

October 4, 2006

Mr. David A. Christian
Sr. Vice President and Chief Nuclear Officer
Dominion Nuclear Connecticut, Inc.
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060-6711

SUBJECT: MILLSTONE POWER STATION, UNIT NO. 3 - ISSUANCE OF AMENDMENT
RE: DELETING SECTION 2.F TO FACILITY OPERATING LICENSE NO.
NPF-49 (TAC NO. MD1056)

Dear Mr. Christian:

The Commission has issued the enclosed Amendment No. 234 to Facility Operating License No. NPF-49 for the Millstone Power Station, Unit No. 3., in response to your application dated March 28, 2006. This amendment revises Facility Operating License No. NPF-49 by deleting Section 2.F, which specifies reporting of violations of the requirements of Section 2.C of the renewed operating license.

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

Sincerely,

/RA/

Victor Nerses, Senior Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-423

Enclosures:

1. Amendment No. 234 to License No. NPF-49
2. Safety Evaluation

cc w/encls: See next page

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DATE	7/26/06	7/25/06	5/18/06	8/2/06	8/3/06

OFFICIAL RECORD COPY

DOMINION NUCLEAR CONNECTICUT, INC.

DOCKET NO. 50-423

MILLSTONE POWER STATION, UNIT NO. 3

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 234
License No. NPF-49

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment filed by Dominion Nuclear Connecticut, Inc. (the licensee) dated March 28, 2006, 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 Title 10 of the *Code of Federal Regulations* (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 set forth in 10 CFR Chapter I;
 - 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 deleting paragraph 2.F of Facility Operating License No. NPF-49 as indicated in the attachment to this license amendment.
3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Brooke D. Poole, Acting Chief
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Renewed Operating
License

Date of Issuance: October 4, 2006

ATTACHMENT TO LICENSE AMENDMENT NO. 234

FACILITY OPERATING LICENSE NO. NPF-49

DOCKET NO. 50-423

Replace the following page of Facility Operating License No. NPF-49 as indicated. The revised page is identified by amendment number and contains a marginal line indicating the area of change.

Remove Page

-6-

Insert Page

-6-

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO.234 TO FACILITY OPERATING

LICENSE NO. NPF-49

DOMINION NUCLEAR CONNECTICUT, INC.

MILLSTONE POWER STATION, UNIT NO. 3

DOCKET NO. 50-423

1.0 INTRODUCTION

By letter dated March 28, 2006, Dominion Nuclear Connecticut, Inc. (DNC or the licensee) requested a license amendment for Millstone Power Station, Unit No. 3 (MPS3). The licensee requested to delete Section 2.F of Facility Operating License No. NPF-49, which specifies reporting of violations of the requirements in Section 2.C. A notice announcing the availability of this proposed change using the consolidated line item improvement process (CLIP) was published in the *Federal Register* on November 4, 2005 (70 FR 67202).

The Nuclear Regulatory Commission (NRC or the Commission) staff's proposed no significant hazards consideration determination of the licensee's proposed amendment was published in the *Federal Register* on May 9, 2006 (71 FR 26997).

2.0 REGULATORY EVALUATION

A section or condition was included in the facility operating licenses issued to some nuclear power plants requiring the licensee to make reports to the NRC regarding violations of other sections of the operating license (typically Section 2.C). In the case of MPS3, Section 2.F of the Facility Operating License reads as follows:

Except as otherwise provided in the Technical Specifications or Environmental Protection Plan, [DNC] shall report any violations of the requirements contained in Section 2.C. of this renewed operating license in the following manner: initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System with written followup within thirty days in accordance with the procedures described in [Title 10 of the *Code of Federal Regulations* (10 CFR)] 10 CFR Sections 50.73(b), (c) and (e).

In addition to the information provided to support licensing decisions, the NRC obtains information about plant operation, licensee programs, and other matters using a combination of inspections and reporting requirements. Routine or scheduled reports that are required to be submitted to the NRC are defined in the related regulations, specific license condition, technical specification, or an NRC-approved program document. The reporting of emergencies,

unplanned events or conditions, and other special cases may also be addressed within such documents by the inclusion of reporting thresholds and are also the focus of the reporting requirements in 10 CFR 50.72, "Immediate notification requirements for operating nuclear power reactors," and 10 CFR 50.73, "Licensee event report system." Changes to the reporting regulations in 10 CFR Sections 50.72 and 50.73 became effective in January 2001 (see *Federal Register* notice on October 25, 2000 (65 FR 63769) and included extending the allowable reporting times for licensee event reports (LERs) from 30 days to 60 days.

3.0 TECHNICAL EVALUATION

Section 2.F of the MPS3 Facility Operating License requires the licensee to report any violations of the requirements of Section 2.C of the Facility Operating License and defines the method and allowable time periods for such reports. The reporting threshold (i.e., a violation) for the conditions included in Section 2.C of the Facility Operating License duplicate those defined in 10 CFR 50.72 and 10 CFR 50.73. However, the requirements in the Facility Operating License have different deadlines than those defined in the regulations following a rule change in 2001. This difference in reporting requirements has led to variations in reporting since many facility operating licenses do not contain the subject condition. For those licensees with a 30-day reporting requirement in the Facility Operating License, the condition has decreased the benefits of the rulemaking. For those cases where the current Facility Operating License requirement to report violations is also reportable in accordance with the regulations defined in 10 CFR 50.72 and 10 CFR 50.73, the NRC staff finds that the regulations adequately address this issue and the elimination of the duplicative requirement in the Facility Operating License is acceptable.

Some of the conditions addressed in Section 2.C of the Facility Operating License may address the maintenance of particular programs, administrative requirements, or other matters where a violation of the requirement would not result in a report to the NRC in accordance with 10 CFR 50.72 or 10 CFR 50.73. In most cases, there are requirements for reports to the NRC related to these conditions in other regulations, the specific license condition or technical specification, or an NRC-approved program document. In other cases, there are reports to other agencies or news releases that would prompt a report to the NRC (in accordance with 10 CFR 50.72(b)(2)(xi)). The NRC staff also assessed violations of administrative requirements that could be reportable under the current License Condition but that may not have a duplicative requirement in a regulation or other regulatory requirement. The NRC staff finds that the requirements to report such problems within 24 hours with written reports to follow using the LER process is not needed. The NRC staff is confident that the information related to such violations that is actually important to the NRC's regulatory functions would come to light in a time frame comparable to the 60-day LER requirements. The information would become available to the appropriate NRC staff through the inspection program, updates to program documents, resultant licensing actions, public announcements, or some other reliable mechanism.

The NRC staff finds that the elimination of Section 2.F in the MPS3 Facility Operating License will not result in a loss of information to the NRC that would adversely affect either its goal to protect public health and safety or its ability to carry out its various other regulatory responsibilities. Therefore, the elimination of Section 2.F of the Facility Operating License 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

The amendment changes recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). 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.

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.

Principal Contributor: E. Thomas

Date: October 4, 2006

Millstone Power Station, Unit No. 3

cc:

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