

10 CFR 20.2301

May 20, 2011

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

Subject: **Docket Numbers 50-361, 50-362**
Request for Exemption from 10 CFR 20 Appendix G Section III.E
San Onofre Nuclear Generating Station Units 2 and 3

Dear Sir or Madam,

In accordance with 10 CFR 20.2301, Applications for Exemptions, Southern California Edison (SCE) 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 SCE 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 limited to the shipment of the original steam generator lower assemblies from Units 2 and 3. SCE is requesting that for these four shipments by land from the San Onofre Nuclear Generating Station (SONGS) facility to the EnergySolutions disposal facility in Clive, Utah, the time period for SCE to receive acknowledgement that the shipment has been received by the intended recipient be extended from 20 days to 44 days.

Background

SCE is in the process of disposing of the four original steam generators from Units 2 and 3. The steam generators were replaced during the most recent outages (cycle 16) that occurred beginning in September 2009 for Unit 2 and October 2010 for Unit 3. The original steam generators are undergoing segmentation on-site to separate the steam dome from the steam generator lower assembly prior to being packaged to meet applicable Department of Transportation (DOT) requirements.

The design dimensions of each package will be 46 ft 3 inches long, 173 inches wide, and weigh 370 tons. Due to the size and weight of the steam generator lower assemblies, a special conveyance has been constructed to transport each DOT-compliant package to the licensed disposal facility operated by EnergySolutions in Clive, Utah. The transport is expected to move at an average speed of 15 miles per hour and will be limited, due to the

slow speed, to traveling at times when it will not interfere with normal traffic. As a result, the current forecast for each one-way trip of roughly 800 miles between SONGS and the EnergySolutions disposal facility is approximately 37 days. Administrative processes at EnergySolutions and transmittal of the signed manifest to SCE could add up to 7 days in addition to the transportation time. There will be a total of four individual shipments of the original steam generator lower assemblies, all of which are planned to occur during year 2011.

Similar exemptions from the reporting requirements of 10 CFR 20 Appendix G Section III.E were granted to BWX Technologies, Inc. in 1999 for rail shipments to Richland, WA, and to SCE for rail and combination rail/truck shipments to Clive, Utah in 2004.

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.

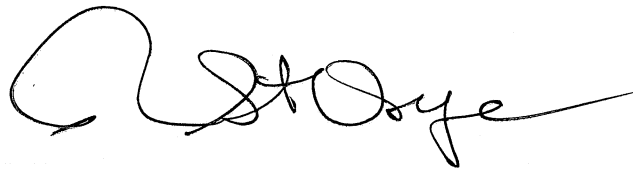
II. The Requested Exemption Would Not Result in Undue Hazard to Life or Property

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. Each shipment will be equipped with an electronic data tracking system that allows monitoring the progress of the shipment. Based on the estimated time for each shipment, SCE could be required to perform approximately four or more investigations over the next year 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 their 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 SCE for road shipments of the original steam generators lower assemblies as low-level radioactive waste to EnergySolutions of Utah results in no undue hazard to life or property.

Conclusion

The information provided gives the NRC sufficient basis for granting SCE an exemption from 10 CFR 20 Appendix G Section III.E. Under the exemption, SCE would not be required to report in accordance with 10 CFR 20 Appendix G 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 SCE within 44 days of the shipment leaving San Onofre. This exemption applies to the four shipments by road of the original steam generators lower assemblies that are low-level radioactive waste from SONGS.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Hall", written in a cursive style.

cc: E. E Collins, Regional Administrator, NRC Region IV
R. Hall, NRC Project Manager, San Onofre Units 2 and 3
G. G. Warnick, NRC Senior Resident Inspector, San Onofre Units 2 and 3