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September 21, 2009

U.S. Nuclear Regulatory Commission
ATTENTION: Document Control Desk
Washington, D.C. 20555

Subject: Duke Energy Carolinas, LLC
McGuire Nuclear Station, Units 1 and 2
Docket Nos. 50-369, 50-370
Special Report 2009-01, Revision 0
Problem Investigation Process (PIP) M-09-04862

Pursuant to 10 CFR 20 Appendix G, attached is Special Report 2009-01, Revision 0, regarding the delay in receipt of a low level radioactive waste shipment sent via rail from McGuire Nuclear Station (McGuire) to the Energy Solutions disposal facility in Clive, Utah. 10 CFR 20 Appendix G requires that a waste shipment be investigated by the shipper if notification of receipt at the disposal facility is not received within 20 days after transfer to the carrier. This McGuire shipment did not arrive at the disposal facility within 20 days of transfer to the carrier.

If questions arise regarding this Special Report, contact Joyce Correll at 980-875-4039.

Sincerely,

Bruce H. Hamilton

Attachment

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cc: L. A. Reyes, Regional Administrator
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**Attachment
McGuire Nuclear Station
Special Report 2009-01
PIP M-09-04862**

Reporting Requirement

10 CFR 20 Appendix G, "Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests," contains investigation and reporting requirements for radioactive waste shipments for which acknowledgement is not received within 20 days after transfer.

Section III.E of this regulation directs the shipper to perform and document an investigation to trace the shipment and file a written report with the nearest NRC Regional Office within 2 weeks of completion of the investigation.

The following text is copied form 10 CFR 20 Appendix G:

- "E. Any shipment or part of a shipment for which acknowledgement is not received within the times set forth in this section must:*
- 1. Be investigated by the shipper if the shipper has not received notification or receipt within 20 days after transfer; and*
 - 2. Be traced and reported. The investigation shall include tracing the shipment and filing a report with the nearest Commission Regional Office listed in Appendix D to this part. Each licensee who conducts a trace investigation shall file a written report with the appropriate NRC Regional Office within 2 weeks of completion of the investigation."*

Background Information

Radioactive waste shipment RSR# MNS 09-0012 departed from McGuire Nuclear Station (McGuire) on August 18, 2009 enroute to the Energy Solutions disposal facility in Clive, Utah. This shipment consisted of one gondola car (CEFX 35294) containing low level radioactive waste (steam generator upper assembly sections) from the McGuire steam generator disposal project. A total of five gondola cars left McGuire via rail (in the same train) on this date, each a separate shipment classified as "Radioactive Material, Excepted Package, Limited Quantity of Material 7, UN2910, Fissile Excepted". Required markings were applied to all packages and appropriate shipping paperwork accompanied each shipment. Transport arrangements were made for McGuire by Energy Solutions. CSXT transported the rail cars to East St. Louis, Illinois, where they inter-changed with Union Pacific for the last portion of the trip to Clive, Utah.

The estimated arrival date for all five rail cars was August 31, 2009. Four cars arrived on September 1, 2009, but CEFX 35294 did not arrive until September 10, 2009, 23 days after leaving McGuire which requires investigating and reporting per 10 CFR 20 Appendix G.

**Attachment
McGuire Nuclear Station
Special Report 2009-01
PIP M-09-04862**

Investigation

Five gondola cars departed from McGuire on August 18, 2009. They arrived as a group in Hamlet, North Carolina on August 19. Gondola car CEFX 35294 was separated from the other four cars and was routed back to Charlotte, North Carolina in error. The car arrived in Charlotte on August 21 and was sent back to Hamlet the next day. In the meantime, the other four cars left Hamlet heading west to Clive, Utah which put CEFX 35294 essentially three days behind them. In addition, this same lagging car (CEFX 35294) was held up for two more days in a rail yard near Cincinnati, Ohio before being assigned to the next train heading west. Traveling during the Labor Day weekend also contributed to the delays encountered.

At no time was the location of gondola car CEFX 35294 or its contents unknown. The shipment was tracked by the carrier at all times during transit and Energy Solutions personnel provided daily updates to Radiation Protection Management at McGuire on the current location of the five gondola cars. Late arrival of gondola car CEFX 35294 at Clive, Utah was expected based on the information provided by Energy Solutions during transit.

Notification of shipment arrival was provided by Energy Solutions via email on September 10, 2009. The shipment return manifest was received by McGuire Radiation Protection on September 17, 2009.

Corrective Actions

Site response and actions included placing the issue into the McGuire corrective action program (PIP M-09-04862) and making the NRC Site Resident and McGuire Management aware of the issue as it applied to the Regulation. In addition, McGuire Radiation Protection Management communicated to Energy Solutions that any future rail shipments of radioactive material from McGuire must be scheduled so as to not be enroute during holiday weekends.