ISFSI facility integrity.

Regulatory Requirements

Hi-Storm 100, Cask Certificate No: 1014, CoC Amendment 14, Appendix A, Section 5.4, specification addresses 72.44(d)(3) and requires "an annual report be submitted to the Commission in accordance with Sec. 72.4, specifying the quantity of each of the principal radionuclides released to the environment in liquid and in gaseous effluents during the previous 12 months of operation and such other information as may be required by the Commission to estimate maximum potential radiation dose commitment to the public resulting from effluent releases. On the basis of this report and any additional information that the Commission may obtain from the licensee or others, the Commission may from time to time require the licensee to take such action as the Commission deems appropriate. The report must be submitted within 60 days after the end of the 12-month monitoring period." The exemption addresses only the 60-day reporting requirement.

Requirements of 10 CFR 72.7

The specific requirements for granting an exemption from 10 CFR 72 regulations are set forth in 10 CFR 72.7, "Specific exemptions," which states that the NRC may grant "exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest." The following subsections address each of the three aspects of 10 CFR 72.7 and demonstrate that the NRC should grant the exemption request.

A. The Exemption Request is Authorized by Law

The NRC's authority to grant an exemption from its regulations in 10 CFR 72 is established by law as discussed in 10 CFR 72.7. Therefore, granting an exemption is explicitly authorized by the NRC's regulations.

B. The Exemption Request Will Not Endanger Life or Property or the Common Defense and Security

The schedular exemption from the requirement to submit the Pilgrim ISFSI radioactive effluent release report within 60 days after the end of the 12-month monitoring period for the Pilgrim ISFSI does not present any risk to the public health and safety. The date by which the report is required to be submitted has no impact on the content of the report. Furthermore, submittal of the data continues to be required on an annual basis. Neither the reporting document itself nor its date of submittal are related to public health and safety issues or the assurance of the common defense and security.

C. The Exemption is in the Public Interest

The requested exemption would allow HDI resources and management attention to be more focused on areas of nuclear safety significance. Generally, the public interest would be served by the avoidance of using Pilgrim station resources for duplicative preparation and submittal of separate reports for the Pilgrim ISFSI and the overall site.

Environmental Considerations

HDI has evaluated the proposed exemption against the criteria for identification of licensing and regulatory actions requiring environmental assessment in accordance with 10 CFR 51.21 and determined that it meets the criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25)(vi) (B).

The proposed exemption is being submitted under the provisions of 10 CFR 72 for approval of an ISFSI effluent report due date requirement. The proposed report timing change, from or before March 1st to on or before May 15th of every year, for the ISFSI radioactive annual effluent release report for Pilgrim, is unrelated to any operational restriction. The proposed exemption satisfies the following 10 CFR 51.22(c)25 requirements: (i) There is 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; (iii) There is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) There is no significant construction impact; (v) There is no significant increase in the potential for or consequences from radiological accidents; and (vi) The requirements from which an exemption is sought involve: (B) Reporting requirements.

Precedent

HDI identified that a similar exemption request was made for Fermi 2 and was approved by the NRC on January 20, 2022 (Reference 9).

Conclusion

The requested scheduler reporting exemption from the 10 CFR Part 72.212 (a)(2), (b)(2), (b)(3), (b)(4), (B)(5)(i), (b)(11), and 72.214 requirements to submit the Pilgrim ISFSI radioactive effluent release report within 60 days after the end of the 12-month monitoring period has no adverse impact on safety and is consistent with NRC activities to reduce unnecessary regulatory burden. Granting the exemption is further justified based on the ability of Pilgrim ISFSI operations to assure cask integrity, PNPS 's continuing program of monitoring and recording radioactive effluents, and reliance upon the existing Pilgrim DSAR requirements for submitting a site radioactive annual effluent release report.

Therefore, because the requested exemption is authorized by law, will not endanger life or property or the common defense and security, is in the public interest, and is requested for good cause, HDI respectfully requests that, in accordance with 10 CFR 72.7, the NRC grant the requested exemption.

References

1. HI-Storm 100 System 10 CFR 72 Certificate of Compliance 1014 and NRC Safety Evaluation Report, through Amendment 14 (ML19343B287).
2. Letter from Entergy to NRC, 2.16.012, "ISFSI Annual Radioactive Effluent Release Report for 2015," dated February 17, 2016 (ML16067A132).
3. Letter from Entergy to NRC, 2.17.012, "ISFSI Annual Radioactive Effluent Release Report for 2016," dated February 10, 2017 (ML17054C462).
4. Letter from Entergy to NRC, 2.18.014, "ISFSI Annual Radioactive Effluent Release Report for 2017," dated February 28, 2018 (ML18078A312).
5. Letter from Entergy to NRC, 2.19.013, "ISFSI Annual Radioactive Effluent Release Report for 2018," dated February 28, 2019.
6. Letter from HDI to NRC, HDI-PIL-20-035, "ISFSI Annual Radioactive Effluent Release Report for 2019," dated May 15, 2020 (ML20136A373).
7. Letter from HDI to NRC, HDI-PIL-21-023, "ISFSI Annual Radioactive Effluent Release Report for 2020," dated March 1, 2021 (ML21060B566).
8. Letter from HDI to NRC, HDI-PIL-22-018, "ISFSI Annual Radioactive Effluent Release Report for 2021," dated February 23, 2022 (ML22054A296).
9. NRC letter and SER approving the Exemption Request for DTE Electric Company, Fermi-2 Independent Spent Fuel Storage Installation, January 20, 2022 (ML21308A169, 21308A170)