

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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In the Matter of :  
NORTHEAST NUCLEAR ENERGY COMPANY : Docket No. 50-423-LA3  
(Millstone Nuclear Power Station, :  
Unit No. 3 :  
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Radisson Motel  
35 Governor Winthrop Blvd.  
Ballroom 3  
New London, Connecticut  
Monday, December 13, 1999

The above-entitled matter came on for pre-hearing  
conference, pursuant to notice, at 9:00 a.m.

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1 spent fuel pool. In fact, there will be, there has been,  
2 there always will be. It's -- the boron concentration is  
3 much, much higher than what's credited in any of these  
4 evaluations. There are just a lot of conservatisms built in  
5 here and there's no basis to assume it's going to be a  
6 criticality event.

7 JUDGE KELBER: Don't follow the Osmidian trap and  
8 claim that there will always be.

9 MR. REPKA: Good point.

10 JUDGE KELBER: For the duration of the license  
11 perhaps, but not for always -- not forever.

12 MR. REPKA: Good point, but boron is maintained in  
13 the spent fuel pool at all times.

14 CHAIRMAN BECHHOEFER: Well, that gets into the  
15 next contention. We're going to do it after lunch,  
16 actually.

17 MR. REPKA: Right. Let me assure you before  
18 lunch, the boron is not going anywhere.

19 MS. BURTON: May I respond briefly --

20 CHAIRMAN BECHHOEFER: Yes.

21 MS. BURTON: -- to this point, to note that it  
22 wasn't long ago, I've alluded to that, boron did go  
23 somewhere, because there was a leakage in the spent fuel  
24 pool that went undetected for something like 12 hours and,  
25 presumably, the water that leaked out did contain boron and

1 that meant that there was some change that occurred to the  
2 fluid in the pool. We're concerned that that represents an  
3 example of a misuse of an administrative control at  
4 Millstone. We have made a nexus here.

5 Where our concern is that -- well, basically, our  
6 response here is -- that Thomas Jefferson once asserted, we  
7 find this truth to be self evident. The administrative  
8 controls are the utilities physical -- the utilities barrier  
9 to criticality, to the seriousness of accident. And if they  
10 are not a part -- if they're misused, that is the ultimate  
11 inevitable obvious potential consequence. And that is why  
12 we have set forth this contention and was asserted  
13 separately from the following one, which is more directed  
14 specifically to judicial authority.

15 JUDGE KELBER: Okay.

16 CHAIRMAN BECHHOEFER: I think we'll break for  
17 lunch. Is an hour enough for everybody to -- or does it  
18 take longer to order -- if we all go to the restaurant here,  
19 it probably will take longer.

20 MS. HODGDON: Excuse me, Judge Bechhoefer.

21 CHAIRMAN BECHHOEFER: Yes.

22 MS. HODGDON: We have an hour -- we're willing to  
23 go a few minutes later in the --

24 CHAIRMAN BECHHOEFER: Yes.

25 MS. HODGDON: A tradeoff --

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