

July 23, 1986

Docket No. 50-336

Mr. John F. Opeka, Senior Vice President  
Nuclear Engineering and Operations  
Northeast Nuclear Energy Company  
P. O. Box 270  
Hartford, Connecticut 06141-0270

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Docket File  
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Dear Mr. Opeka:

The Commission has forwarded the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing" to the Office of the Federal Register for publication.

This notice relates to your application dated May 21, 1986 for storage of consolidated spent fuel at Millstone Unit 2.

Sincerely,

D. H. Jaffe, Project Manager  
PWR Project Directorate #8  
Division of PWR Licensing-B

Enclosure:  
As stated

cc: w/enclosure  
See next page

PD#8:  
PKreutzer  
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DJaffe, Jch  
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OELD:  
7/10/86  
7/19/86

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Mr. John F. Opeka  
Northeast Nuclear Energy Company

Millstone Nuclear Power Station  
Unit No. 2

cc:

Gerald Garfield, Esq.  
Day, Berry & Howard  
Counselors at Law  
City Place  
Hartford, Connecticut 06103-3499

Mr. Wayne D. Romberg  
Superintendent  
Millstone Nuclear Power Station  
P. O. Box 128  
Waterford, Connecticut 06385

Regional Administrator, Region I  
U.S. Nuclear Regulatory Commission  
Office of Executive Director for  
Operations  
631 Park Avenue  
King of Prussia, Pennsylvania 19406

Mr. Edward J. Mroczka  
Vice President, Nuclear Operations  
Northeast Nuclear Energy Company  
P. O. Box 270  
Hartford, Connecticut 06141-0270

Mr. Charles Brinkman, Manager  
Washington Nuclear Operations  
C-E Power Systems  
Combustion Engineering, Inc.  
7910 Woodmont Avenue  
Bethesda, Maryland 20814

Mr. Lawrence Bettencourt, First Selectman  
Town of Waterford  
Hall of Records - 200 Boston Post Road  
Waterford, Connecticut 06385

Northeast Utilities Service Company  
ATTN: Mr. Richard R. Laudenat, Manager  
Generation Facilities Licensing  
Post Office Box 270  
Hartford, Connecticut 06141-0270

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

Mr. Theodore Rebelowski  
U.S. NRC  
P. O. Box 615  
Waterford, Connecticut 06385-0615

Office of Policy & Management  
ATTN: Under Secretary Energy  
Division  
80 Washington Street  
Hartford, Connecticut 06106

UNITED STATES NUCLEAR REGULATORY COMMISSIONNORTHEAST NUCLEAR ENERGY COMPANY, ET AL.DOCKET NO. 50-336NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Company et al. (the licensee), for operation of the Millstone Nuclear Power Station, Unit No. 2, located in New London County, Connecticut.

The proposed license amendment would provide Technical Specifications applicable to the storage of consolidated spent fuel at Millstone Unit No. 2. The fuel would be consolidated by removing individual fuel pins from the framework of the fuel assembly used in plant operation and installing them into a storage assembly which has closer spacing between pins. The actual consolidation of spent fuel has not been addressed by the licensee and thus, it is not under consideration at this time.

Prior to 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.

By August 27, 1986 , 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 the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for

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leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or 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/or 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 a 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 for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (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 fifteen (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, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. 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.

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, is authorized to 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 (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. (As outlined above, the Commission's rules in 10 CFR Part 2, subpart G continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer shall 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 shall 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.

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.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission,

Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Ashok C. Thadani: (petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this FEDERAL REGISTER notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Gerald Garfield, Esq., Day, Berry and Howard, One Constitution Plaza, Hartford, Connecticut 06103, 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 Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated May 21, 1986 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06103.

Dated at Bethesda, Maryland this 23rd day of July.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script that reads "Thomas V. Wambach".

Thomas V. Wambach, Acting Director  
PWR Project Directorate #8  
Division of PWR Licensing-B

July 23, 1986

DOCKET NO.

MEMORANDUM FOR: Rules and Procedures Branch  
Division of Rules and Records  
Office of Administration

FROM: Office of Nuclear Reactor Regulation

SUBJECT: Millstone Nuclear Power Station Unit 2

One signed original of the *Federal Register* Notice identified below is enclosed for your transmittal to the Office of the Federal Register for publication. Additional conformed copies ( ) 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.
- 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.
- Other: **Please contact Jackie Harrison at 27258 with 30 day date.**

*Aug 27, 1986*

Office of Nuclear Reactor Regulation  
Division of PWR Licensing-B  
Project Directorate #8

Enclosure:  
As stated

Contact: Jackie Harrison  
Phone: 27258

OFFICE	PD#8					
SURNAME	PKreutzer;jch					
DATE	<i>7/23/86</i>					