

Docket
File



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

May 29, 1992

Docket No. 50-423

Mr. John F. Opeka
Executive Vice President, Nuclear
Connecticut Yankee Atomic Power Company
Northeast Nuclear Energy Company
Post Office Box 270
Hartford, Connecticut 06141-0270

Dear Mr. Opeka:

SUBJECT: MILLSTONE NUCLEAR POWER STATION, UNIT NO. 3 - ISSUANCE OF AMENDMENT
RE: CHANGE OF OWNERSHIP (TAC NO. M79715)

The Commission has issued the enclosed Amendment No. 66 to Facility Operating License No. NPF-49 for Millstone Nuclear Power Station, Unit No. 3. This amendment consists of changes to the license in response to your application dated March 21, 1991, as supplemented June 11, 1991.

The amendment changes Facility Operating License NPF-49 and authorizes the transfer of Public Service Company of New Hampshire's (PSNH's) 2.8475 percent ownership in Millstone Unit 3 to a newly formed and wholly owned subsidiary of Northeast Utilities (NU) as of the date of the merger between NU and PSNH.

The transfer of any right under the operating license is subject to NRC approval pursuant to 10 CFR 50.80(a). Such approval is given in the enclosed Order Approving Transfer of License, which is being forwarded to the Office of the Federal Register for publication.

You informed us verbally that final consummation of the transfer is expected in May. You will note that the amendment is effective on the date the ownership transfer is completed. You should notify us immediately when that occurs.

020100

9206030038 920529
PDR ADDCK 05000423
P PDR

NRC FILE CENTER COPY

DEFOL
111

Mr. John F. Opeka

-2-

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

Sincerely,

/s/

John F. Stolz, Director
Project Directorate I-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosures:

1. Amendment No.66 to NPF-49
2. Safety Evaluation
3. Order

cc w/enclosures:
See next page

Distribution:

Docket File	TMurley/FMiraglia
NRC & Local PDRs	JPartlow
PD I-4 Plant	CRossi
SVarga	JLieberman
JCalvo	JStolz
SNorris	EJordan
VRooney	RLobel, EDO
OGC	
DHagan	
GHill (4)	
Wanda Jones	
CGrimes	
ACRS (10)	
OPA	
OC/LFMB	
CWHehl, RI	

OFFICIAL RECORD COPY

LA:PDI-4 PM:PDI-4
SNorris VRooney:ch

D:PDI-4
JStolz

OGC

Document Name: M79715.AMD

AD:DRPE D:DRPE
JCalvo SVarga

4/22/92

4/24/92

5/4/92

4/27/92

5/17/92

5/28/92

ADP:NRR
JPartlow

ADP:NRR
TMurley

PTSB:NRR
AGody

5/18/92

5/ /92

5/8/92

W

Mr. John F. Opeka
Northeast Nuclear Energy Company

Millstone Nuclear Power Station
Unit 3

cc:

Gerald Garfield, Esquire
Day, Berry and Howard
Counselors at Law
City Place
Hartford, Connecticut 06103-3499

R. M. Kacich, Director
Nuclear Licensing
Northeast Utilities Service Company
Post Office Box 270
Hartford, Connecticut 06141-0270

W. D. Romberg, Vice President
Nuclear, Operations Services
Northeast Utilities Service Company
Post Office Box 270
Hartford, Connecticut 06141-0270

D. O. Nordquist
Director of Quality Services
Northeast Utilities Service Company
Post Office Box 270
Hartford, Connecticut 06141-0270

Kevin McCarthy, Director
Radiation Control Unit
Department of Environmental Protection
State Office Building
Hartford, Connecticut 06106

Regional Administrator
Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, Pennsylvania 19406

Bradford S. Chase, Under Secretary
Energy Division
Office of Policy and Management
80 Washington Street
Hartford, Connecticut 06106

First Selectmen
Town of Waterford
Hall of Records
200 Boston Post Road
Waterford, Connecticut 06385

S. E. Scace, Nuclear Station Director
Millstone Nuclear Power Station
Northeast Nuclear Energy Company
Post Office Box 128
Waterford, Connecticut 06385

W. J. Raymond, Resident Inspector
Millstone Nuclear Power Station
c/o U.S. Nuclear Regulatory Commission
Post Office Box 376
Waterford, Connecticut 06385-0376

C. H. Clement, Nuclear Unit Director
Millstone Unit No. 3
Northeast Nuclear Energy Company
Post Office Box 128
Waterford, Connecticut 06385

M. R. Scully, Executive Director
Connecticut Municipal Electric
Energy Cooperative
30 Stott Avenue
Norwich, Connecticut 06360

Burlington Electric Department
c/o Robert E. Fletcher, Esq.
271 South Union Street
Burlington, Vermont 05402

Mr. Alan Menard, Manager
Technical Services
Massachusetts Municipal Wholesale
Electric Company
Post Office Box 426
Ludlow, Massachusetts 01056

Nicholas S. Reynolds
Winston & Strawn
1400 L Street, NW
Washington, DC 20005-3502



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

NORTHEAST NUCLEAR ENERGY COMPANY, ET AL.

DOCKET NO. 50-423

MILLSTONE NUCLEAR POWER STATION, UNIT NO. 3

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 66
License No. NPF-49

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Northeast Nuclear Energy Company, et al.* (the licensee) dated March 21, 1991, as supplemented June 11, 1991, 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 operate 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.

*As of the effective date of this amendment, Public Service Company of New Hampshire is a wholly owned subsidiary of Northeast Utilities.

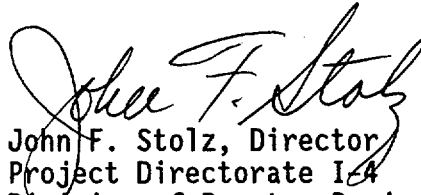
2. Accordingly, Facility Operating License No. NPF-49 is hereby amended to add the following footnote to page 1 of the license.

** As a result of the Plan of Reorganization confirmed by the U.S. Bankruptcy Court for the District of New Hampshire, Public Service Company of New Hampshire has become a wholly owned subsidiary of Northeast Utilities.

As of the effective date of Amendment No. 66 , Public Service Company of New Hampshire is a wholly owned subsidiary of Northeast Utilities.

3. This license amendment is effective as of the date on which Public Service Company of New Hampshire merges with and into a wholly owned subsidiary of Northeast Utilities.

FOR THE NUCLEAR REGULATORY COMMISSION



John F. Stolz, Director
Project Directorate I
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Attachment:
Page 1 of License

Date of Issuance: May 29, 1992

**Page 1 is attached, for convenience, for the composite license to reflect this change.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

NORTHEAST NUCLEAR ENERGY COMPANY, ET AL. ⁽¹⁾⁽²⁾

DOCKET NO. 50-423

MILLSTONE NUCLEAR POWER STATION, UNIT NO. 3

FACILITY OPERATING LICENSE

License No. NPF-49

1. The Nuclear Regulatory Commission (the Commission) has found that:

- A. The application for license filed by Northeast Nuclear Energy Company, as agent and representative of 14 utilities listed below and hereafter referred to as licensees, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter I, and all required notifications to other agencies or bodies have been duly made;
- B. Construction of the Millstone Nuclear Power Station, Unit No. 3 (the facility) has been substantially completed in conformity with Construction Permit No. CPPR-113 and the application, as amended, the provisions of the Act, and the regulations of the Commission;
- C. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission, (except as exempted from compliance, see Section 2.D below);
- D. There is reasonable assurance: (1) that the activities authorized by this operating license can be conducted without endangering the health and safety of the public, and (2) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I, (except as exempted from compliance, see Section 2D below):

(1) Northeast Nuclear Energy Company is authorized to act as agent and representative for the following Owners: Central Maine Power Company, Central Vermont Public Service Corporation, Chicopee Municipal Lighting Plant, Connecticut Municipal Electric Energy Cooperative, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Massachusetts Municipal Wholesale Electric Company, Montaup Electric Company, New England Power Company, Public Service Company of New Hampshire, The United Illuminating Company, The Village of Lyndonville Electric Department, Western Massachusetts Electric Company, and Vermont Electric Generation and Transmission Cooperative, Inc., and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.

(2) As a result of the Plan of Reorganization confirmed by the U.S. Bankruptcy Court for the District of New Hampshire, Public Service Company of New Hampshire has become a wholly owned subsidiary of Northeast Utilities.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 66

TO FACILITY OPERATING LICENSE NO. NPF-49

NORTHEAST NUCLEAR ENERGY COMPANY, ET AL.

MILLSTONE NUCLEAR POWER STATION, UNIT NO. 3

DOCKET NO. 50-423

1.0 INTRODUCTION

By letter dated March 21, 1991, as supplemented June 11, 1991, Northeast Nuclear Energy Company (NNECO) requested an amendment to Facility Operating License No. NPF-49 for the Millstone Nuclear Power Station, Unit No. 3. The proposed amendment would change Facility Operating License NPF-49, to reflect the transfer of control of Public Service Company of New Hampshire's (PSNH's) 2.8475 percent ownership in Millstone Unit No. 3 through the merger of PSNH with a wholly owned subsidiary of Northeast Utilities (NU), with PSNH emerging as the surviving entity from the merger as a wholly owned subsidiary of NU. The change would be effective the date of the merger between NU and PSNH. NNECO has informed us that this transfer is expected to be completed by May 1992. The June 11, 1991 letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

2.0 EVALUATION

Public Service Company of New Hampshire (PSNH) presently owns 2.8475 percent of Millstone Unit No. 3. Millstone Unit No. 3 is a nuclear powered generating station which is being operated by Northeast Nuclear Energy Company (NNECO) on behalf of 14 co-owners, one of which is PSNH. A merger is occurring between Northeast Utilities (NU) and PSNH which will result in PSNH becoming a wholly owned subsidiary of NU. There is technically no transfer of the interest owned by PSNH but there is a change in that PSNH will be a wholly owned subsidiary of NU.

NNECO notes that the change:

1. Will not reduce the funds available to NNECO to carry out activities under its operating license.
2. Will not adversely affect the management of NNECO's operations.

9206030044 920529
PDR ADDCK 05000423
P PDR

3. Will not result in NNECO being owned, controlled, or dominated by an alien, foreign corporation, or foreign government.

The proposed change to the license does not involve a change in the safety analysis, the Technical Specifications or day-to-day operation of the facility. Based on NNECO's operation of Millstone Unit No. 3 to date and the fact that the transaction involves a change in the control of a small ownership share in the facility, the staff has determined that the proposed license amendment is acceptable. We have further determined that NNECO remains qualified to be a holder of Facility Operating License No. NPF-49 and that the transfer of license rights is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, pursuant to 10 CFR 50.80(a).

We have also taken this opportunity to correct an administrative error in License Amendment 35 issued May 25, 1989. Amendment 35 added a footnote listing 14 utilities as owners of Millstone Unit No. 3, but Section 1.A on page 1 retained the description of "15 utilities." We have changed Section 1.A so that it now refers to "14 utilities" which is the correct description, and is consistent with the footnote.

3.0 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.

4.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32 and 51.35, an environmental assessment and finding of no significant impact was prepared and published in the Federal Register (57 FR 22278). Accordingly, based upon the environmental assessment, the NRC staff has determined that the issuance of this amendment will not have a significant effect on the quality of the human environment.

5.0 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.

Principal Contributor: V. L. Rooney

Date: May 29, 1992

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	Docket No. 50-423
NORTHEAST NUCLEAR ENERGY COMPANY)	
)	
(Millstone Nuclear Power Station,)	
Unit No. 3))	

ORDER APPROVING TRANSFER OF LICENSE

I.

The Public Service Company of New Hampshire (PSNH) is the holder of a 2.8475 percent ownership share of Millstone Nuclear Power Station, Unit No. 3. PSNH's interest in Millstone Unit No. 3 is governed by License No. NPF-49, issued by the U.S. Nuclear Regulatory Commission (the NRC) pursuant to 10 CFR Part 50 on January 31, 1986, in Docket No. 50-423. Under this license, only Northeast Nuclear Energy Company (NNECO), acting as agent and representative of 14 utilities listed in the license, has the authority to operate Millstone Unit No. 3. Millstone Unit No. 3 is located in New London County, Connecticut.

II.

NNECO requested an amendment to NPF-49 by letter dated March 21, 1991, as supplemented June 11, 1991, in which NNECO requested that License No. NPF-49 be changed to reflect the transfer of control of PSNH's 2.8475 percent ownership in Millstone Unit No. 3 through the merger of PSNH with a wholly owned subsidiary of Northeast Utilities (NU), with PSNH emerging as the surviving entity from the merger as a wholly owned subsidiary of NU. The

amendment would be effective on the date that PSNH merges with and into a wholly owned subsidiary of NU. NNECO has advised the NRC staff that the merger is expected to be completed by May 1992.

The transfer of any right under License No. NPF-49 is subject to the NRC's approval pursuant to 10 CFR 50.80(a). Based on NNECO's operation of Millstone Unit No. 3 to date and the small ownership interest affected by the transfer, the staff has determined that the proposed transferee (NNECO) remains qualified to be a holder of License No. NPF-49 and that the license transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission.

III.

Accordingly, pursuant to Sections 161b and 161i of the Atomic Energy Act of 1954, as amended, 42 U.S.C 2201, and 10 CFR 50.80, IT IS HEREBY ORDERED that transfer of control of PSNH's 2.8475 percent ownership in Millstone Unit No. 3 through the merger of PSNH with a wholly owned subsidiary of NU, with PSNH emerging as the surviving entity from the merger as a wholly owned subsidiary of NU, is approved, subject to the following: (1) the amendment describing PSNH as a wholly owned subsidiary of NU in License No. NPF-49 will become effective as of the date the merger is completed; (2) should the merger

not be completed by November 30, 1992, this Order will be null and void; and
(3) on application and for good cause shown, this Order may be extended for a
short period beyond November 30, 1992.

FOR THE NUCLEAR REGULATORY COMMISSION

original signed by

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 29th day of May 1992

*See previous concurrence

OFFICIAL RECORD COPY

Document Name: M79715.AMD

LA:PDI-4*	PM:PDI-4*	D:PDI-4*	Tech Ed.*	OGC*	AD:DRPE*
SNorris	VRooney:cn	JStolz	BCalure	CPW	JCalvo
4/22/92	4/22/92	AWD for 4/23/92	5/11/92	4/27/92	5/17/92

D:DRPE*	ADP:NRR	DIF:NRR	PTSB:NRR*
SVarga	JPartlow	TMurley	AGody
5/28/92	5/29/92	5/29/92	5/8/92