

November 15, 2000

Mr. Raymond P. Necci  
Vice President-Nuclear Oversight  
and Regulatory Affairs  
c/o David A. Smith, Manager  
Regulatory Affairs  
Northeast Nuclear Energy Company  
P. O. Box 128  
Waterford, Connecticut 06385

SUBJECT: MILLSTONE NUCLEAR POWER STATION, UNIT 1 - ISSUANCE OF  
AMENDMENT RE: MODIFYING LICENSE CONDITIONS AND CONFIRMATORY  
ORDERS TO REFLECT THE PERMANENTLY DEFUELED CONDITION OF THE  
UNIT (TAC NO. MA9156)

Dear Mr. Necci:

The Commission has issued the enclosed Amendment No.108 to Facility Operating License No. DPR-21 for the Millstone Nuclear Power Station, Unit 1 (MP1), in response to your application dated June 6, 2000.

The amendment deletes or modifies license conditions and confirmatory orders to reflect the permanently defueled condition of the unit.

A copy of the related Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

*/RA/*

John B. Hickman, Project Manager  
Decommissioning Section  
Project Directorate IV & Decommissioning  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-245

Enclosures: 1. Amendment No. 108 to DPR-21  
2. Safety Evaluation

cc w/encls: See next page

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\* See previous concurrence

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DATE	10/20/2000	10/20/2000	8/29/2000	10/30/2000	11/02/2000

Millstone Nuclear Power Station  
Unit 1

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NORTHEAST NUCLEAR ENERGY COMPANY

DOCKET NO. 50-245

MILLSTONE NUCLEAR POWER STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 108  
License No. DPR-21

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Northeast Nuclear Energy Company (the licensee) dated June 6, 2000, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
  - B. The facility will be maintained in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended as indicated in the attachment to this license amendment and summarized as follows:
  1. B. Deleted.
    - C. Modified to read: The facility will be decommissioned in conformity with the provisions of the Act, and the rules and regulations of the Commission;
    - D. Deleted.
    - I. Deleted.
  2. Provisional Operating License No. DPR-21, dated October 7, 1970, as amended, was superseded in its entirety by Facility Operating License No. DPR-21 issued to Northeast Nuclear Energy Company (the licensee or NNECO). It applies to the permanently defueled condition as follows:
    - A. This license applies to the Millstone Nuclear Power Station, Unit 1, a single cycle, boiling light-water reactor, and electric generating equipment (the facility). The facility is located on the licensee's site in Waterford, Connecticut, and is described in the license application, as amended, and the Safety Analysis Report, as supplemented and amended (herein the application).
    - B. (1) Pursuant to Section 104b of the Atomic Energy Act of 1954, as amended (the Act), and 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," to possess the facility at the designated location in Waterford, Connecticut in accordance with the procedures and limitations set forth in this license;
      - (2) Modified to read: Pursuant to the Act and 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," to possess at any time special nuclear material that was used as reactor fuel in accordance with the limitations for storage as described in the Safety Analysis Report, as supplemented and amended.
      - (3) Modified to read: Pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess, and use at any time sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required and possess any byproduct, source and special nuclear material as sealed neutron sources that was used for reactor startup.
    - C. (1) Deleted
      - (3) Deleted
      - (5) Deleted
      - (6) Deleted
    - D. Deleted

D. (1) Deleted

D. (2) Deleted

D. (3) Deleted

3. License Condition is replaced with the following: On July 21, 1998, Northeast Nuclear Energy Company (NNECO) certified that operations at Millstone Unit No. 1 would permanently cease and that the fuel had been permanently removed from the reactor vessel in accordance with 10 CFR 50.82(a)(1)(i) and 10 CFR 50.82(a)(1)(ii). As a result, the 10CFR50 license no longer authorizes operation of the reactor, or the emplacement or retention of fuel in the reactor vessel.

This license is effective as of the date of issuance and authorizes ownership and possession of Millstone Unit No. 1 until the Commission notifies the licensee in writing that the license is terminated. The licensee shall:

- A. Take actions necessary to decommission the plant and continue to maintain the facility, including, where applicable, the storage, control and maintenance of the spent fuel, in a safe condition; and
- B. Conduct activities in accordance with all other restrictions applicable to the facility in accordance with the NRC regulations and the applicable provisions of the 10CFR50 facility license as defined in Section 2 of this license.

Orders with effective dates of August 24, 1973; December 27, 1974; March 11, 1977; February 21, 1980; August 29, 1980; September 19, 1980; October 2, 1980; October 24, 1980; January 9, 1981; January 13, 1981, as revised January 19, 1982; July 7, 1981, as revised July 1, 1985; March 14, 1983; June 12, 1984; and November 20, 1985; are hereby removed.

3. This license amendment is effective as of the date of issuance and shall be implemented within 90 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

Michael T. Masnik, Chief  
Decommissioning Section  
Project Directorate IV & Decommissioning  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment: Changes to the Facility Operating License

Date of Issuance: November 15, 2000

ATTACHMENT TO LICENSE AMENDMENT NO. 108

FACILITY OPERATING LICENSE NO. DPR-21

DOCKET NO. 50-245

Replace the following page of Operating License DPR-21 with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove

1  
2  
3  
4

Insert

1  
2  
3  
4

NORTHEAST NUCLEAR ENERGY COMPANY  
(MILLSTONE NUCLEAR POWER STATION, UNIT 1)  
DOCKET NO. 50-245  
FACILITY OPERATING LICENSE

License No. DPR-21

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for an operating license filed by the Northeast Nuclear Energy Company (the licensee), formerly the Millstone Point Company, acting for itself, and as agent for the Connecticut Light and Power Company (CL&P), and Western Massachusetts Electric Company (WNECO), complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the rules and regulations of the Commission, as set forth in 10 CFR Chapter I, and all required notifications to other agencies or bodies have been duly made;
  - B. Deleted. |
  - C. The facility will be decommissioned in conformity with the provisions of the Act, and the rules and regulations of the Commission; |
  - D. Deleted. |
  - E. The licensee is technically qualified to engage in the activities authorized by this operating license, in accordance with rules and regulations of the Commission;
  - F. The licensee has furnished proof of financial protection that satisfies the requirements of 10 CFR Part 140;
  - G. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public; and
  - H. The issuance of this license is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied; and
  - I. Deleted. |

Amendment No. 108

2. Provisional Operating License No. DPR-21, dated October 7, 1970, as amended, was superseded in its entirety by Facility Operating License No. DPR-21 issued to Northeast Nuclear Energy Company (the licensee or NNECO). It applies to the permanently defueled condition as follows:
  - A. This license applies to the Millstone Nuclear Power Station, Unit 1, a single cycle, boiling light-water reactor, and electric generating equipment (the facility). The facility is located on the licensee's site in Waterford, Connecticut, and is described in the license application, as amended, and the Safety Analysis Report, as supplemented and amended (herein the application).
  - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the Northeast Nuclear Energy Company, acting for itself and as agent for CL&P and WMECO:
    - (1) Pursuant to Section 104b of the Atomic Energy Act of 1954, as amended (the Act), and 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," to possess, the facility at the designated location in Waterford, Connecticut in accordance with the procedures and limitations set forth in this license;
    - (2) Pursuant to the Act and 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," to possess at any time special nuclear material that was used as reactor fuel in accordance with the limitations for storage as described in the Safety Analysis Report, as supplemented and amended.
    - (3) Pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess, and use at any time sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required and possess any byproduct, source and special nuclear material as sealed neutron sources that was used for reactor startup; and
    - (4) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not to separate, such byproduct and special nuclear material as may be produced by operation of the facility.
  - C. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:
    - (1) Deleted.

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 108, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

(3) Deleted.

(4) Physical Protection

The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, guard training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Millstone Nuclear Power Station Physical Security Plan," with revisions submitted through March 29, 1988; "Millstone Nuclear Power Station Suitability, Training and Qualification Plan," with revisions submitted through July 21, 1986; and "Millstone Nuclear Power Station Safeguards Contingency Plan," with revisions submitted through October 30, 1985. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.

3. On July 21, 1998, Northeast Nuclear Energy Company (NNECO) certified that operations at Millstone Unit No. 1 would permanently cease and that the fuel had been permanently removed from the reactor vessel in accordance with 10 CFR 50.82(a)(1)(i) and 10 CFR 50.82(a)(1)(ii). As a result, the 10CFR50 license no longer authorizes operation of the reactor, or the emplacement or retention of fuel in the reactor vessel.

This license is effective as of the date of issuance and authorizes ownership and possession of Millstone Unit No. 1 until the Commission notifies the licensee in writing that the license is terminated. The licensee shall:

- A. Take actions necessary to decommission the plant and continue to maintain the facility, including, where applicable, the storage, control and maintenance of the spent fuel, in a safe condition; and

- B. Conduct activities in accordance with all other restrictions applicable to the facility in accordance with the NRC regulations and the applicable provisions of the 10CFR50 facility license as defined in Section 2 of this license. |

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by:

Frank J. Miraglia, Director  
Division of PWR Licensing - B

Attachment:  
Appendix A - Technical Specifications

Date of Issuance: October 31, 1986

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 108

TO FACILITY OPERATING LICENSE NO. DPR-21

NORTHEAST NUCLEAR ENERGY COMPANY

MILLSTONE NUCLEAR POWER STATION, UNIT 1

DOCKET NO. 50-245

1.0 INTRODUCTION

By letter dated June 6, 2000, the Northeast Nuclear Energy Company (NNECO, the licensee) submitted a request for changes to the Millstone Nuclear Power Station, Unit 1 (MP1) License. The requested changes would revise certain License Conditions (LCs), delete other LCs, and delete some Confirmatory Orders to reflect the permanently defueled condition of the unit.

2.0 BACKGROUND

By letter dated July 21, 1998, NNECO certified to the Nuclear Regulatory Commission (NRC or the Commission), under the provisions of Section 50.82(a) of Title 10 of the *Code of Federal Regulations* (10 CFR), that MP1 had permanently ceased operations and that the fuel had been permanently removed from the reactor vessel. NNECO is therefore prohibited by 10 CFR 50.82(a)(2) from operating the plant or placing fuel in the reactor vessel.

NRC Information Notice (IN) 97-43, "Licensee Condition Compliance," identified that some licensees were not complying with the literal wording of the conditions in their licenses. IN 97-43 states that licensees should "...reexamine the conditions of their licenses to ensure they are complying with the specific wording of each license condition." IN 97-43 further states that "[i]f, in the opinion of the licensee, the wording does not adequately reflect the original intent of the condition, the licensee should submit a license amendment to change the wording of the condition to adequately reflect the actions intended, in the licensee's opinion, by that license condition."

Currently, the MP1 Operating License (DPR-21) is written to apply to an operating facility. MP1 is permanently shutdown and defueled; therefore, NNECO has determined that changes to certain LCs and Confirmatory Orders are necessary to reflect the permanently shutdown and defueled status of the plant. Therefore, by letter dated June 6, 2000, NNECO submitted a proposed license amendment that would revise certain LCs, delete other LCs, and delete some Confirmatory Orders to reflect the permanently shutdown and defueled status of the plant.

### 3.0 EVALUATION

#### LC 1.B

LC 1.B currently states: "Construction of the Millstone Nuclear Power Station, Unit 1 (the facility), has been completed substantially in conformity with Construction Permit No. CPPR-20, as amended, the application, the provisions of the Act, and the rules and regulations of the Commission; and has been operating under a provisional license since October 7, 1970." The licensee states that this LC contains historical information that is no longer germane to the plant condition and therefore proposed to delete LC 1.B as an administrative change which eliminates superfluous information from the Operating License. The staff concurs that information on the original construction and early operation of the facility is not necessary for a plant which has submitted certifications for permanent cessation of operations and that the fuel had been permanently removed from the reactor vessel. Therefore, the proposed deletion is acceptable.

#### LC 1.C

LC 1.C currently states: "The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission." NNECO proposes to revise this LC to read: "The facility will be decommissioned in conformity with the provisions of the Act, and the rules and regulations of the Commission." The current LC is inconsistent with a plant which has submitted certifications for permanent cessation of operations and that the fuel had been permanently removed from the reactor vessel. The proposed revision more accurately reflects the current status of the facility and addresses the controls over the licensee's activities. Therefore, the proposed change is acceptable.

#### LC 1.D

LC 1.D currently reads: "There is reasonable assurance that the facility can be operated at power levels up to 2011 megawatts (thermal) without endangering the health and safety of the public; and that such activities will be conducted in compliance with the regulations of the Commission." The licensee proposed to delete this LC as it only addresses reactor operation, which is no longer applicable to MP1. The staff finds that the LC, which addresses reactor operation, is not necessary for a plant that has submitted certifications for permanent cessation of operations and that the fuel had been permanently removed from the reactor vessel. Therefore, the proposed deletion is acceptable.

#### LC 1.I

LC 1.I currently states: "The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40, and 70." The licensee has proposed to delete this LC as being redundant to LCs 2.B.(2), 2.B.(3), and 2.B.(4). LC 2.B.(2) addresses special nuclear material pursuant to the Act and 10 CFR Part 70. LC 2.B.(3) addresses byproduct, source and special nuclear material for specific applications pursuant to the Act and 10 CFR Parts 30, 40, and 70. LC 2.B.(4) addresses byproduct and special nuclear material produced by the facility pursuant to the Act and 10 CFR Parts 30 and 70. Taken together, LCs 2.B.(2), 2.B.(3), and 2.B.(4) adequately address the licensee's use of source, byproduct, and special nuclear

material. Therefore, LC 1.I is redundant and unnecessary, and the proposed deletion is acceptable.

## LC 2

LC 2 currently states: "Provisional Operating License No. DPR-21, dated October 7, 1970, as amended, is superseded in its entirety by Facility Operating License No. DPR-21 hereby issued to Northeast Nuclear Energy Company (the license or NNECO) to read as follows:" The licensee proposed to revise the LC as follows (additions in italics; deletions in ~~strikeout~~): "Provisional Operating License No. DPR-21, dated October 7, 1970, as amended, ~~was is~~ superseded in its entirety by Facility Operating License No. DPR-21 ~~hereby~~ issued to Northeast Nuclear Energy Company (the license or NNECO). *It applies to the permanently defueled condition* ~~to read~~ as follows." The proposed change emphasizes the historical nature of the first part of the LC and specifies the shutdown and defueled condition of the plant. The changes more accurately reflect the plant condition and do not materially change the requirements imposed and are, therefore, acceptable.

## LC 2.A

LC 2.A currently states: "This license applies to the Millstone Nuclear Power Station, Unit 1, a single cycle, boiling light-water reactor, and electric generating equipment (the facility). The facility is located on the licensee's site in Waterford, Connecticut, and is described in the license application, as amended, and the Final Safety Analysis Report, as supplemented and amended (herein the application)." The licensee proposes to delete the word "Final" from "Final Safety Analysis Report" (FSAR). This change to the generic Safety Analysis Report (SAR) is consistent with the title changes reflecting the NRC requirement to regularly update the FSAR and changes in title to reflect changes in plant status. The MP1 SAR was titled Updated Final Safety Analysis Report until, to reflect the permanently shutdown and defueled condition of the unit, it was revised and the title was changed to the Defueled Safety Analysis Report. This change is administrative and does not materially change the requirements imposed and is, therefore, acceptable.

## LC 2.B.(1)

LC 2.B.(1) currently states: "Pursuant to Section 104b of the Atomic Energy Act of 1954, as amended (the Act), and 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," to possess, use, and operate the facility at the designated location in Waterford, Connecticut in accordance with the procedures and limitations set forth in this license;" The licensee proposes to delete the words "use, and operate." This change, which would only allow NNECO to possess the facility, is consistent with the change in plant status. Additionally the deletion of the allowance to use and operate the facility is conservative. Therefore, the proposed change is acceptable.

## LC 2.B.(2)

LC 2.B.(2) currently states: "Pursuant to the Act and 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," to receive, possess, and use at any time special nuclear material for reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation as described in the Final Safety Analysis Report, as supplemented and amended."

NNECO proposes to revise the LC to read: "Pursuant to the Act and 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," to possess at any time special nuclear material that was used as reactor fuel, in accordance with the limitation for storage as described in the Safety Analysis Report, as supplemented and amended." The licensee has proposed to delete the authorization to receive and use special nuclear material for reactor fuel. This change is consistent with the change in plant status and is conservative. The licensee has also proposed to delete the word "Final" from "Final Safety Analysis Report." This change is consistent with the previously discussed change and more accurately reflects the licensee's document. Based on the above, the proposed changes are acceptable.

#### LC 2.B.(3)

LC 2.B.(3) currently states: "Pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required; and" The licensee proposes to revise the LC to read: "Pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess, and use at any time sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required and possess any byproduct, source and special nuclear material as sealed neutron sources that was used for reactor startup; and" The proposed change removes the allowance to receive and use byproduct, source and special nuclear material as sealed neutron sources for reactor startup while retaining the allowance to possess any byproduct, source and special nuclear material as sealed neutron sources that was used for reactor startup. This reduced allowance is consistent with the change in plant status, is more restrictive than before, and is, therefore, acceptable.

#### LC 2.C.(1)

LC 2.C.(1) Maximum Power Level currently states: "NNECO is authorized to operate the facility at steady-state power levels up to a maximum of 2011 megawatts (thermal)." The licensee proposed to delete this LC as it only addresses reactor operation, which is no longer applicable to MP1. The staff finds that the LC which addresses facility operation is not necessary for a plant which has submitted certifications for permanent cessation of operations and that the fuel had been permanently removed from the reactor vessel. Therefore, the proposed deletion is acceptable.

#### LC 2.C.(3)

LC 2.C.(3) Fire Protection currently states: "Northeast Nuclear Energy Company shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility and as approved in the SERs [Safety Evaluation Reports] dated September 26, 1978, November 19, 1980, February 13, 1981, February 7, 1983, October 25, 1985, November 6, 1985, August 1986, July 17, 1987, April 14, 1988, and October 12, 1993, subject to the following provisions: The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire." The licensee has proposed to delete the current LC. 10 CFR 50.48(f) requires: "Licensees that have submitted the certifications required under

§ 50.82(a)(1) shall maintain a fire protection program to address the potential for fires which could cause the release or spread of radioactive materials (i.e., which could result in a radiological hazard). (1) The objectives of the fire protection program are to - (i) Reasonably prevent such fires from occurring; (ii) Rapidly detect, control, and extinguish those fires which do occur and which could result in a radiological hazard; and (iii) Ensure that the risk of fire-induced radiological hazards to the public, environment and plant personnel is minimized. (2) The fire protection program must be assessed by the licensee on a regular basis and revised as appropriate throughout the various stages of facility decommissioning. (3) The licensee may make changes to the fire protection program without NRC approval if these changes do not reduce the effectiveness of fire protection for facilities, systems, and equipment which could result in a radiological hazard, taking into account the decommissioning plant conditions and activities.” LC 2.C.(3) is based on the FSAR for the facility and SERs which address fire protection for an operating facility. Additionally, the LC states that the conditions under which the licensee may make changes to the approved fire protection program without prior approval of the Commission are if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire. This condition is clearly inconsistent with the current state of the facility. However, 10 CFR 50.48(f) provides appropriate requirements for a facility which has submitted certifications for permanent cessation of operations and that the fuel had been permanently removed from the reactor vessel. Therefore, based on the above, the proposed deletion is acceptable.

#### LC 2.C.(5)

LC 2.C.(5) was deleted with Amendment 100.

#### LC 2.C.(6)

LC 2.C.(6) Spent Fuel Pool Operations currently reads: “NNECO shall conduct refueling operations that include full-core offload as a normal end-of-cycle event in accordance with the controls proposed in Attachment 4 of the application for amendment dated July 28, 1995, as supplemented September 12, 1995. NNECO shall update the UFSAR [Updated Final Safety Analysis Report] to reflect the hardware modifications, heat load analysis, and operational controls consistent with the application for amendment dated July 28, 1995, as supplemented September 12, 1995, in accordance with 10 CFR 50.71(e).” The licensee proposed to delete this LC as it only addresses the conduct of refueling operations to include full-core offload as a normal end-of-cycle event, which is no longer applicable to MP1. The staff finds that the LC which addresses refueling operations is not necessary for a plant which has submitted certifications for permanent cessation of operations and that the fuel had been permanently removed from the reactor vessel. Therefore, the proposed deletion is acceptable.

#### LC 2.D.(1)

LC 2.D.(1) currently states: “The facility has been granted certain exemptions from the requirements of 10 CFR Part 50 as set forth below: (1) Section III.G of Appendix R to 10 CFR Part 50, “Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979.” This section relates to fire protection features for ensuring the systems and associated circuits used to achieve and maintain safe shutdown are free of fire damage. The staff safety evaluation, dated November 6, 1985, concluded that the licensee’s existing fire-protection configuration with proposed modifications achieves an equivalent level of safety. Exemption

granted November 6, 1985.” The licensee has proposed to delete this LC. As stated above, Section III.G of Appendix R to 10 CFR Part 50 relates to fire protection features for ensuring the systems and associated circuits used to achieve and maintain safe shutdown are free of fire damage. However, MP1 has submitted certifications for permanent cessation of operations and that the fuel had been permanently removed from the reactor vessel. Therefore, achieving and maintaining safe shutdown no longer has applicability to MP1. As such, the requirements of Section III.G of Appendix R to 10 CFR Part 50 do not apply to MP1. Since the requirements of Section III.G of Appendix R to 10 CFR Part 50 no longer apply, an exemption from the requirements is moot. Therefore the proposed deletion of this LC is acceptable.

#### LC 2.D.(2)

LC 2.D.(2) currently states: “The facility has been granted certain exemptions from the requirements of 10 CFR Part 50 as set forth below: (2) Appendix J to 10 CFR Part 50, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors." Appendix J relates to containment leakage test requirements, specifically periodic verification by tests of the leak-tight integrity of the primary reactor containment and systems and components which penetrate containment. Three exemptions were granted on May 10, 1985, on the basis of the staff safety evaluation. The two which remain in effect relate to testing of expansion bellows at containment penetrations and main steam isolation valves.” The license has proposed to delete this LC. As stated above, the two effective exemptions relate to testing of expansion bellows at containment penetrations and main steam isolation valves. This testing is part of multiple tests required by Appendix J to 10 CFR Part 50 to assure containment integrity for accident mitigation. However, MP1 has submitted certifications for permanent cessation of operations and that the fuel had been permanently removed from the reactor vessel. As a result, the only design basis accident that remains credible for MP1 is the fuel handling accident over the spent fuel pool. Since the spent fuel pool is outside the primary containment, containment integrity no longer contributes to accident mitigation at MP1. Therefore, Appendix J to 10 CFR Part 50 no longer has applicability to MP1 and the exemptions are unnecessary. Based on the above, the proposed deletion is acceptable.

#### LC 2.D.(3)

LC 2.D.(3) reads: “The facility has been granted certain exemptions from the requirements of 10 CFR Part 50 as set forth below: (3) Section 50.71 of 10 CFR Part 50, "Maintenance of Records, Making of Reports." Section 50.71(e)(3) relates to the requirement for submittal of an updated FSAR. An exemption for a schedular delay in the submittal of the updated FSAR was granted on November 22, 1985. This exemption requires that the FSAR update be completed and submitted by March 31, 1987.” The licensee has proposed to delete this LC. This exemption was a one time schedular exemption which is no longer applicable. Therefore, the proposed deletion is acceptable.

#### LC 3

LC 3 currently states: “This license is effective as of its date of issuance and shall expire at midnight, October 6, 2010.” The licensee proposed to replace this LC with the following: “On July 21, 1998, Northeast Nuclear Energy Company (NNECO) certified that operations at Millstone Unit No. 1 would permanently cease and that the fuel had been permanently removed from the reactor vessel in accordance with 10 CFR 50.82(a)(1)(i) and 10 CFR 50.82(a)(1)(ii).

As a result, the 10CFR50 license no longer authorizes operation of the reactor, or the emplacement or retention of fuel in the reactor vessel. This license is effective as of the date of issuance and authorizes ownership and possession of Millstone Unit No. 1 until the Commission notifies the licensee in writing that the license is terminated. The licensee shall: A. Take actions necessary to decommission the plant and continue to maintain the facility, including, where applicable, the storage, control and maintenance of the spent fuel, in a safe condition; and B. Conduct activities in accordance with all other restrictions applicable to the facility in accordance with the NRC regulations and applicable provisions of the 10CFR50 facility license as defined in Section 2 of this license.” The previous LC, which documented the date of the expiration of the license is no longer appropriate for the permanently shutdown condition of the plant. The proposed new LC documents the current condition of the plant and summarizes the actions and requirements applicable to the facility. The proposed LC is consistent with the regulatory requirements applicable to the facility in the permanently shutdown and defueled condition, and with previously issued LCs for other facilities. Based on the above, the proposed revision is acceptable.

#### Order For Modification of License (Order), Effective August 24, 1973

The Order that was effective August 24, 1973, added Technical Specification (TS) Limiting Conditions for Operation sections 3.11.A. and 3.11.B., and TS Surveillance Requirements sections 4.11.A. and 4.11.B. These TSs imposed restrictions on Average Planar Linear Heat Generation Rate (LHGR) and Local LHGR to address concerns with fuel densification. With the licensee’s change in status to permanently shutdown and defueled, LHGR no longer has any applicability to the facility. Additionally, TS 3.11.A., 3.11.B, 4.11.A., and 4.11.B., were deleted as part of License Amendment No. 106 which implemented the bulk of the Permanently Defueled Technical Specifications. Based on the above, the proposed removal of this Order is acceptable.

#### Order, Effective December 27, 1974

The Order that was effective December 27, 1974, required the licensee to "...submit a reevaluation of ECCS [Emergency Core Cooling System] cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, § 50.46." This reevaluation was required to address nonconformity of the Nuclear Steam Supply System vendor’s evaluation model with the requirements of 10 CFR Part 50, Appendix K. Subsequently, the licensee provided the required reevaluation. In addition, the licensee’s change in status to permanently shutdown and defueled, no longer allows the licensee to load fuel or operate the reactor. ECCS cooling performance is only applicable to transients associated with an operating reactor. Therefore, the issue of conformance with the provisions of 10 CFR Part 50, § 50.46 has no applicability to MP1. Based on the above, the proposed removal of this Order is acceptable.

#### Order, Effective March 11, 1977

The Order that was effective March 11, 1977, required the licensee to "...submit a reevaluation of ECCS cooling performance calculated in accordance with General Electric Company’s Evaluation Model approved by the NRC staff...." This reevaluation was required to correct for computer code errors identified by General Electric during an internal Quality Assurance audit of their Loss of Coolant Accident (LOCA) evaluation model codes. Subsequently, the licensee

provided the required reevaluation. In addition, the licensee's change in status to permanently shutdown and defueled, no longer allows the licensee to load fuel or operate the reactor. ECCS cooling performance is only applicable to transients associated with an operating reactor. Therefore, the issue of LOCA evaluation has no applicability to MP1. Based on the above, the proposed removal of this Order is acceptable.

Order, Effective February 21, 1980

The Order that was effective February 21, 1980, required that the licensee, "...by December 31, 1980, install a recirculation pump trip, or in the alternative, place and maintain its facility in a cold shutdown or refueling mode of operation." Subsequently, the licensee installed a recirculation pump trip at MP1 to trip both recirculation pumps in order to protect against an Anticipated Transient Without Scram (ATWS). However, with the licensee's change in status to permanently shutdown and defueled, the potential for ATWS no longer exists. Therefore, the issue of protection from an ATWS has no applicability to MP1. Based on the above, the proposed removal of this Order is acceptable.

Order, Effective August 29, 1980

The Order that was effective August 29, 1980, was revised, in its entirety, by the Order that was effective September 19, 1980, due to incorrect references. Since this Order was completely superseded by the Order effective September 19, 1980, the proposed removal of this Order is acceptable.

Order, Effective September 19, 1980

The Order that was effective September 19, 1980, required the licensee to submit to the Director, Division of Licensing, not later than November 1, 1980, information which responded to the staff's request as specified in NRC's letters dated March 6, 1980, and March 28, 1980. The information was to address the issue of environmental qualification of safety-related electrical equipment subjected to harsh environments resulting from a LOCA, a main steam line break inside containment, or high energy line breaks inside and outside containment. By letter dated October 31, 1980, the licensee responded to this Order, providing the requested information. The licensee has complied with all actions requested by this Order, and the original issue does not apply to the plant in its current permanently shutdown and defueled condition. Therefore, the proposed removal of this Order is acceptable.

Order, Effective October 2, 1980

The Order that was effective October 2, 1980, required the licensee to: increase surveillance of the scram discharge volume (SDV) water level until the required modification is completed, install a system to continuously monitor water level in the SDV's with indication and alarm in the control room, and report to the Commission when the modification is complete. Amendment No. 86 to Provisional Operating License DPR-21, issued November 12, 1982, provided changes to the TSs associated with modifications to the SDV which replaced the interim conditions to the license that were imposed by the Order effective October 2, 1980. Therefore, the effects of this Order were eliminated at that time. Additionally, with the licensee's change in status to permanently shutdown and defueled, the function of the SDV is no longer required. Therefore, based on the above, the proposed removal of this Order is acceptable.

Order, Effective October 24, 1980

The Order that was effective October 24, 1980, required the licensee to qualify all safety-related electrical equipment in the facility in accordance with NRC guidance by June 30, 1982, and to establish and maintain records which describe the environmental qualification method used for all safety-related electrical equipment by December 1, 1980. Additionally, the order imposed changes to the TSs reflecting the specified actions. The licensee's change in status to permanently shutdown and defueled, however, has eliminated the need for electrical equipment in the facility to be safety related. Therefore, the requirements for environmental qualification of safety-related electrical equipment are no longer necessary. Additionally, the imposed TSs were deleted as part of License Amendment No. 106, which implemented the bulk of the Permanently Defueled Technical Specifications. Based on the above, the proposed removal of this Order is acceptable.

Order, Effective January 9, 1981

The Order that was effective January 9, 1981, required the licensee to have an automatic system to initiate control rod insertion on low pressure in the control air header which met certain specified design and operability requirements. The licensee's change in status to permanently shutdown and defueled, however, has eliminated the need for control rod insertion. Therefore, based on the above, the proposed removal of this Order is acceptable.

Order Dated January 13, 1981, and Revised January 19, 1982

The Order that was dated January 13, 1981, required the licensee to assess the suppression pool hydrodynamic loads and complete any necessary plant modifications by April 30, 1982. The revision to the Order dated January 19, 1982, extended the date to complete plant modifications to July 1, 1983. The licensee's change in status to permanently shutdown and defueled, however, has eliminated the need for the suppression pool. Therefore, the proposed removal of this Order is acceptable.

Order, Effective July 7, 1981, and Revised July 1, 1985

The Order that was effective July 7, 1981, mandated implementation dates for multiple NUREG-0737, post-Three Mile Island, requirements. The amendment dated July 1, 1985, revised the completion date for one of the items. The NUREG-0737, post-Three Mile Island, requirements addressed multiple items for core damage accident mitigation. The licensee's change in status to permanently shutdown and defueled no longer allows the licensee to load fuel or operate the reactor. Therefore, the mitigation of core damage accidents has no applicability to MP1. Based on the above, the proposed removal of this Order is acceptable.

Order, Effective March 14, 1983

The Order that was effective March 14, 1983, mandated implementation dates for additional NUREG-0737, post-Three Mile Island, requirements. The NUREG-0737, post-Three Mile Island, requirements addressed multiple items for core damage accident mitigation. The licensee's change in status to permanently shutdown and defueled no longer allows the licensee to load fuel or operate the reactor. Therefore, the mitigation of core damage accidents

has no applicability to MP1. Based on the above, the proposed removal of this Order is acceptable.

#### Order, Effective June 12, 1984

The Order that was effective June 12, 1984, mandated implementation dates for Supplement 1 to NUREG-0737, post-Three Mile Island, requirements related to emergency response capability. The specific items are safety parameter display system, detailed control room design review, Regulatory Guide 1.97 (instrumentation to monitor and mitigate an accident), upgrade emergency operating procedures, and emergency response facilities. The licensee's change in status to permanently shutdown and defueled, no longer allows the licensee to load fuel or operate the reactor. The items specified in this Order are all related to the identification and mitigation of core damage accidents. Therefore, the items identified in this Order have no applicability to MP1. Based on the above, the proposed removal of this Order is acceptable.

#### Memorandum and Order Dated November 20, 1985

The Memorandum and Order dated November 20, 1985, granted an extension for the environmental qualification of five items of safety related electrical equipment. However, as a result of the licensee's change in status to permanently shutdown and defueled, there is no longer any safety-related electrical equipment associated with the unit. Additionally, the extension granted by the Memorandum and Order has long since expired. Based on the above, the proposed removal of this Order is acceptable.

#### 4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Connecticut State official was notified of the proposed issuance of the amendment. The State official had no comments.

#### 5.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact was published in the *Federal Register* on November 9, 2000 (65 FR 67417), for this amendment. Accordingly, based upon the environmental assessment, the Commission has determined that issuance of this amendment will not have a significant effect on the quality of the human environment.

#### 6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

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