

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-29 and 72-31; NRC-2024-0067]

Yankee Atomic Electric Company;

Yankee Atomic Power Station;

Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption in response to the May 4, 2023, request from Yankee Atomic Electric Company (YAEC), for the Yankee Nuclear Power Station (YNPS or Yankee Rowe) located in Rowe, Massachusetts. The exemption permits YAEC to make withdrawals from a separate account within YAEC's overall nuclear decommissioning trust (NDT), on an annual basis, for spent nuclear fuel (SNF) and Greater than Class C (GTCC) waste management and non-radiological site restoration without prior notification to the NRC.

DATE: The exemption was issued on April 11, 2024.

ADDRESSES: Please refer to Docket ID **NRC-2024-0067** when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID **NRC-2024-0067**. Address questions about Docket IDs in Regulations.gov to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the "For Further Information Contact" section of this document.

- **NRC's Agencywide Documents Access and Management System**

(ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tilda Liu, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 404-997-4730, email: Tilda.Liu@nrc.gov.

SUPPLEMENTARY INFORMATION:

By letter dated May 4, 2023 (ADAMS Accession No. ML23157A101), YAEC submitted a request to the NRC for an exemption from paragraphs 50.82(a)(8)(i)(A) and 50.75(h)(2) of title 10 of the *Code of Federal Regulations* (10 CFR) for the YNPS Independent Spent Fuel Storage Installation¹ (ISFSI).

¹As discussed in this document, the Yankee Rowe ISFSI sits on the former site of Yankee Rowe, which YAEC finished decommissioning in 2007. Although only the Yankee Rowe ISFSI remains on the site, YAEC's 10 CFR part 50 license, Facility Operating License No. DPR-3, remains in effect. Because YAEC requested an exemption from the requirements of 10 CFR part 50, this would be an exemption for YAEC's 10 CFR part 50 license rather than for YAEC's 10 CFR part 72 general license. Therefore, although YAEC's submission requested an exemption for the Yankee Rowe ISFSI, the NRC staff will consider it a request for an exemption for YNPS.

YAEC has established a separate (segregated) account within its over-arching NDT, entitled "ISFSI Radiological Decom," that identifies the funds for radiological decommissioning of the ISFSI apart from the larger balance of funds in the NDT allocated for ongoing management of SNF and GTCC waste and for non-radiological site restoration activities. Although 10 CFR 50.82 applies to the segregated account, it does not apply to the overall NDT.

The exemption from 10 CFR 50.82(a)(8)(i)(A) and 50.75(h)(2) allows YAEC to make withdrawals from the segregated account, on an annual basis, for SNF and GTCC waste management and non-radiological site restoration without prior notification to the NRC. More specifically, with this exemption, YAEC can annually transfer funds exceeding 110 percent of the inflation-adjusted Decommissioning Cost Estimate, described in 10 CFR 50.75, from the segregated account to its overarching NDT and use those funds for SNF and GTCC waste management and non-radiological site restoration.

Based on the review, the NRC determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, the NRC determined that special circumstances are present. Therefore, the NRC granted YAEC an exemption from the requirements of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2) to permit YAEC to make withdrawals from the segregated account, on an annual basis, for SNF and GTCC waste management and non-radiological site restoration without prior notification to the NRC. All other relevant requirements shall be met. On April 11, 2024, the NRC issued an exemption for YAEC (ADAMS Package Accession No. ML23298A052). The NRC staff also prepared an environmental assessment and finding of no significant impact regarding the proposed exemption request, published in

the *Federal Register* on April 9, 2024 (89 FR 24877), and concluded that the proposed exemption would not have a significant impact on the quality of the human environment.

Dated: May 2, 2024.

For the Nuclear Regulatory Commission.

/RA/

Yaira Diaz-Sanabria, Chief,
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