



Crystal River Nuclear Plant
15760 W. Power Line Street
Crystal River, FL 34428
Docket 50-302
Docket 72-1035
Operating License No. DPR-72

10 CFR 50.12
10 CFR 50, Appendix B
10 CFR 50.59(d)(3)
10 CFR 50.71(c)

September 14, 2016
3F0916-01

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

Subject: Crystal River Unit 3 – Request for Partial Exemption from Record Retention Requirements

References: 1. NRC to CR-3 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)

Dear Sir:

Pursuant to 10 CFR 50.12, Duke Energy Florida, LLC, previously known as Duke Energy Florida, Inc. (DEF), hereby requests a permanent exemption from:

- (1) 10 CFR 50, Appendix B, Criterion XVII, which requires certain records be retained consistent with applicable regulatory requirements for a duration established by the licensee;
- (2) 10 CFR 50.59(d)(3), which requires certain records be maintained until "termination of an operating license issued under this part;" and
- (3) 10 CFR 50.71(c), which requires certain records be retained for the period specified by the appropriate regulation, license condition, or technical specification, or until termination of the license if not otherwise specified.

DEF is not requesting an exemption from 10 CFR 50, Appendix A, Criterion 1, which requires certain records be maintained "throughout the life of the unit," because Crystal River Unit 3 Nuclear Plant (CR-3) is not a General Design Criteria plant.

By letter dated March 13, 2013 (Reference 1), the NRC acknowledged the CR-3 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 CR-3 no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel. Once granted, the requested

exemption and application of the exemption will eliminate the requirement to maintain records that are no longer necessary due to the permanently shutdown status of CR-3.

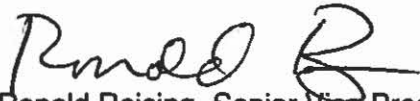
DEF requests that the NRC approve this exemption request by August 31, 2017. DEF will use the exemption, if granted, to eliminate the applicable records associated with structures, systems, components, and activities no longer required by the licensing basis due to the permanently shutdown status of CR-3.

This correspondence contains no new regulatory commitments.

If you have any questions regarding this submittal, please contact Mr. Mark Van Sicklen, Licensing Lead, Nuclear Regulatory Affairs, at (352) 563-4795.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on September 14, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald Reising', with a stylized flourish at the end.

Ronald Reising, Senior Vice President
Operations Support

RRR/mvs

Attachment 1. Request for Partial Exemption from Record Retention Requirements

xc: NMSS Project Manager
Regional Administrator, Region I

DUKE ENERGY FLORIDA, LLC

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

ATTACHMENT 1

**REQUEST FOR PARTIAL EXEMPTION FROM
RECORD RETENTION REQUIREMENTS**

Crystal River Unit 3 Nuclear Generating Plant
Request for Exemption from Record Retention Requirements

I. BACKGROUND

Duke Energy Florida, LLC, previously known as Duke Energy Florida, Inc., (DEF), is the licensee and holder of Facility Operating License No. DPR-72 for Crystal River Unit 3 Nuclear Plant (CR-3). On February 20, 2013, pursuant to 10 CFR 50.82(a)(1), DEF submitted the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel (Reference 1). Thus, DEF is no longer authorized to operate the CR-3 reactor or store or place fuel in the reactor vessel. In addition, on September 4, 2015, DEF received a license amendment issuing the revised operating license and technical specifications to reflect the permanently shutdown condition (Reference 3).

At CR-3, the spent fuel has been transferred from the reactor vessel to the spent fuel pool (SFP). The nuclear reactor and essentially all associated systems, structures, and components (SSCs) in the nuclear steam supply system and balance of plant that supported the generation of power are abandoned in place. SSCs that remain operable or functional are: 1) those required to support safe storage of spent fuel in the SFPs; or 2) those that are needed to meet other regulatory requirements or are needed to support other site facilities (e.g., radwaste handling, Heating, Ventilation, and Air Conditioning (HVAC), etc.).

DEF's decommissioning plans for CR-3 are described in the Post Shutdown Decommissioning Activities Report submitted on December 2, 2013 (Reference 2) and last updated on November 16, 2015 (Reference 4). DEF is currently using the SAFSTOR method to decommission CR-3. Management of spent fuel will be required until the Department of Energy performs its spent fuel removal obligations. The initial decommissioning activities being performed entail preparing the plant for a period of safe-storage (also referred to as dormancy). This includes activities such as, draining of fluids and de-energizing systems, and reconfiguring the electrical distribution, ventilation, heating, and fire protection systems. Systems needed for continued operation of the SFPs were reconfigured for operational efficiency. An additional independent spent fuel storage installation (ISFSI), currently under construction, will be added to allow for dry storage of the spent fuel assemblies generated during plant operations.

While DEF intends to retain the records required by the CR-3 license as the project transitions from the current plant conditions until license termination, the regulatory and business needs for maintenance of most of the records will be obviated. As the SSCs are removed from the licensing basis and the need to retain their associated records is, on a practical basis, eliminated, DEF requests exemptions from the records retention requirements for CR-3 SSCs and historical activities that are no longer relevant. Such exemptions would eliminate the associated unnecessary regulatory and economic burdens of retaining records for SSCs that are no longer part of the CR-3 licensing basis.

II. DETAILED DESCRIPTION

Pursuant to 10 CFR 50.12, "Specific exemptions," DEF requests a permanent exemption from:

- (1) 10 CFR 50, Appendix B, Criterion XVII, which requires certain records to be retained consistent with applicable regulatory requirements for a duration established by the licensee;
- (2) 10 CFR 50.59(d)(3), which requires certain records to be maintained until "termination of an operating license issued under this part;" and
- (3) 10 CFR 50.71(c), which requires certain records to be retained for the period specified by the appropriate regulation, license condition, or technical specification, or until termination of the license if not otherwise specified.

DEF proposes to eliminate the need to retain these records when:

- (1) The CR-3 licensing basis requirements previously applicable to the nuclear power unit and associated SSCs are no longer effective (e.g., removed from the Final Safety Analysis Report and/or Technical Specifications by appropriate change mechanisms); or
- (2) For SSCs associated with safe storage of fuel in the SFPs, when spent fuel has been completely transferred from the SFPs to dry storage, and the associated licensing bases are no longer effective.

DEF is not requesting an exemption from 10 CFR 50, Appendix A, Criterion 1, which requires certain records to be maintained "throughout the life of the unit," because CR-3 is not a General Design Criteria plant. Nor is DEF requesting an exemption associated with any record keeping requirements for storage of spent fuel at the CR-3 ISFSI under 10 CFR 50, the General License requirements of 10 CFR 72, or for the other requirements of 10 CFR 50 or Facility Operating License No. DPR-72 applicable to the decommissioning and dismantlement of CR-3.

III. DISCUSSION

In order for an exemption to be granted from the requirements of 10 CFR Part 50, Appendix B, Criterion XVII, 10 CFR 50.59(d)(3), and 10 CFR 50.71(c), the licensee must show that the requirements of 10 CFR 50.12(a)(1) are met and that special circumstances, as specified in 10 CFR 50.12(a)(2), exist. As discussed below, DEF satisfies these standards for the requested exemptions.

IV. TECHNICAL EVALUATION

A. Nuclear Power Generation SSCs

The CR-3 nuclear steam supply system and balance of plant SSCs will be abandoned in place pending dismantlement. The SSCs are no longer operable or maintained except as required to support safe storage of spent fuel in the SFP and other support needs described above. The general justification for eliminating records associated with that portion of the plant is straightforward in that these SSCs have been (or will be) removed

from service under the NRC license, dismantled or demolished, and will not serve any CR-3 function regulated by the NRC.

DEF recognizes that some records related to the nuclear steam supply system and balance of plant will continue to be under NRC regulation primarily due to residual radioactivity. The radiological and other necessary programmatic controls (such as security, quality assurance, etc.) for the facility and the implementation of controls for the defueled condition and the decommissioning activities are and will continue to be appropriately addressed through the license and current plant documents such as the updated Final Safety Analysis Report and Technical Specifications. Except for future changes made through the applicable change process defined in the regulations (e.g., 10 CFR 50.48(f), 10 CFR 50.59, 10 CFR 50.90, 10 CFR 50.54(a), 10 CFR 50.54 (p), 10 CFR 50.54(q), etc.), these programmatic elements and their associated records are unaffected by the exemption request.

B. Spent Fuel Pool and Associated SSCs and Activities

Records necessary for spent fuel storage SSCs and activities will continue to be retained through the SFP's functional life. Similar to the other plant records, once the SFPs are emptied of fuel, drained and ready for demolition, there will be no safety-significant function or other regulatory need for retaining SFP related records. In addition, similar to the power generation SSCs, DEF recognizes that some records related to the SFP SSCs may continue to be under NRC regulation primarily due to residual radioactivity. The radiological and other necessary programmatic controls (such as security, quality assurance, etc.) for the facility and the implementation of controls for the defueled condition and the decommissioning activities are and will continue to be appropriately addressed through the license and current plant documents such as the updated Final Safety Analysis Report and Technical Specifications. Except for future changes made through the applicable change process defined in the regulations (e.g., 10 CFR 50.48(f), 10 CFR 50.59, 10 CFR 50.90, 10 CFR 50.54(a), 10 CFR 50.54(p), 10 CFR 50.54(q), etc.), these programmatic elements and their associated records are unaffected by this exemption request.

The requested exemption is consistent with the retention period for records of changes in the facility or spent fuel storage cask design implemented under 10 CFR 72.48, Changes, Tests, and Experiments. 10 CFR 72.48(d)(3)(i) specifically states that records are to be retained until "... spent fuel is no longer stored in the facility." This is analogous to the condition when the fuel is no longer stored in the SFPs and the SFP is ready for demolition.

C. Spent Fuel

DEF is not requesting any exemption associated with retention of spent fuel records required by 10 CFR 50 and 10 CFR 72.

D. ISFSI

DEF is not requesting any exemption associated with the retention of records associated with the storage of spent fuel at the ISFSI required by 10 CFR 72.

V. PRECEDENTS

The following table provides examples of exemption requests to record retention requirements that were approved by the noted NRC Safety Evaluation Report (SER).

Previously Approved Exemptions to Record Retention Requirements			
Regulations	Facility	SER	Comments
10 CFR 50, Appendix A, Criteria 1	San Onofre Nuclear Generating Stations	July 18, 2016	Facility is undergoing decommissioning
10 CFR 50, Appendix B, Criterion XVII	Vermont Yankee Nuclear Power Station (Note 1)	December 22, 2015	Facility is undergoing decommissioning / SAFSTOR
10 CFR 50.59(d)(3)	Zion Nuclear Power Station, Units 1 and 2	June 23, 2011	Facility is undergoing decommissioning
10 CFR 50.71(c)	Millstone Power Station, Unit No. 1	January 30, 2007	Plant is in a modified SAFSTOR condition
	Haddam Neck Plant	September 9, 2005	Facility is decommissioned with the exception of the ISFSI and associated areas

Note 1: Vermont Yankee, similar to this request, did not request exemption from 10 CFR 50, Appendix A, Criteria 1, because Vermont Yankee is not a General Design Criteria plant.

VI. JUSTIFICATION FOR EXEMPTION AND SPECIAL CIRCUMSTANCES

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of Part 50 which are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. 10 CFR 50.12 also states that the Commission will not consider granting an exemption unless special circumstances are present.

As discussed below, the DEF exemption request satisfies the provisions of 10 CFR 50.12.

A. The exemption is authorized by law

Paragraph 50.71(d)(2) allows for the granting of specific exemptions to the record retention requirements specified in the regulations. Paragraph 50.71(d)(2) states, in part: "...the retention period specified in the regulations in this part for such records shall apply unless the Commission, pursuant to §50.12 of this part, has granted a specific exemption from the record retention requirements specified in the regulations in this part."

If the specific exemption requirements of 10 CFR 50.12 are satisfied, the exemption from the record keeping requirements of 10 CFR 50.71(c); 10 CFR Part 50, Appendix B, and

10 CFR 50.59(d)(3) is authorized by law. The request does not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemptions are authorized by law.

B. The exemption will not present an undue risk to public health and safety

Removal of the underlying SSCs associated with the records from the CR-3 licensing basis has been or will be evaluated in accordance with the applicable change process defined in the regulations, e.g., 10 CFR 50.59, or an NRC approved license amendment to have no adverse public health and safety impact. Elimination of associated records for these SSCs can have no additional impact.

The partial exemption from the record keeping requirements of 10 CFR 50.71(c); 10 CFR Part 50, Appendix B, Criterion XVII; and 10 CFR 50.59(d)(3), for the records described above is administrative in nature and will have no impact on any remaining decommissioning activities or on radiological effluents. The exemption will merely advance the schedule for destruction of the specified records. Considering the content of these records, the elimination of these records on an advanced timetable will have no reasonable possibility of presenting any undue risk to the public health and safety.

C. The exemption is consistent with the common defense and security

The elimination of the record keeping requirements is administrative in nature and does not involve information or activities that could potentially affect the common defense and security of the United States. Upon removal of the affected SSCs from the CR-3 licensing basis, the records have no functional purpose relative to maintaining the safe operation of the SSCs nor to maintaining conditions that would affect the ongoing health and safety of workers or the public.

The partial exemption requested is administrative in nature and would merely advance the current schedule for destruction of the specified records. Therefore, the partial exemption from the record keeping requirements of 10 CFR 50.71(c); 10 CFR Part 50, Appendix B; and 10 CFR 50.59(d)(3), for the types of records described above is consistent with the common defense and security.

D. Special circumstances

Pursuant to 10 CFR 50.12(a)(2), the NRC will not consider granting an exemption to its regulations unless special circumstances are present. Special circumstances are present as discussed below.

1. 10 CFR 50.12(a)(2)(ii): Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

Appendix B of 10 CFR 50, Criterion XVII, states in part: "Sufficient records shall be maintained to furnish evidence of activities affecting quality."

Paragraph 50.59(d)(3) states in part: "The records of changes in the facility must be maintained until the termination of an operating license issued under this part..."

Paragraph 50.71(c), states in part: "Records that are required by the regulations in this part or Part 52 of this chapter, by license condition, or by technical specifications must be retained for the period specified by the appropriate regulation, license condition, or technical specification. If a retention period is not otherwise specified, these records must be retained until the Commission terminates the facility license..."

The common and underlying purpose for the records related regulations cited above is to ensure that the licensing and design basis of the facility is understood, documented, preserved and retrievable relative to establishing and maintaining the SSC's safety functions for the life of the facility. These regulations, however, do not consider the reduction in safety related SSCs during the decommissioning process. Removal of the SSCs from the licensing basis has been, or will be, evaluated in accordance with the applicable change process in the regulations, e.g., 10 CFR 50.59, or NRC approved license amendment, to have no adverse public health and safety impact prior to elimination of any records. Elimination of associated records for these SSCs can have no additional impact. Retention of records associated with SSCs that are or will no longer be part of the facility licensing basis serves no safety or regulatory purpose. Ultimately, the SSCs will be physically removed from the facility. Therefore, application of these record requirements in those circumstances does not serve the underlying purpose of the regulations.

Based on the above, the application of the subject record keeping requirements to the CR-3 records specified above is not required to achieve the underlying purpose of the rule. Thus, special circumstances are present which the NRC may consider, pursuant to 10 CFR 50.12(a)(2)(ii), to grant the requested exemption.

2. 10 CFR 50.12(a)(2)(iii): Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted.

The records retention requirements applied by the NRC to the construction and operation of nuclear power plants are intended to demonstrate, on a broad basis, that SSCs and activities are supportive of the safety analysis and the requirements of the NRC license for an operating reactor and operability of its safety functions. The records program requirements provide assurance that records will be captured, indexed, and stored in an environmentally suitable and retrievable condition resulting in a significant volume of records of many forms and a significant associated cost. The burden associated with the operations phase records requirements was understood and considered appropriate by the NRC and their reactor licensees. However, the effect of the operations phase record retention requirements that survived the life of a facility and no longer served an underlying safety purpose was not fully understood or considered. This is the current situation at the decommissioning facilities. The operating reactor records retention requirements to which CR-3 is currently regulated are no longer necessary nor appropriate in that the SSCs and activities to which many of the records apply are no longer important to the facility, the public or worker health and safety.

VII. ENVIRONMENTAL ASSESSMENT

The proposed exemption meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(25), because the proposed exemption involves: (i) no significant hazards consideration; (ii) no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) no significant increase in individual or cumulative public or occupational radiation exposure; (iv) no significant construction impact; (v) no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which the exemption is sought involve record keeping requirements. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed exemption.

VIII. REGULATORY EVALUATION

A. No Significant Hazards Consideration Determination

Duke Energy Florida, LLC, previously known as Duke Energy Florida, Inc. (DEF), has evaluated the proposed exemption to determine whether or not a significant hazards consideration is involved by focusing on the three standards set forth in 10 CFR 50.92 as discussed below:

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

The proposed exemption has no effect on structures, systems, and components (SSCs) and no effect on the capability of any plant SSC to perform its design function. The proposed exemption would not increase the likelihood of the malfunction of any plant SSC.

The probability of occurrence of previously evaluated accidents is not increased, since most previously analyzed accidents will no longer be able to occur and the probability and consequences of the remaining Fuel Handling Accident are unaffected by the proposed exemption.

Therefore, the proposed exemption does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed exemption create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed exemption does not involve a physical alteration of the plant. No new or different type of equipment will be installed and there are no physical modifications to existing equipment associated with the proposed exemption. Similarly, the proposed exemption will not physically change any SSCs involved in the mitigation of any accidents. Thus, no new initiators or precursors of a new or different kind of accident are created. Furthermore, the proposed exemption does not create the possibility of a new accident as a result of new failure modes associated with any equipment or personnel failures. No changes are being made to parameters within which the plant is normally operated, or in the setpoints that initiate protective or mitigative actions, and no new failure modes are being introduced.

Therefore, the proposed exemption does not create the possibility of a new or different kind of accident from any accident previously evaluated.

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

The proposed exemption does not alter the design basis or any safety limits for the plant. The proposed exemption does not impact station operation or any plant SSC that is relied upon for accident mitigation.

Therefore, the proposed exemption does not involve a significant reduction in a margin of safety.

Based on the above, DEF concludes that the proposed exemption presents no significant hazards consideration, and, accordingly, a finding of "no significant hazards consideration" is justified.

B. There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite.

There are no changes in the types, characteristics, or quantities of effluents discharged to the environment associated with the proposed exemption. There are no materials or chemicals introduced into the plant that could affect the characteristics or types of effluents released offsite. In addition, the method of operation of waste processing systems will not be affected by the exemption. The proposed exemption will not result in changes to the design basis requirements of SSCs that function to limit or monitor the release of effluents. Therefore, the proposed exemption will result in no significant change to the types or significant increase in the amounts of any effluents that may be released offsite.

C. There is no significant increase in individual or cumulative public or occupational radiation exposure.

The proposed exemption does not involve any physical alterations to the plant configuration or any changes to the operation of the facility that could lead to a significant increase in individual or cumulative occupational radiation exposure.

D. There is no significant construction impact.

No construction activities are associated with the proposed exemption.

E. There is no significant increase in the potential for or consequences from radiological accidents.

See the no significant hazards considerations discussion in Item A 1 above.

F. The requirements from which exemption is sought involve record keeping requirements.

The requirements from which the exemption is sought involve record keeping requirements as defined in 10 CFR 50, Appendix B, Criterion XVII, 10 CFR 50.59(d)(3), and 10 CFR 50.71(c).

IX. CONCLUSION

The information provided above gives the NRC sufficient basis for granting an exemption from the record keeping requirements of 10 CFR 50 Appendix B Criterion XVII, 10 CFR 50.59(d)(3), and 10 CFR 50.71(c) for: 1) records pertaining to SSCs or activities associated with the nuclear power unit and associated support systems that are no longer required to support licensed operations at the CR-3 site; and 2) records pertaining to the SFPs and associated support systems for the safe storage of fuel in the SFPs after all the spent fuel has been transferred from the SFPs to the ISFSI and the SFPs are ready for demolition. This exemption does not apply to any record keeping requirements for spent fuel or storage of the spent fuel at the CR-3 ISFSI under 10 CFR 50 or the general requirements of 10 CFR 72.

Based on the considerations discussed above, the requested exemption is authorized by law, otherwise in the public interest, and consistent with the common defense and security.

DEF requests that the NRC approve this exemption request by August 31, 2017. DEF will use the exemption, if granted, to eliminate the applicable records associated with SSCs and activities no longer required by the CR-3 licensing basis.

References

1. Letter, CR-3 to NRC "Certification of Permanent Cessation of Power Operations and that Fuel Has Been Permanently Removed from the Reactor", dated February 20, 2013 (ML13056A005)
2. Letter, CR-3 to NRC "Post-Shutdown Decommissioning Activities Report", dated December 2, 2013 (ML13340A009)
3. Letter, NRC to CR-3 "Issuance of Amendment for Permanently Shutdown and Defueled Operating License and Technical Specifications", dated September 4, 2015 (ML15224B286)

4. Letter, CR-3 to NRC "Notification of Schedule Change for the Post-Shutdown Decommissioning Activities Report", dated November 16, 2015 (ADAMS Accession No. ML15322A117)
5. Letter from J. B. Hickman (NRC) to J. A. Christian (Zion Solutions, LLC), Zion Nuclear Power Station, Units 1 and 2 - Exemption from Record Keeping Requirements, dated June 23, 2011 (ML111260266)
6. Letter from J. B. Hickman (NRC) to D. A. Christian (Dominion Nuclear Connecticut, Inc.), Millstone Power Station, Unit No. 1 - Partial Exemption from Record Keeping Requirements, dated January 30, 2007 (ML070110567)
7. Letter from D. M. Gillen (NRC) to W. Norton (Connecticut Yankee Atomic Power Company), Request for Exemption from the Record keeping Requirements of 10 CFR 50 Appendix A Criterion 1, 10 CFR 50 Appendix B Criterion XVII, and 10 CFR 50.59(d)(3) for the Haddam Neck Plant, dated September 9, 2005 (ML052140395)
8. Letter from D. M. Gillen (NRC) to S. J. Redeker (Sacramento Municipal Utility District), Rancho Seco Nuclear Generating Station - Request for Partial Exemption from 10 CFR 50.71(c) Record keeping Requirements, dated December 23, 2004 (ML043310155)
9. Letter from M. Vaaler (NRC) to Southern California Edison Company, San Onofre Nuclear Generating Station, Units 1, 2, and 3 - Exemption from Record Keeping Requirements, dated July 18, 2016 (ML15355A055)
10. Letter from J. Kim (NRC) to Entergy Nuclear Operations (ENO), Partial Exemption from the Requirements of 10 CFR 50 Appendix B Criterion XVII, and 10 CFR 50.59(d)(3) and 10 CFR 50.71 for the Vermont Yankee Nuclear Power Station, dated December 22, 2015 (ML15344A243)