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WINSTON & STRAWN

DOCKETED
USNRC

35 WEST WACKER DRIVE
CHICAGO, ILLINOIS 60601-9703

1400 L STREET, N.W.
WASHINGTON, D.C. 20005-3502

21 AVENUE VICTOR HUGO
75116 PARIS, FRANCE

200 PARK AVENUE
NEW YORK, NY 10166-4193

(202) 371-5700

00 APR 21 P 3:28

43 RUE DU RHONE
1204 GENEVA, SWITZERLAND

FACSIMILE (202) 371-5959

DAVID A. REPKA
(202) 371-5726
drepka@winston.com

April 18, 1999

OFFICE OF THE
ADMINISTRATIVE JUDGE

Charles Bechhoefer
Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Charles N. Kelber
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subj: Northeast Nuclear Energy Company
(Millstone Nuclear Power Station, Unit 3)
Docket No. 50-423-LA-3

Administrative Judges:

On April 17, 2000, Northeast Nuclear Energy Company (NNECO) submitted to the NRC Staff a modification to the proposed Millstone Unit 3 Technical Specifications (TS) that would apply for the spent fuel pool storage racks at issue in this proceeding. Under the proposed TS, as revised, the proposed boron concentration of 800 ppm would be required whenever fuel is stored in the spent fuel pool and a 7-day surveillance requirement would be specified. The boron surveillance would not be limited to the period prior to and during fuel movements as previously proposed. This information is relevant and material to the admitted contentions in this proceeding. The NNECO submittal was also sent directly to counsel for the Intervenors.

Sincerely,



David A. Repka
Counsel for Northeast Nuclear Energy
Company

Enclosure
cc: Service List

Template = SECY-037

SECY-02

ENCLOSURE



**Northeast
Nuclear Energy**

Rope Ferry Rd. (Route 156), Waterford, CT 06385

Millstone Nuclear Power Station
Northeast Nuclear Energy Company
P.O. Box 128
Waterford, CT 06385-0128
(860) 447-1791
Fax (860) 444-4277

The Northeast Utilities System
APR 17 2000

Docket No. 50-423
B18077

Re:10 CFR 50.90

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, DC 20555

Millstone Nuclear Power Station, Unit No. 3
Modification of Proposed Revision to Technical Specification - Spent
Fuel Pool Rerack (TSCR 3-22-98)

In a letter dated March 19, 1999,⁽¹⁾ Northeast Nuclear Energy Company (NNECO) submitted proposed changes to selected Technical Specifications (TS) in support of a planned modification of the Millstone Unit No. 3 spent fuel pool. The proposed changes modify the TS to allow for the installation and use of additional storage racks in the Millstone Unit No. 3 spent fuel pool. Included in this submittal were proposed changes to TS 3.9.1.2 and 4.9.1.2 which would have revised the specification as follows;

1. The APPLICABILITY of this specification would be changed to require surveillance of spent fuel pool Boron concentration only during times of fuel movement within the spent fuel pool,
2. The required Boron concentration would be changed to 800 parts per million (ppm), and
3. The measurement of Boron concentration would be performed every seven days only during fuel movement.

On February 9, 2000, the Atomic Safety and Licensing Board, in a prehearing conference order,⁽²⁾ granted a request for hearing on this proposed change based on the admissibility of certain (proposed) contentions filed by the petitioners for intervention – the Connecticut Coalition Against Millstone and the Long Island Coalition Against Millstone. After careful evaluation of the contentions, it is NNECO's opinion

⁽¹⁾ R. P. Necci letter to U.S. Nuclear Regulatory Commission, "Millstone Nuclear Power Station, Unit No. 3, Proposed Revision to Technical Specification, Spent Fuel Pool Rerack (TSCR 3-22-98)," dated March 19, 1999.

⁽²⁾ LBP-00-02, Atomic Safety and Licensing Board, Prehearing Conference Order (Granting Request for Hearing), dated February 9, 2000.

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that the proposed change in the APPLICABILITY of TS 3.9.1.2 is central to each of the three contentions admitted. Consequently, NNECO believes that a modification of the proposed revision to TS 3.9.1.2 is in the best interest of all Millstone Unit No. 3 stakeholders. The modified proposal would retain the existing Nuclear Regulatory Commission (NRC) approved APPLICABILITY requirement of TS 3.9.1.2, thereby requiring that the proposed Boron concentration of 800 ppm be maintained whenever fuel is stored in the spent fuel pool. Conforming changes are also required for the proposed wording of Surveillance Requirement 4.9.1.2 to reflect this change in applicability. All other changes proposed under TSCR 3-22-98 are unaffected.

Description of Proposed Modification to TSCR 3-22-98

TSCR 3-22-98 is modified to retain the existing NRC approved APPLICABILITY statement for TS 3.9.1.2. Conforming changes are also made to the wording of the proposed revision to Surveillance Requirement 4.9.1.2. The balance of TSCR 3-22-98 is unaffected by this change.

Markup of Proposed Modifications to TSCR 3-22-98

A copy of the page affected by the proposed modification to TSCR 3-22-98 is provided as Attachment 1. The modified markup is meant to be a complete replacement for the markup of TS 3.9.1.2 and the associated INSERT C as presented in the March 1999 submittal. The balance of TSCR 3-22-98 is unaffected by this change. To present the difference as clearly as possible, the modified proposal has been identified by the pen and ink changes noted on INSERT C. Other pending TS Amendments are not reflected in the enclosed markup.

Retype of Proposed Modifications to TSCR 3-22-98

A copy of the retyped TS page affected by the proposed modification to TSCR 3-22-98 is provided as Attachment 2. The retyped page reflects the incorporation of the modified change to the TS 3.9.1.2, and is meant to be a complete replacement for the original retyped page presented in the March 1999 submittal. The balance of TSCR 3-22-98 is unaffected by this change. Other pending TS Amendments are not reflected in the enclosed retype.

Safety Summary, Significant Hazards Consideration and Environmental Considerations

The proposed modification to TSCR 3-22-98 reduces the scope of the change previously justified by retaining the APPLICABILITY requirement currently incorporated into the NRC approved version of TS 3.9.1.2. On this basis, NNECO concludes that the modified proposal does not affect the conclusions of the Safety Summary, Significant Hazards Consideration, or Environmental Considerations assessments as presented in the March 1999 submittal. The Background, Safety Summary, Significant Hazards Consideration, and Environmental Considerations for the balance of changes proposed in TSCR 3-22-98 are bounded by those presented in the March 1999 submittal.

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Plant Operations Review Committee and Nuclear Safety Assessment Board Review

The proposed modification to TSCR 3-22-98 has been reviewed by the Plant Operations Review Committee and the Nuclear Safety Assessment Board. These committees concur with the conclusions relative to safety presented in the rationale for the proposed change.

State Notification

In accordance with 10 CFR 50.91(b), we are providing the State of Connecticut with a copy of the modified proposal.

Schedule

NNECO requests review and approval of the initial March 1999 submittal and this proposed revision by June 2000.

There are no regulatory commitments contained within this letter.

If the NRC Staff should have any questions or comments regarding this submittal, please contact Mr. D. W. Dodson at (860) 447-1791, extension 2346.

Very truly yours,

NORTHEAST NUCLEAR ENERGY COMPANY



Raymond P. Necci
Vice President - Nuclear Technical Services

Subscribed and sworn to before me

this 17 day of April, 2000

Donna Lynne Williams
Notary Public

Date Commission Expires: Nov. 30, 2001

cc: See next page

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Attachments (2)

cc: H. J. Miller, Region I Administrator
V. Nerses, NRC Senior Project Manager, Millstone Unit No. 3
A.C. Cerne, Senior Resident Inspector, Millstone Unit No. 3

Director
Bureau of Air Management
Monitoring and Radiation Division
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Ms. Nancy Burton, Esq.
147 Cross Highway
Redding Ridge, CT 06876

Docket No. 50-423
B18077

Attachment 1

Millstone Nuclear Power Station, Unit No. 3

Proposed Modification to TSCR 3-22-98
Marked Up Pages

4/9/98

REFUELING OPERATIONS

BORON CONCENTRATION

LIMITING CONDITION FOR OPERATION

3.9.1.2 The boron concentration of the Spent Fuel Pool shall be maintained uniform and sufficient to ensure that the boron concentration is greater than or equal to 1750 ppm.

Applicability

Whenever fuel assemblies are in the spent fuel pool.

Action

- a. With the boron concentration less than 1750 ppm, initiate action to bring the boron concentration in the fuel pool to at least 1750 ppm within 72 hours, and
- b. With the boron concentration less than 1750 ppm, suspend the movement of all fuel assemblies within the spent fuel pool and loads over the spent fuel racks.

SURVEILLANCE REQUIREMENTS

4.9.1.2 Verify that the boron concentration in the fuel pool is greater than or equal to 1750 ppm every 72 hours.

Replace w/ INSERT C

INSERT C

3.9.1.2 The soluble boron concentration of the Spent Fuel Pool shall be maintained uniform, and greater than or equal to 800 ppm.

Applicability

~~During all fuel assembly movements within the spent fuel pool.~~
~~Whenever fuel assemblies are in~~

Action

With the spent fuel pool soluble boron concentration less than 800 ppm, suspend the movement of all fuel assemblies within the spent fuel pool.

Surveillance Requirements

4.9.1.2 Verify that the soluble boron concentration is greater than or equal to 800 ppm ~~prior to any movement of a fuel assembly into or within the spent fuel pool, and every 7 days thereafter during fuel movement~~

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Attachment 2

Millstone Nuclear Power Station, Unit No. 3

Proposed Modification to TSCR 3-22-98
Retyped Pages

REFUELING OPERATIONS**BORON CONCENTRATION****LIMITING CONDITION FOR OPERATION**

3.9.1.2 The soluble boron concentration of the Spent Fuel Pool shall be maintained uniform, and greater than or equal to 800 ppm.

Applicability

Whenever fuel assemblies are in the spent fuel pool.

Action

With the spent fuel pool soluble boron concentration less than 800 ppm, suspend the movement of all fuel assemblies within the spent fuel pool.

SURVEILLANCE REQUIREMENTS

4.9.1.2 Verify that the soluble boron concentration is greater than or equal to 800 ppm every 7 days.