

March 20, 2001

Ms. Rosemary Bassilakis
Researcher
Citizens Awareness Network
54 Old Turnpike Road
Haddam, CT 06438

Ms. Deborah Katz
Executive Director
Citizens Awareness Network
P.O. Box 83
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Dear Ms. Bassilakis and Ms. Katz:

This letter responds to the Petition you submitted pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206) to the U.S. Nuclear Regulatory Commission (NRC) on September 26, 2000, on behalf of the Citizens Awareness Network. In the Petition, you requested that NRC (1) conduct a full investigation of Connecticut Yankee Atomic Power Company's (CYAPCO's or the licensee's) garment laundering practices and specifically of the September 20, 2000, incident at a public laundry facility in which you contend that the licensee may have laundered radioactively contaminated clothing; (2) revoke CYAPCO's license, or suspend it until an investigation is completed and any contamination found as a result of that investigation is remediated; (3) report any violations of regulations to the Department of Justice; and (4) conduct an informal public hearing.

You participated in a telephone conference call with the Petition Review Board (PRB) on October 10, 2000, to clarify the bases for your Petition. The transcript of this conference call was provided to you and is available (1) in NRC's Agencywide Documents Access and Management System (ADAMS) (Accession No.: ML003768237); and (2) for electronic viewing at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

By letter dated November 9, 2000, NRC staff informed you that your Petition met the requirements of 10 CFR 2.206 and would be acted upon within a reasonable time. You were also told in the November 9, 2000, correspondence that in response to the concerns identified in your Petition, the NRC staff had inspected CYAPCO's laundering practices and found that the licensee had adequate controls in place to protect the health and safety of the public. Based on this finding, the NRC staff concluded there was not an immediate safety issue associated with the Petition.

The issues raised in your Petition pertain to a September 20, 2000, incident in which you state CYAPCO laundered bright yellow coveralls, rubber boots, and gloves at a public laundromat in East Hampton, Connecticut. The Petition contends that, although it is not clear whether or not the garments were radioactively contaminated, "Laundering the Haddam Neck reactor's

protective garments at a public facility constitutes a serious loss of radiological control, and blatant disregard for public and worker health and safety, the environment, and NRC rules and regulations.”

The NRC staff has resolved the issues raised in your September 26, 2000, Petition. Your first request (i.e., conduct a full investigation of CYAPCO's garment laundering practices and the September 20, 2000, incident) was granted by an NRC inspection, which concluded that adequate controls were in place to assure that CYAPCO training materials did not become contaminated, and that CYAPCO's garment laundering practices are in compliance with NRC regulations and do not endanger the health and safety of the public. In response to your second request (i.e., revoke or suspend CYAPCO's license until an investigation is completed and any contamination found as a result of that investigation is remediated), NRC did not take immediate action, because inspection findings demonstrated that there were no immediate safety concerns. Based on the conclusions of the inspection report, NRC will not take action to suspend or revoke CYAPCO's license as no violations occurred. Similarly, as NRC has concluded that CYAPCO did not commit a violation of NRC regulations, your third request (i.e., report any violations of regulations to the Department of Justice) is considered to warrant no action. Finally, your fourth request (i.e., conduct an informal public hearing) has been granted in principle to the extent that you were provided opportunities to interact with the NRC staff during its review of the petition, and the record of the NRC staff review is available to the public. Since the issues of public health and safety and regulatory compliance submitted in the Petition have been resolved, in a process open to the public, the NRC staff does not plan to take any further action on this Petition.

The staff provided you and CYAPCO a copy of the proposed Director's Decision for comment by letter dated December 19, 2000. You responded with comments by letter dated January 4, 2001, and the licensee responded by letter dated January 5, 2001. The comments and staff response to them are Enclosures to the Director's Decision.

A copy of the Decision will be filed with the Secretary of the Commission for the Commission to review in accordance with 10 CFR 2.206(c). As provided for by this regulation, this decision will constitute the final action of the Commission 25 days after the date of the decision unless the Commission, on its own motion, institutes a review of the decision within that time.

The documents cited in the enclosed decision are available in ADAMS for inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and from the ADAMS Public Library component on the NRC's Web site, <http://www.nrc.gov> (the Public Electronic Reading Room).

A copy of the "Issuance of Director's Decision Under 10 CFR 2.206" that has been filed with the Office of the Federal Register for publication is also enclosed.

We appreciate your efforts to bring these issues to the attention of the NRC. Please feel free to contact Mr. Louis L. Wheeler, 301-415-1444, or Mr. Joseph Donoghue, 301-415-1131, to discuss any questions related to this Petition.

Sincerely,

/RA/

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Docket No. 50-213

Enclosures: Director's Decision DD-01-02
Federal Register Notice

cc w/encls: See next page

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION**
Samuel J. Collins, Director

In the matter of)	Docket No. 50-213
)	
)	
Connecticut Yankee Atomic Power Company)	License No. DPR-61
)	
)	
Haddam Neck Nuclear Power Station)	(10 CFR 2.206)

DIRECTOR'S DECISION UNDER 10 CFR 2.206

I. INTRODUCTION

By letter dated September 26, 2000, Rosemary Bassilakis and Deborah Katz (the Petitioners) of the Citizens Awareness Network filed a Petition pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.206. The Petitioners requested that the U.S. Nuclear Regulatory Commission (NRC) take the following actions: (1) conduct a full investigation of Connecticut Yankee Atomic Power Company's (CYAPCO's or the licensee's) garment laundering practices and specifically of the September 20, 2000, incident at a public laundry facility in which the Petitioners contend that the licensee may have laundered radioactively contaminated clothing; (2) revoke CYAPCO's license, or suspend it until an investigation is completed and any contamination found as a result of that investigation is remediated; (3) report any violation of regulations to the Department of Justice; and (4) conduct an informal public hearing. As the basis for these requests, the Petition states that on September 20, 2000, CYAPCO laundered

bright yellow coveralls at a public laundromat in East Hampton, Connecticut. In addition, the Petition also states that rubber boots and gloves from the Haddam Neck Plant are also washed

at the laundromat on occasion. The Petition contends that, although it is not clear whether or not the garments were radioactively contaminated, "Laundering the Haddam Neck reactor's protective garments at a public facility constitutes a serious loss of radiological control, and blatant disregard for public and worker health and safety, the environment, and NRC rules and regulations." In support of the claim, the Petition cites a number of events that the Petitioners believe collectively "...demonstrates an inability on the licensee's part to follow NRC rules and regulations...."

The Petitioners addressed the Petition Review Board (PRB) on October 10, 2000, in a telephone conference call to clarify the bases for the Petition. The transcript of this discussion may be examined, and/or copied for a fee at the NRC Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. The transcript (ADAMS Accession No.: ML003768237) is also available at the ADAMS Public Library component of the NRC's Web site, <http://www.nrc.gov> (the Public Electronic Reading Room).

On November 9, 2000, the NRC sent the Petitioners a letter acknowledging that the Petition met the requirements of 10 CFR 2.206 and would be processed accordingly. A *Federal Register* (FR) notice was published on November 16, 2000 (65 FR 69346). In the letter and FR notice, NRC explained that inspection activities conducted in response to the Petition had demonstrated that there were no immediate safety concerns associated with the issues in the 2.206 Petition. For this reason, NRC did not take immediate action with regard to the Petitioners' second request (i.e., revocation or suspension of CYAPCO's license).

A draft of this Director's Decision, and an opportunity to offer comments were sent to the Petitioner and the licensee by letter dated December 19, 2000. The Petitioner's reply, the NRC staff response to the Petitioner's reply, and the licensee's reply are attached as Enclosures 1, 2, and 3, respectively.

II. DISCUSSION

As stated above, in response to the concerns identified in the Petition, NRC staff from Region I conducted an inspection of the licensee's garment laundering practices for compliance with regulatory requirements and to ensure the health and safety of the public. The results of this inspection are given in NRC Integrated Inspection Report 05000213/2000002 (issued on November 13, 2000). The following section is an excerpt from the NRC Inspection Report. The report (ADAMS Accession No.: ML003768686) is available in its entirety from the ADAMS Public Library component of the NRC's Web site, <http://www.nrc.gov> (the Public Electronic Reading Room).

R8.1 Response to Laundry Concern

a. Inspection Scope (71801)

The inspector reviewed the licensee's program of laundering protective clothing for compliance to regulatory requirements and to ensure the health and safety of the public.

b. Observations

On September 25, 2000, the Connecticut Department of Environmental Protection (DEP) notified the NRC that a citizen living near the Haddam Neck plant was concerned that yellow protective clothing from the facility was being laundered in a local public laundromat. The protective clothing was reported by the licensee's contractor to be from the onsite training facility.

On September 26, 2000, a radiological survey was performed by the Connecticut DEP in the concerned citizen's home. The DEP representative stated that he conducted the survey using both a NaI and a GM detector. No radioactive material above background was identified. The DEP representative stated that he

discussed radiation effects, survey techniques, background radiation, and relative risks with the concerned individual and at that time the individual appeared satisfied. Earlier the same day, the DEP representative surveyed the training facility yellow protective clothing and approximately twenty percent of the rubber gloves, booties, and other materials. No radioactivity above background was identified by the DEP representative in the training area.

On October 2, 2000, the NRC performed an onsite inspection. The inspector reviewed the licensee's protective clothing laundering program. The inspector discussed with cognizant licensee representatives the process by which contaminated protective clothing from the RCA [Radiologically Controlled Area] was laundered and the segregation of this laundry from non-contaminated protective clothing. The inspector observed handling of contaminated protective clothing during a radioactive laundry shipment. The clothing was collected from step-off-pads throughout the RCA and placed in transport containers. Once filled, they were locked and kept in the Radwaste Reduction Facility (RRF) waiting collection of enough containers for a shipment. The licensee stated that a contaminated laundry shipment was made approximately every two weeks. The inspector verified that shipping containers were maintained under lock and control by the radwaste and shipping groups. An empty covered trailer is positioned in the RCA at the truckbay entrance to the RRF. Its back doors are opened to load containers of protective clothing to be laundered and locked closed when not loading the trailer. Once the trailer is full, the trailer doors are locked and sealed with a tamper proof fastener to prevent unauthorized entry.

The licensee contracted with Interstate Nuclear Services (INS) in Springfield, Massachusetts for laundry of their potentially contaminated protective clothing. INS exchanges laundered clothing which was contained in a locked, tamper proof sealed trailer with used potentially contaminated protective clothing using the following procedure:

A licensee truck cab enters the RCA and hooks onto the trailer containing the contaminated clothing at the RRF. The contaminated clothing is taken out of the RCA under control of the Health Physics Department. The INS truck cab then hooks up to the contaminated clothing trailer and, after proper shipping surveys and instructions, departs for their Springfield Laundry Facility. The inspector verified by observation that trailers remain locked and the tamper proof seal remains intact. The incoming shipment of clean laundered protective clothing is taken by the licensee's truck cab into the RCA at the RRF truck door.

The inspector observed that a trailer of clean laundered protective clothing was locked and contained a tamper proof seal which remained intact until qualified radwaste personnel opened the trailer. At no time was either the outgoing or incoming laundry trailer opened outside of the controlled confines of the RRF in the RCA. The inspector concluded that the licensee maintains an adequate program to control shipments of potentially contaminated clothing to ensure only RCA items are shipped to and received from INS.

On October 3, 2000, the inspector discussed with cognizant licensee representatives controls of training protective clothing and new protective clothing stored in the warehouse. The licensee stated that prior to May 1998, all training for the Haddam Neck site was conducted at the Millstone training facility. This included practical factors training where trainees don protective clothing for mockup training sessions. Since May 1998, training has been conducted onsite at the EOF [Emergency Operations Facility] facility. In May 1998, new protective clothing was withdrawn from the warehouse and an inventory of coveralls, gloves, booties, as well as respirators was obtained and dedicated to training uses, with no contact or use in any radiological area. The licensee stated that, in order not to co-mingle this clothing with clothing from the RCA, this inventory was maintained separate. To ensure no possible cross contamination with potentially contaminated clothing at the INS facility, the licensee stated they contracted with a local laundry facility in East Hampton [Connecticut], since May 1998. Clothing from the training area has been picked up and returned on approximately a weekly basis by representatives of the local laundry. The inspector noted that extra large coveralls were labeled "training" but none of the other coveralls and no gloves or booties were so labeled. The rubber gloves contained the trifoil insignia.

The inspector observed the survey of all training protective clothing by the licensee using a Small Article Monitor (SAM). The inspector reviewed the calibration and sensitivity of the SAM-9 monitor (serial #254) used for this survey. The monitor was calibrated to detect any significant level of radioactive material and verified to be more sensitive than the hand held NaI and GM detector used by the Connecticut DEP during their initial scan of training protective clothing. The licensee stated that a total of 751 individual items were surveyed, which constituted the entire inventory of training protective clothing and the additional clothing from the warehouse. The inspector verified that no radioactive material was detected above background during this survey of the training department and warehouse protective clothing.

c. Conclusions

The licensee established, implemented, and maintained an adequate program to launder potentially contaminated clothing from the RCA and had effective controls to ensure contaminated clothing did not come into contact with non-radiological control area clothing. The inspector verified that protective clothing at the licensee's training facility was free from radioactive contamination and that controls were in place to assure that training materials did not become contaminated.

In addition, the licensee is evaluating additional measures which may be taken to avoid similar misperceptions in the future.

III. CONCLUSION

In response to the Petitioners' first request (i.e., NRC conduct a full investigation of CYAPCO's garment laundering practices and of the September 20, 2000, events), an NRC inspection was performed. The results of this inspection are described in the excerpt above. The NRC inspection report concluded that adequate controls were in place to assure that CYAPCO clothing had not and would not become contaminated, and CYAPCO's garment laundering practices are in compliance with NRC regulations and do not endanger the health and safety of the public. Based on NRC conducting an inspection of the licensee's activities in question, the Petitioners' request was granted.

In response to the Petitioners' second request (i.e., NRC revoke or suspend CYAPCO's license until an investigation is completed and any contamination found as a result of that investigation is remediated), NRC did not take immediate action, because inspection findings demonstrated there were no immediate safety concerns. Based on the conclusions of the inspection report, NRC will not take action to suspend or revoke CYAPCO's license as no violations occurred.

As NRC has concluded that CYAPCO did not commit a violation of NRC regulations, the Petitioners' third request (i.e., any violations be reported to the Department of Justice) is considered to warrant no action.

The Petitioners' fourth request (i.e., NRC conduct an informal public hearing) has been granted in principle to the extent that the open nature of the process by which the issues have been resolved included: the public availability of the Petition, the Petitioners' taking advantage of the opportunity to participate in a formal PRB review of the Petition, the transcript from the PRB review being made publicly available, the public availability of the acknowledgment letter to the Petitioners, the FR notice acknowledging NRC's receipt of the Petition, NRC's publicly available

Inspection Report, and finally NRC's providing advance copies of this Director's Decision to the Petitioners and licensee for comment for the specific purpose of providing an additional opportunity to participate in the review process. These actions are considered to grant in part the request of the Petitioners that these issues be resolved in a public forum. Since the issues of public health and safety and regulatory compliance submitted by the Petitioner have been resolved, a hearing is not planned.

In conclusion, the issues raised in the September 26, 2000, Petition have been resolved. Therefore the NRC staff does not intend to take any further action on this Petition. As provided in 10 CFR 2.206(c), a copy of this Director's Decision will be filed with the Secretary of the Commission for the Commission to review. As provided for by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of the Decision unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland, this 20th day of March, 2001.

/RA/

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. Petitioner's reply to draft Director's Decision
2. NRC staff response to Petitioner's reply
3. Licensee's reply to draft Director's Decision