



CONNECTICUT YANKEE ATOMIC POWER COMPANY

HADDAM NECK PLANT

362 INJUN HOLLOW ROAD • EAST HAMPTON, CT 06424-3099

Docket No. 50-213

CY-04-100

Re: 10 CFR 20.2301

JUN 1 2004

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D. C. 20555-0001

Haddam Neck Plant
Request for Exemption from 10 CFR 20 Appendix G Section III.E

In accordance with 10 CFR 20.2301, Applications for Exemptions, Connecticut Yankee Atomic Power Company (CYAPCO) is hereby requesting an exemption from the requirements of 10 CFR 20, Appendix G, Section III.E to investigate and report to the U. S. Nuclear Regulatory Commission (NRC) when CYAPCO does not receive acknowledgement of receipt of a shipment, or part of a shipment, of low-level radioactive waste within twenty (20) days after transfer. The requested exemption would be for truck and combination of truck/rail and potential future barge/rail shipments. CYAPCO is requesting that for truck and combination truck/rail and potential future combination barge/rail shipments from the Haddam Neck Plant (HNP) facility, the time period for CYAPCO to receive acknowledgement that the shipment has been received by the intended recipient be extended from 20 days to 35 days.

Background

CYAPCO is in the process of decommissioning the HNP. Inherent to the decommissioning process, large volumes of slightly contaminated concrete rubble and debris are generated and require disposal. Currently CYAPCO transports low-level radioactive waste via truck and combination truck/rail from the HNP facility to Envirocare of Utah's disposal facility in Clive, Utah. Historically, the transportation time has either occasionally exceeded the twenty (20) day reporting requirement or barely met the twenty (20) day reporting requirement. Beginning in year 2003, over 40 shipments have been made by truck and combination truck/rail from the HNP to Envirocare. CYAPCO has procedures to track the progress of the shipments, to ensure compliance with the requirements of 10 CFR 20, Appendix G. In addition, MHF Logistical Solutions,

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the carrier used by CYAPCO, also monitors the progress of the shipments. A review of the historical data indicates that transportation time alone for shipments by truck and combination truck/rail took over 21 days on average and, on occasion, has taken up to 25 days. Administrative processes at Enviocare and typical mail delivery times could add up to 4 days in addition to the transportation time. These truck and combination truck/rail shipments and potential future combination barge/rail shipments are expected to continue throughout decommissioning of the HNP.

A similar exemption request from the reporting requirements of 10 CFR 20, Appendix G, Section III.E was submitted by Southern California Edison (Docket Nos. 50-206, 50-361, and 50-362) on January 26, 2004 for rail and combination truck/rail shipments to Clive, Utah. The requested exemption request is currently under NRC review.

Justification for Exemption

In accordance with 10 CFR 20.2301, Applications for Exemptions, "The Commission may, upon application by a licensee or upon its own initiative, grant an exemption from the requirements of the regulations in this part if it determines the exemption is authorized by law and would not result in undue hazard to life or property."

I. The Requested Exemption is Authorized by Law

There are no provisions in the Atomic Energy Act (or in any other federal statute) that impose a requirement to investigate and report to the NRC low-level radioactive waste shipments that have not been acknowledged by the intended recipient within 20 days after transfer. Therefore, there is no statutory prohibition on the issuance of the requested exemption and the NRC is authorized to grant the exemption under law.

II. The Requested Exemption Would Not Result in Undue Hazard to Life or Property

The intent of 10 CFR 20, Appendix G, Section III.E is to require licensees to investigate, report, and trace radioactive shipments that have not reached their destination as scheduled for unknown reasons. The carrier used by CYAPCO, MHF Logistical Solutions, has a tracking system that allows monitoring of progress of the truck/rail shipments. The past low-level radioactive waste shipments from the HNP have arrived at their intended destination. Based on the historical data for low-level radioactive waste shipments and volumetric estimates of the remaining low-level radioactive waste at the HNP, CYAPCO could be required to perform investigations on approximately 400 shipments over the remaining decommissioning period (approximately three years) and report to the NRC that notification of receipt was not received within 20 days of transfer for

shipments even though they were tracked throughout transportation and were received at the intended destination. Therefore, compliance with the rule and reporting to the NRC does not serve the underlying purpose of the rule and is not necessary. As a result, granting an exemption to CYAPCO for truck shipments and combination of truck/rail and potential future barge/rail shipments of low-level radioactive waste to Envirocare of Utah or the other intended recipient results in no undue hazard to life or property.

Conclusion

The information provided gives the NRC sufficient basis for granting CYAPCO an exemption from 10 CFR 20, Appendix G, Section III.E. Under the exemption, CYAPCO would not be required to report in accordance with 10 CFR 20, Appendix G, and Section III.E unless a faxed or hard copy of the signed NRC form 540 (or NRC Form 540A if required) has not been received by CYAPCO within 35 days of the shipment leaving the HNP. This exemption applies to truck shipments and combination truck/rail and potential barge/rail shipments of low-level radioactive waste from the HNP.

CYAPCO requests that the NRC approve this exemption request at your earliest convenience.

There are no regulatory commitments contained in this letter.

If you should have any questions regarding this submittal, please contact Mr. G. P. van Noordennen at (860) 267-3938.

Sincerely


G. H. Bouchard

6-1-04
Date

Director of Nuclear Safety and
Regulatory Affairs

cc: H. J. Miller, NRC Region 1 Administrator
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