

Mr. R. P. Necci - Vice President
 Nuclear Oversight and Regulatory Affairs
 c/o Mr. David A. Smith
 Northeast Nuclear Energy Company
 P. O. Box 128
 Waterford, CT 06385-0128

August 27, 1999

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING INVOLVING HYBRID PROCEDURES OF SECTION 134 OF THE NUCLEAR WASTE POLICY ACT OF 1982, MILLSTONE NUCLEAR POWER STATION, UNIT NO. 3 (TAC NO. MA5137)

Dear Mr. Necci:

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing." This notice relates to your application for amendment dated March 19, 1999. The purpose of the amendment is to allow Millstone Unit No. 3 to rerack its spent fuel pool to maintain full core reserve capability approaching the end of its operating license. To achieve this goal, two types of additional higher density spent fuel racks are proposed to be installed into the spent fuel pool. Existing spent fuel racks will remain in the pool, but are reanalyzed to only accept fuel lower in reactivity than they are presently licensed to accept. The changes would reflect the planned modification to increase the number of fuel assemblies that can be stored in the spent fuel pool from 756 assemblies to 1,860 assemblies (an increase of 1,104).

Sincerely,

ORIGINAL SIGNED BY:
 John A. Nakoski, Sr. Project Manager, Section 2
 Project Directorate I
 Division of Licensing Project Management
 Office of Nuclear Reactor Regulation

Docket No. 50-423

Enclosures: Notice of Consideration

cc w/encls: See next page

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DATE	6/21/99	6/23/99	8/18/99	8/27/99

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

August 27, 1999

Mr. R. P. Necci - Vice President
Nuclear Oversight and Regulatory Affairs
c/o Mr. David A. Smith
Northeast Nuclear Energy Company
P. O. Box 128
Waterford, CT 06385-0128

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Sincerely,

A handwritten signature in black ink, appearing to read "John A. Nakoski".

John A. Nakoski, Sr. Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-423

Enclosures: Notice of Consideration

cc w/encls: See next page

Millstone Nuclear Power Station
Unit 3

cc:

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Millstone Nuclear Power Station
Unit 3

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Ms. Nancy Burton
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Redding Ridge, CT 00870

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 JNakoski

August 31, 1999

MEMORANDUM TO: Rules and Directives Branch
 Division of Administrative Services
 Office of Administration

FROM: Office of Nuclear Reactor Regulation

SUBJECT: **NORTHEAST NUCLEAR ENERGY CO. - MILLSTONE UNIT NO. 3**

One signed original of the *Federal Register* Notice identified below is attached for your transmittal to the Office of the Federal Register for publication. Additional conformed copies (**Five**) of the Notice are enclosed for your use.

- Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s): Time for submission of Views on Antitrust matters.
- Notice of Consideration of Issuance of Amendment to Facility Operating License. (Call with 30-day insert date).
- Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- Notice of Availability of NRC Draft/Final Environmental Statement.
- Notice of Limited Work Authorization.
- Notice of Availability of Safety Evaluation Report.
- Notice of Issuance of Construction Permit(s).
- Notice of Issuance of Facility Operating License(s) or Amendment(s).
- Order.
- Exemption.
- Notice of Granting Exemption.
- Environmental Assessment.
- Notice of Preparation of Environmental Assessment.
- Receipt of Petition for Director's Decision Under 10 CFR 2.206.
- Issuance of Final Director's Decision Under 10 CFR 2.206.
- Other: Pls. call Veronica Williams on 415-1430 with the 30 day date to insert on page 7.

NRC FILE CENTER 8/31/99

DOCKET NO. 50-423

Attachment(s): As stated

Contact: 415-1278
 Telephone: J. Nakoski

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UNITED STATES NUCLEAR REGULATORY COMMISSIONNORTHEAST NUCLEAR ENERGY COMPANY, ET AL.DOCKET NO. 50-423NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission or NRC) is considering issuance of an amendment to Facility Operating License No. NPF-49 issued to Northeast Nuclear Energy Company (NNECO or the licensee) for operation of Millstone Nuclear Power Station, Unit No. 3 (MP3), located in New London County, Connecticut.

The proposed amendment would change Technical Specification (TS) 1.40, "Spent Fuel Pool Storage Pattern"; 1.1, "3-OUT-OF-4 AND 4-OUT-OF-4"; 3/4.9.1.2, "Boron Concentration"; 3/4.9.7, "Crane Travel -Spent Fuel Storage Areas"; 3/4.9.13, "Spent Fuel Pool - Reactivity"; 3.9.14, "Spent Fuel Pool - Storage Pattern"; 5.6.1.1, "Design Features - Criticality"; and 5.6.3, "Design Features - Capacity." In addition, the proposed amendment would replace figures 3.9-1 and 3.9-2 with 4 new figures and make changes to the TS Bases consistent with changes to their respective TS sections. These changes are being made to support the proposed increase in the capacity of the spent fuel pool at MP3 from 756 assemblies to 1,860 assemblies (an increase of 1,104).

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

In accordance with 10CFR50.92, NNECO has reviewed the proposed changes and has concluded that they do not involve a Significant Hazards Consideration (SHC). The basis for this conclusion is that the three criteria of 10CFR50.92(c) are not compromised. The proposed changes do not involve a significant hazard because they would not;

- 2.1 Involve a significant increase in the probability or consequences of an accident previously evaluated.

In the analysis of safety issues concerning the expanded pool storage capacity, NNECO has considered the following potential accident scenarios;

- a. A spent fuel assembly drop with control rod and handling tool
- b. A fuel pool gate drop
- c. Potential damage due to a seismic event
- d. Fuel assembly misloading/drop or pool temperature exceeding 160°F
- e. An accidental drop of a rack module during installation activity in the pool

The probability that any of the first four accidents in the above list can occur is not significantly increased by the modification itself. All work in the pool area will be controlled and performed in strict accordance with specific written procedures. As for an installation accident, safe load paths will be established that will prevent heavy loads from being transported over the spent fuel. Proper functioning of the cranes will be checked and verified before rack installation, and appropriate administrative controls imposed. All lift rigging and the crane/hoist system will be verified to comply with applicable plant and site procedures. All heavy lifts will be performed in accordance with established station procedures, which will comply with NUREG-0612, "Control of Heavy Loads at Nuclear Power Plants." These actions will minimize the possibility of a

heavy load drop accident. Fuel assembly handling procedures and techniques are not affected by adding spent fuel racks, and the probability of a fuel handling accident or misloading is not increased.

Accordingly, the proposed modification does not involve a significant increase in the probability of an accident previously evaluated.

NNECO has evaluated the consequences of an accidental drop of a fuel assembly in the spent fuel pool. The results show that such an accident will not distort the racks sufficiently to impair their functionality. The minimum subcriticality margin, k_{eff} less than or equal to 0.95, will be maintained. The radiological consequences of a fuel assembly drop are not increased from the existing postulated fuel drop accident in Millstone Unit No. 3 FSAR [Final Safety Analysis Report] Section 15.7.4. Thus, the consequences of such an accident remain acceptable, and are not different from any previously evaluated accidents that the NRC has reviewed and accepted.

The consequences of an accidental drop of a fuel pool gate onto racks has been evaluated. The results show that such an accident will not distort the racks sufficiently to impair their functionality. The minimum subcriticality margin, k_{eff} less than or equal to 0.95, will be maintained. In addition, the Technical Specifications do not allow fuel to be under a fuel pool gate when one is moved. The analysis indicates no radiological consequences from this postulated accident. Thus, the consequences of such an accident remain acceptable, and are not different from any previously evaluated accidents that the NRC has reviewed and accepted.

The consequences of a design basis seismic event have been evaluated and found acceptable. The proposed additional racks and existing racks have been analyzed in their new configuration and found safe and impact-free during seismic motion, save for the baseplate-to-baseplate impacts of the proposed additional racks which are shown to cause no damage to the racks[,] cells[,] or Boral. The structural capability of the pool walls and basemat will not be exceeded under the loads. Thus, the consequences of a seismic event are not significantly increased.

The consequences of a misloading/drop of a fuel assembly during fuel movement have been evaluated. The minimum subcriticality margin, k_{eff} less than or equal to 0.95, will continue to be maintained because of the proposed pool water soluble boron related requirements. Thus, the consequences of such an accident remain acceptable, and are not different from any previously evaluated accidents that the NRC has reviewed and accepted.

The consequences of an accidental drop of a rack module into the pool during placement have been evaluated. The analysis confirmed that very limited damage to the liner could occur, which is repairable. Any small seepage occurring is well within makeup capability, and is mitigated by emergency operating procedures. All movements of racks over the pool will comply with the

applicable guidelines. Therefore, the consequences of an installation accident are not increased from any previously evaluated accident.

The consequences of a spent fuel cask drop into the pool have not been considered in this submittal since NNECO is not currently licensed to move a fuel cask into the Millstone Unit No. 3 cask pit area.

Therefore, it is concluded that the proposed changes to the Technical Specifications and licensing basis for Millstone Unit No. 3 do not significantly increase the probability or consequences of any accident previously evaluated.

2.2 Create the possibility of a new or different kind of accident from any previously analyzed.

The proposed change does not alter the operating requirements of the plant or of the equipment credited in the mitigation of the design basis accidents. Therefore, the potential for an unanalyzed accident is not created. The postulated failure modes associated with the change do not significantly decrease the coolability, criticality margin, or structural integrity of the spent fuel in the pool. The resulting structural, thermal, and seismic loads are acceptable.

Therefore, the change does not create the possibility of a new or different kind of accident from any previously analyzed.

2.3 Involve a significant reduction in the margin of safety.

The function of the spent fuel pool is to store the fuel assemblies in a subcritical and coolable configuration through all environmental and abnormal loadings, such as an earthquake, fuel assembly drop, fuel pool gate drop, or drop of another heavy object. The new rack design must meet all applicable requirements for safe storage and be functionally compatible with the other rack design in the spent fuel pool.

NNECO has addressed the safety issues related to the expanded pool storage capacity in the following areas:

1. Material, mechanical, and structural considerations
2. Nuclear criticality
3. Thermal-hydraulic and pool cooling

The mechanical, material, and structural designs of the new racks have been reviewed in accordance with the applicable provisions of NRC "OT Position for the Review and Acceptance of Spent Fuel Storage and Handling Applications", April 14, 1978, as amended January 18, 1979. The rack materials used are compatible with the spent fuel assemblies and the spent fuel pool environment. The design of the new racks preserves the proper margin of safety during abnormal loads such as a dropped fuel assembly, a postulated seismic event, a

dropped fuel pool gate, and tensile loads from a stuck fuel assembly. It has been shown that such loads will not invalidate the mechanical design and material selection to safely store fuel in a coolable and subcritical configuration. Also, it has been shown that the pool structure will maintain its integrity and function during normal operation, all postulated accident sequences, and postulated seismic events.

The methodology used in the criticality analysis of the expanded spent fuel pool storage capacity meets the appropriate NRC guidelines and the ANSI [American National Standards Institute] standards. The margin of safety for subcriticality is determined by a neutron multiplication factor less than or equal to 0.95 under all accident conditions, including uncertainties. This criterion has been preserved in all analyzed accidents and seismic events.

The special circumstances regarding transitioning to the revised [T]echnical [S]pecifications was discussed. At present, NNECO estimates that there will be approximately 120 fuel assemblies stored in existing racks that will not meet the burnup/enrichment requirements for storage in these racks under the proposed Technical Specifications. During the actual reracking effort, including transfer of these assemblies from existing racks to Region 1 and 2 racks, existing soluble boron and Boraflex related requirements and surveillances will continue to be enforced. Also, when transferring these assemblies to Region 1 and 2 racks, the burnup/enrichment requirements of these racks will be enforced. After fuel transfer is complete, the revised Technical Specifications will be fully implemented. These requirements ensure that the neutron multiplication factor will remain less than or equal to 0.95 during the whole period of the rerack.

The rerack thermal hydraulic analysis is based on NNECO's January 18, 1999, submittal analysis which bound the heat load of this licensing amendment request. The rerack thermal hydraulic analysis found that, in the blocked hottest stored assembly, the local peak water temperature will remain below boiling, and the fuel clad will not experience high temperatures.

Regarding Technical Specification Surveillance 4.9.7, since the proposed change continues to meet the requirements of Technical Specification 3.9.7, that is it prohibits a crane from carrying a load greater than 2,200 lbs [pounds] over fuel in the spent fuel pool to preclude fuel damage, the margin of safety is maintained.

Thus, it is concluded that the proposed changes to the Technical Specifications and licensing basis of Millstone Unit No. 3 do not involve a significant reduction in the margin of safety at Millstone Unit No. 3.

The NRC staff has reviewed the licensee's analysis and, based upon this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By **October 7, 1999**, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in such proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 that is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms located at the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut. If a request for a hearing and petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition to leave to

intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a for a hearing and a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Ms. Lillian M. Cuoco, Esquire, Senior Nuclear Counsel, Northeast Utilities Service Company, P. O. Box 270, Hartford, CT 06141-0270, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Pursuant to the Commission's regulations, 10 CFR 2.1107, the Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154.

Under section 134 of the NWPA, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties."

The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules and the designation, following argument of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR Part 2, Subpart K, "Hybrid Hearing Procedures for Expansion of Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41662 dated October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. The presiding officer must grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application must be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding timely requests oral argument, and if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, Subpart G apply.

For further details with respect to this action, see the application for amendment dated March 19, 1999, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms located at the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut.

Dated at Rockville, Maryland, this 27th day of August 1999.

FOR THE NUCLEAR REGULATORY COMMISSION



James W. Clifford, Chief, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation