

July 30, 2002

Mr. J. A. Price
Vice President - Nuclear Technical Services - Millstone
Dominion Nuclear Connecticut, Inc.
Mr. David A. Smith
Rope Ferry Road
Waterford, CT 06385

SUBJECT: MILLSTONE NUCLEAR POWER STATION, UNIT NO. 3 - ISSUANCE OF
AMENDMENT RE: RELOCATING CONTROL ROD POSITION INDICATION
REQUIREMENTS TO THE TECHNICAL REQUIREMENTS MANUAL (TAC NO.
MB3019)

Dear Mr. Price:

The Commission has issued the enclosed Amendment No. 207 to Facility Operating License No. NPF-49 for the Millstone Nuclear Power Station, Unit No. 3 (MP3), in response to your application dated September 26, 2001.

The amendment relocates the Technical Specification (TS) control rod position indication system requirements for shutdown to the MP3 Technical Requirements Manual. Conforming changes are also made to the associated TS Bases and Index pages.

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

Sincerely,

/RA/

Victor Nerses, Sr. Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-423

Enclosures: 1. Amendment No. 207 to NPF-49
2. Safety Evaluation

cc w/encls: See next page

July 30, 2002

Mr. J. A. Price
Vice President - Nuclear Technical Services - Millstone
Dominion Nuclear Connecticut, Inc.
Mr. David A. Smith
Rope Ferry Road
Waterford, CT 06385

SUBJECT: MILLSTONE NUCLEAR POWER STATION, UNIT NO. 3 - ISSUANCE OF
AMENDMENT RE: RELOCATING CONTROL ROD POSITION INDICATION
REQUIREMENTS TO THE TECHNICAL REQUIREMENTS MANUAL (TAC NO.
MB3019)

Dear Mr. Price:

The Commission has issued the enclosed Amendment No. 207 to Facility Operating License No. NPF-49 for the Millstone Nuclear Power Station, Unit No. 3 (MP3), in response to your application dated September 26, 2001.

The amendment relocates the Technical Specification (TS) control rod position indication system requirements for shutdown to the MP3 Technical Requirements Manual. Conforming changes are also made to the associated TS Bases and Index pages.

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

Sincerely,

/RA/

Victor Nerses, Sr. Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-423

Enclosures: 1. Amendment No. 207 to NPF-49
2. Safety Evaluation

cc w/encls: See next page

DISTRIBUTION:

PUBLIC	OGC	PDI-2 R/F	ACRS
SRichards	TClark	BMcDermott, RI	EMarinos
GHill(2)	RDennig	JZimmerman	VNerses

ACCESSION NUMBER: ML021680298 *see previous concurrence

OFFICE	PDI-2/PM	PDI-2/LA	EEIB/SC*	OGC*	PDI-2/SC(A)	TSS/SC*
NAME	REnnis for VNerses	TLClark	EMarinos	RHoefling	JZimmerman	RDennig
DATE	7/22/02	7/18/02	6/27/02	07/08/02	7/29/02	6/27/02

OFFICIAL RECORD COPY

DOMINION NUCLEAR CONNECTICUT, INC., ET AL.

DOCKET NO. 50-423

MILLSTONE NUCLEAR POWER STATION, UNIT NO. 3

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 207
License No. NPF-49

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by the applicant dated September 26, 2001, 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.

2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-49 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 207, and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, are hereby incorporated in the license. Dominion Nuclear Connecticut, Inc. shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of the date of issuance, and shall be implemented within 60 days of issuance. The implementation of this amendment shall include the relocation of certain technical specification requirements to the Millstone Nuclear Power Station, Unit No. 3 Technical Requirements Manual as described in the licensee's application dated September 26, 2001, and evaluated in the staff's Safety Evaluation attached to this amendment.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Jacob I. Zimmerman, Acting Chief, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications

Date of Issuance: July 30, 2002

ATTACHMENT TO LICENSE AMENDMENT NO. 207

FACILITY OPERATING LICENSE NO. NPF-49

DOCKET NO. 50-423

Replace the following pages of the Appendix A Technical Specifications, with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove

v
xii
xv
3/4 1-23
3/4 1-24
3/4 10-6
B 3/4 10-1
B 3/4 10-2

Insert

v
xii
xv
3/4 1-23
3/4 1-24
3/4 10-6
B 3/4 10-1
B 3/4 10-2

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELOCATION OF CONTROL ROD POSITION INDICATION TECHNICAL SPECIFICATIONS

MILLSTONE NUCLEAR POWER STATION, UNIT NO.3

FACILITY OPERATING LICENSE NO. NPF-49

DOCKET NO. 50-423

1.0 INTRODUCTION

By application dated September 26, 2001, Dominion Nuclear Connecticut, Inc. (the licensee or DNC), requested changes to the Technical Specifications (TSs) for Millstone Nuclear Power Station, Unit No. 3 (MP3). The proposed change would relocate TSs 3.1.3.3, "Position Indication System - Shutdown" and 3.10.5, "Special Test Exception - Position Indication System - Shutdown" to MP3's Technical Requirements Manual (TRM). However, deleted Surveillance Requirement (SR) 4.1.3.3, which is related to limiting condition for operation (LCO) 3.1.3.3, will be relocated in TS 3.1.3.2, "Position Indication Systems - Operating". The licensee also proposed appropriate conforming changes to the associated TS Bases and TS index pages.

2.0 REGULATORY EVALUATION

Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.36(c)(2)(ii) contains the requirements to determine the items that must be included within the TSs. This regulation provides four criteria that can be used to determine those requirements which must be included within the TSs. Items not meeting these criteria can be relocated from the TSs to other licensee-controlled documents. The licensee can then change the relocated requirements, if necessary, in accordance with the provisions of 10 CFR 50.59

Consistent with this approach, the four criteria to be used in determining whether particular safety functions are required to be included in the TSs, are as follows:

- | | |
|--------------------|--|
| <i>Criterion 1</i> | Installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary. |
| <i>Criterion 2</i> | A process variable, design feature, or operating restriction that is an initial condition of a design basis accident or transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier. |
| <i>Criterion 3</i> | A structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a design basis accident |

or transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier.

Criterion 4 A structure, system, or component which operating experience or probabilistic risk assessment has shown to be significant to public health and safety.

In its submittal, the licensee stated that the requirements in TSs 3.1.3.3 and 3.10.5 for the control rod position indication system during shutdown do not meet the four criteria for items that must be included in the TSs. Therefore, the licensee is proposing that these specifications be removed from the TSs and relocated to the licensee-controlled TRM. Once removed from the TS, future changes to these requirements will be made in accordance with the provisions of 10 CFR 50.59. The licensee further stated that modifying these requirements using 10 CFR 50.59 will not adversely affect plant safety. Therefore, the proposed relocation will improve utilization of resources and reduce regulatory burden.

3.0 TECHNICAL EVALUATION

3.1 Proposed changes:

3.1.1 Technical Specification 3.1.3.3, "Position Indication System - Shutdown"

TS LCO 3.1.3.3 (with the exception of SR 4.1.3.3) will be relocated to the Unit 3 TRM, and will be governed by the provisions of 10 CFR 50.59. The surveillance requirement associated with LCO 3.1.3.3 (i.e., SR 4.1.3.3), will be renumbered and inserted as SR 4.1.3.2.2 in TS 3.1.3.2, "Position Indication System - Operating." The current SR 4.1.3.2 will be renumbered as SR 4.1.3.2.1.

3.1.2 TS 3.10.5, "Special Test Exception - Position Indication System - Shutdown"

TS 3.10.5 and the corresponding Bases section will be relocated to the TRM.

The text for the TSs 3.1.3.3 and 3.10.5 will be deleted from the corresponding pages, and each of these pages will be labeled "THIS PAGE INTENTIONALLY LEFT BLANK." Index pages v, xii, and xv will be revised to reflect the relocation of TSs 3.1.3.3 and 3.10.5.

3.2 Evaluation

The control rod position indication system provides indication of rod position to the plant operators. The operators use the indication to verify that the rods are correctly positioned during power operation and are inserted into the core following a reactor trip signal. Rod position indication is also used during reactor startup.

As noted above, paragraph (c)(2)(ii) of 10 CFR 50.36 gives four criteria for determining items that must be included in the TSs. Items not meeting these criteria can be relocated from the TSs to other licensee-controlled documents. The licensee determined that TS 3.1.3.3, containing the requirements during shutdown (Modes 3, 4, and 5), does not meet the criteria of 10 CFR 50.36(c)(2)(ii) for inclusion in the TSs because indication of rod position during shutdown is not designed to provide indication of a significant abnormal degradation of the

reactor coolant pressure boundary, nor a process variable, design feature, or operating restriction that is an initial condition of a design-basis accident or transient analysis. Furthermore, indication of rod position during shutdown is not a structure, system, or component (SSC) that is part of the primary success path and which functions or actuates to mitigate a design-basis accident or transient nor is it an SSC which operating experience or probabilistic risk assessment has shown to be significant to public health and safety. For these reasons, the staff finds that none of the criteria for determining items to be included in TSs have been satisfied and thus the relocation is acceptable.

TS 3.10.5 is associated with TS 3.1.3.3 to provide special test exceptions during performance of rod-drop-time measurement tests, and the staff determined that for the same reasons identified for TS 3.1.3.3 previously, the relocation is acceptable. Therefore, TS 3.10.5 is also relocated along with TS 3.1.3.3 to the TRM. Specification 3.1.3.2 provides the requirements for control rod position indication during Modes 1 and 2, and will not be moved out of the TSs.

In addition, relocation of TS 3.1.3.3 to the licensee-controlled TRM is also consistent with the letter from Thomas E. Murley, NRC, to industry owners groups chairmen, dated May 9, 1988. This letter forwarded a report entitled, "NRC Staff Review of Nuclear Steam Supply System Vendor Owners Groups' Application of the Commission's Interim Policy Statement Criteria to Standard Technical Specifications," (the NRC "Split Report"). Note 2 of the NRC letter states: "This LCO may be removed from the STS. However, if the associated Surveillance Requirement(s) is necessary to meet the OPERABILITY requirements for a retained LCO, the Surveillance Requirement(s) should be relocated to the retained LCO."

In its submittal the licensee stated that because SR 4.1.3.3 associated with LCO 3.1.3.3 is necessary to meet TS operability requirements for the rod position indication system in Modes 1 and 2, this SR will be retained in the TS 3.2.2.2, "Position Indication System - Operating," and designated as SR 4.1.3.2.2. Retention of SR 4.1.3.3 is consistent with the criteria of 10 CFR 50.36(c)(2)(ii), and with Note 2 of the NRC letter of May 9, 1988; therefore, the proposed change is acceptable to the staff. Renumbering the current SR 4.1.3.2 as SR 4.1.3.2.1 is an editorial change, and therefore is acceptable to the staff.

The licensee also proposed to move the accompanying TSs Bases to the MP3 TRM that are associated with the relocation of the TSs previously discussed. This is appropriate because the associated TSs requirements are being relocated to the TRM. Therefore, the staff has no objection to these Bases changes.

4.0 SUMMARY

Based on the above evaluation, the staff finds the proposed changes to be consistent with 10 CFR 50.36(c)(2)(ii), and the guidance provided in the May 9, 1988, letter from Thomas E. Murley to industry owners groups. Therefore, the staff finds the proposed changes acceptable.

5.0 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.

6.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (66 FR 57120). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

7.0 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: S.V. Athavale
V. Nerses

Date: July 30, 2002

Millstone Nuclear Power Station
Unit 3

cc:

Ms. L. M. Cuoco
Senior Nuclear Counsel
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Edward L. Wilds, Jr., Ph.D.
Director, Division of Radiation
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

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

First Selectmen
Town of Waterford
15 Rope Ferry Road
Waterford, CT 06385

Mr. P. J. Parulis
Manager - Nuclear Oversight
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Mr. W. R. Matthews
Vice President and Senior
Nuclear Executive - Millstone
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Ernest C. Hadley, Esquire
P.O. Box 1104
West Falmouth, MA 02574-1104

Mr. John Markowicz
Co-Chair
Nuclear Energy Advisory Council
9 Susan Terrace
Waterford, CT 06385

Mr. Evan W. Woollacott
Co-Chair
Nuclear Energy Advisory Council
128 Terry's Plain Road
Simsbury, CT 06070

Mr. D. A. Christian
Senior Vice President - Nuclear Operations
and Chief Nuclear Officer
Innsbrook Technical Center - 2SW
5000 Dominion Boulevard
Waterford, CT 06385

Mr. C. J. Schwarz
Director -Nuclear Station Operations
and Maintenance
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Senior Resident Inspector
Millstone Nuclear Power Station
c/o U.S. Nuclear Regulatory Commission
P. O. Box 513
Niantic, CT 06357

Mr. G. D. Hicks
Director - Nuclear Station Safety
and Licensing
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Mr. J. Alan Price
Site Vice President - Millstone
c/o Mr. David A. Smith
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Millstone Nuclear Power Station
Unit 3

cc:

Mr. D. A. Smith
Manager - Licensing
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Ms. Nancy Burton
147 Cross Highway
Redding Ridge, CT 00870

Mr. William D. Meinert
Nuclear Engineer
Massachusetts Municipal Wholesale
Electric Company
P.O. Box 426
Ludlow, MA 01056

Mr. S. E. Scace
Director - Nuclear Engineering
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Mr. M. J. Wilson
Manager - Nuclear Training
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385