

UNITED STATES NUCLEAR REGULATORY COMMISSION

CONNECTICUT ATOMIC POWER COMPANY

DOCKET NO. 50-213

HADDAM NECK PLANT

EXEMPTION FROM CERTAIN LOW-LEVEL WASTE SHIPMENT TRACKING

REQUIREMENTS IN 10 CFR PART 20 APPENDIX G

1.0 BACKGROUND

The Connecticut Yankee Atomic Power Company (CYAPCO) is the licensee and holder of Facility Operating License No. DPR-61 issued for Haddam Neck Plant (HNP), located in East Hampton, Connecticut. The HNP is a permanently shutdown nuclear reactor facility. Beginning in 2003, the amount of radioactive waste shipped from the site significantly increased. The majority of the radioactive waste generated by the site is related to HNP decommissioning activities. Inherent to the decommissioning process, large volumes of slightly contaminated concrete rubble and debris are generated that require shipment for disposal in offsite low-level radioactive waste burial sites. Due primarily to the volume of radioactive waste, CYAPCO has encountered an increase in the number of routine shipments that take longer than 20 days from transfer to the shipper to receipt acknowledgment from the burial site. Each shipment with receipt notifications greater than 20 days requires a special investigation and report to the Nuclear Regulatory Commission (NRC) which the licensee believes to be burdensome and unnecessary to meet the intent of the regulation.

2.0 REQUEST/ACTION

In a letter to the Commission dated June 1, 2004, CYAPCO requested an exemption from the requirements in 10 CFR Part 20, Appendix G, Section III.E, to investigate and file a report to the NRC if shipments of low-level radioactive waste are not acknowledged by the intended recipient within 20 days after transfer to the shipper. This exemption would extend the time period that can elapse during shipments of low-level radioactive waste before CYAPCO is required to investigate and file a report to the NRC from 20 days to 35 days. The exemption would be limited to truck, combination truck/rail shipping and potential future combination barge/rail shipping methods. The exemption request is based on a statistical analysis of the historical data of low-level radioactive waste shipment times from the licensee's site to the disposal site.

3.0 DISCUSSION

The proposed action would grant an exemption to extend the 20-day investigation and reporting requirements for shipments of low-level radioactive waste to 35 days. Beginning in 2003, CYAPCO has made over 40 shipments of low-level radioactive waste as part of the decommissioning efforts at the facility. MHF Logistical Solutions is the rail broker company used by CYAPCO to perform these shipments. MHF Logistical Solutions has a tracking system that monitors the progress of the shipments from their originating point at HNP to their final destination at Envirocare of Utah, Inc. The shipments are made by either truck or combination truck/rail and, according to CYAPCO, the transportation time alone takes over 21 days on average, with one shipment taking 25 days.

In addition, administrative procedures at Envirocare and mail delivery can add up to 4 additional days. Based on historical data and estimates of the remaining waste at HNP, CYAPCO could have to perform over 400 investigations and reports to the NRC during the next three years if the 20-day notification criteria is maintained. The licensee affirms that the low-level radioactive waste shipments will always be tracked throughout transportation until they

arrive at their intended destination. CYAPCO believes that the need to investigate, trace, and report to the NRC on the shipment of low-level radioactive waste packages not reaching their destination within 20 days does not serve the underlying purpose of the rule and is not necessary. As a result, CYAPCO states that granting this exemption will not result in an undue hazard to life or property.

Pursuant to 10 CFR 20.2301, the Commission may, upon application by a licensee or upon its own initiative, grant an exemption from the requirements of regulations in 10 CFR Part 20 if it determines the exemption is authorized by law and would not result in undue hazard to life or property. There are no provisions in the Atomic Energy Act (or in any other Federal statute) that impose a requirement to investigate and report on low-level radioactive waste shipments that have not been acknowledged by the recipient within 20 days of transfer. Therefore, the Commission concludes that there is no statutory prohibition on the issuance of the requested exemption and the Commission is authorized to grant the exemption by law.

The Commission acknowledges that based on the statistical analysis of low-level radioactive waste shipments from the HNP site, the need to investigate and report on shipments that take longer than 20 days could result in an excessive administrative burden on the licensee. The Commission asserts that the underlying purpose of the rule is to investigate a late shipment that may be lost, misdirected, or diverted. Because of the oversight and monitoring of radioactive waste shipments throughout the entire journey from HNP to the disposal site, it is unlikely that a shipment could be lost, misdirected, or diverted without the knowledge of the carrier or CYAPCO. Furthermore, by extending the elapsed time for receipt acknowledgment to 35 days before requiring investigations and reporting, a reasonable upper limit on shipment duration (based on historical analysis) is still maintained if a breakdown of normal tracking systems were to occur. Consequently, the Commission finds that there is no hazard to life or property by extending the investigation and reporting time for low-level radioactive waste shipments from 20 days to 35 days for truck, combination truck/rail, or

potential future combination barge/rail shipments. Therefore, the Commission concludes that the underlying purpose of 10 CFR Part 20, Appendix G, Section III.E will be met.

4.0 CONCLUSION

Accordingly, the Commission has determined that, pursuant to 10 CFR 20.2301, the exemption requested by CYAPCO in its January 26, 2004, letter is authorized by law and will not result in undue hazards to life or property. Therefore, the Commission hereby grants CYAPCO an exemption to extend the 20-day investigation and reporting requirements for shipments of low-level radioactive waste, as required by 10 CFR Part 20, Appendix G, Section III.E, to 35 days.

Pursuant to 10 CFR 51.31, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment as documented in *Federal Register* notice 69 FR 59971 (October 6, 2004).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 14 day of October, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

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