

NANCY BURTON  
ATTORNEY AT LAW  
147 CROSS HIGHWAY  
REDDING RIDGE, CONNECTICUT 06876  
TELEPHONE (203) 938-3952  
FAX (203) 938-3168

DOCKETED  
USNRC

'98 JUL 16 A11:12

July 7, 1998  
OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATIONS STAFF

Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington DC 20555

Re: In the Matter of Northeast Nuclear Energy Company  
Docket No. 50-423-LA2  
ASLBP No. 98-743-03-LA

Dear Sirs:

Enclosed please find the Citizens Regulatory Commission Supplement to Intervention Petition, filed in accordance with the ASLBP order dated June 16, 1998.

An unsigned affidavit addressed to the standing of CRC is also attached; the signed affidavit is being submitted under separate cover.

Sincerely,

  
Nancy Burton, Esq.

Encl.

cc: Thomas S. Moore, Chairman  
Dr. Charles N. Kelber  
Dr. Richard F. Cole  
Adjudicatory File  
Office of the Secretary  
Atomic Safety and Licensing Board  
Lillian M. Cuoco, Esq.  
Office of Commission Appellate Adjudication  
David A. Repka, Esq.  
Richard G. Bachmann, Esq.

Via Fax 301-415-5599

SECY-EHD-008

DS03

19318

U.S. NUCLEAR REGULATORY COMMISSION  
RULEMAKING & ADJUDICATIONS STAFF  
OFFICE OF THE SECRETARY  
OF THE COMMISSION

Document Statistics

Postmark Date fm OGC  
Copies Received 1  
Add'l Copies Reproduced 1  
Special Distribution RIDS  
\_\_\_\_\_  
\_\_\_\_\_

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'98 JUL 16 A11:12

Before Administrative Judges:

Thomas S. Moore, Chairman  
Dr. Richard F. Cole  
Dr. Charles N. Kelber

OFFICE OF GENERAL COUNSEL  
RULES AND PROCEDURES  
ADJUDICATION

In the Matter of : Docket No. 50-423-LA-2  
: :  
NORTHEAST NUCLEAR ENERGY : ASLBP No. 98-743-03-LA  
COMPANY : :  
: :  
(Millstone Nuclear Power : :  
Station, Unit No. 3) : July 7, 1998

CRC SUPPLEMENT TO INTERVENTION PETITION

The Citizens Regulatory Commission ("CRC") submits herewith its supplement to the intervention petition, in accordance with the ASLBP order dated June 16, 1998.

10 C.F.R. §2.714(b)(1) Contentions

- I. The proposed dewatering system does not meet criteria for a permanent dewatering system because one of the components, the diesel-powered air compressor, is not safety-related.

Northeast Nuclear Energy Company ("NNECO") asserts in B17141 Attachment 4 that the proposed dewatering system meets the requirements of Standard Review Plan 3.4.1, which provides as follows:

If safety-related structures are protected from below-grade groundwater seepage by means of a permanent dewatering system, then the system should be designed as a safety-related system and meet the single failure proof criterion.

Yet, NNECO acknowledges in Section 9.3.3.4.1, Insert "C," that [e]quipment accessible for repair (such as the portable diesel compressors) is non-safety-related.

Thus, the air compressors which are components of the proposed dewatering system do not qualify as safety-related and, hence, the criteria of Standard Review Plan 3.4.1 are not met.

**II. The proposed amendment contradicts the current FSAR.**

The current Millstone Nuclear Power Station-3 FSAR provides in pertinent part as follows:

**3.4.1.2 Permanent Dewatering System**

There is no safety-related dewatering system for Millstone 3. This system is not applicable.

The proposed amendment inserts the phrase "for adverse hydrology events" between the words "system" and "for" in the first sentence of §3.4.1.2. However, such insertion does not negate the asserted inapplicability of "Permanent Dewatering System."

Thus, it appears that the applicant seeks approval for a proposed amendment to design and install a permanent dewatering system within the criteria of Standard Review Plan 3.4.1 while retaining a contradictory assertion in the FSAR.

**III. The proposed amendment fails to correct the false assertion in MNPS-s FSAR that "[t]he containment and all other Category I structures are protected from groundwater inflow by a waterproof membrane below the groundwater level."**

Millstone Nuclear Power Station-3 FSAR 2.4.14 provides in pertinent part as follows:

The containment and all other Category I structure are protected from groundwater inflow by a waterproof membrane below the groundwater level.

This statement appears to contradict NNECO's acknowledgment in its April 1, 1998 license amendment request submission that:

**Degradation of the waterproof membrane has been detected, allowing groundwater inleakage.**

Further, in B17141 Attachment 3, NNECO estimates that:

The amount of groundwater which consistently bypasses the rubber membrane and enters the RSS sumps is presently on the order of 750 to 1000 gallons per day.

NNECO further acknowledges that the volume of water involved in the inleakage is subject to fluctuations owing to seasonal and climatic conditions.

**IV. Materials submitted in support of the proposed license amendment fail to demonstrate that the air-driven pumps are adequate to maintain operability of all four RSS pumps under all climatic conditions.**

The materials submitted by NNECO fail to demonstrate that the air-driven pumps are adequate to maintain operability of all four RSS pumps under all climatic conditions.

Although MNPS-3 FSAR asserts that the controlling event for flooding at the site is a storm surge resulting from the occurrence of the "probable maximum hurricane" ("PMH"), the submissions fail to demonstrate operability under all climatic conditions.

**V. The proposed amendment fails to demonstrate adequate review of the conditions which may have developed sub-containment basemat prior to detection of groundwater inleakage in the estimated amount of 750 to 1000 gallons per day.**

NNECO's submissions provide no information regarding sub-containment basemat conditions, including possible erosion, tunneling and other changes, attributable to the undetected degradation of the waterproof membrane.

The presence of 750 to 1000 gallons per day of inleakage of groundwater raises significant issues as to whether the integrity of containment is affected; moreover, NNECO's submissions are silent as to the length of time the inleakage has gone undetected and the reasons for failure of detection.

Similarly, although MNPS-3 FSAR assumes certain subsurface soil and groundwater conditions at the site, such conditions may no longer present themselves owing to the unexpected degradation of the waterproof membrane.

NNECO has provided no analysis whatsoever from a professional geohydrologist, for example, concerning current conditions and their impact, if any, on the functionality of the proposed license amendment.

NNECO itself acknowledges the dangers inherent in failure to adequately and appropriately address the degradation of the waterproof membrane. In B17141, Attachment 3, NNECO stated:

**On May 23, 1997, a Configuration Management Program review revealed that inleakage of groundwater results in a potential to flood the Recirculation Spray System (RSS) pump cubicles in the Engineered Safety Features (ESF) Building, if the nonsafety-related sump pumps should fail to operate. This could result in the loss of both trains of RSS. [Emphasis added.]**

NNECO has a history and a propensity to supply incorrect calculations and information in its assessments of safety systems. Such problems contributed significantly to the March 1998 debacle involving expansion joints in the safety-critical RSS system when the expansion joints were damaged by severe vibrations. Indeed, the Independent Corrective Action Verification Program (ICAVP) identified programmatic problems and trending in calculations and calculation control.

**CITIZENS REGULATORY COMMISSION**

By:

  
Nancy Burton, Esq.  
147 Cross Highway  
Redding Ridge CT 06876  
Tel. 203-938-3952

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Thomas S. Moore, Chairman  
Dr. Richard F. Cole  
Dr. Charles N. Kelber

In the Matter of : Docket No. 50-423-LA-2  
: :  
NORTHEAST NUCLEAR ENERGY : ASLBP No. 98-743-03-LA  
COMPANY : :  
: :  
(Millstone Nuclear Power : :  
Station, Unit No. 3) : July 7, 1998

AFFIDAVIT

Joseph H. Besade, having been duly sworn, hereby deposes  
as follows:

1. I am over the age of eighteen (18) years and I believe in  
the obligation of an oath.

2. I reside at 21 Fifth Avenue, Waterford, Connecticut.

3. I have personal knowledge of the matters set forth in  
the Citizens Regulatory Commission petition and supplements.

4. I am a member of the Citizens Regulatory Commission and  
desire and hereby authorize CRC to represent me in proceedings  
before the Atomic Safety and Licensing Board regarding the April  
1, 1998 license amendment application which is the subject of this  
proceeding.

5. I reside at 21 Fifth Avenue with my family.

6. My residence is within two miles of Millstone Nuclear  
Power Generating Station.

7. I have long been concerned about the safe operation of  
Millstone Station.

8. Since my family and I live within the five-mile priority emergency evacuation zone of Millstone Nuclear Power Generating Station, we reside within the area that could not only be directly impacted by an accident at Millstone with off-site consequences, but within an area in which the licensee is required to provide protective actions in such event.

9. The license amendment at issue involves modifications critical to the operation of the recirculation spray system (RSS), itself a critical safety system at Millstone Nuclear Power Generating Station, as well as modifications which concern the integrity of containment basemat; the appropriateness and sufficiency of such modifications has not been fully determined.

10. Approval of such amendment, without adequate and appropriate analysis, will have the effect of reducing safety margins at Millstone Nuclear Power Generating Station and will impact me should an accident result from the reduced safety margins.

11. Accordingly, I believe I am a person directly affected by the proposed action.

*Joseph H. Besade*

Joseph H. Besade

STATE OF CONNECTICUT

ss: Waterford

COUNTY OF NEW LONDON

Sworn to and subscribed before me this 7<sup>th</sup> day of July, 1998.

*[Signature]*

Notary Public

My commission expires: 5/31/2002



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD PANEL

'98 JUL 16 A11:12

Before Administrative Judges:

Thomas S. Moore, Chairman  
Dr. Richard F. Cole  
Dr. Charles N. Kelber

OFFICE OF SECURITY  
RULEMAKING AND  
ADJUDICATIONS STAFF

In the Matter of : Docket No. 50-423-LA-2  
: :  
NORTHEAST NUCLEAR ENERGY : ASLBP No. 98-743-03-LA  
COMPANY : :  
: :  
(Millstone Nuclear Power : :  
Station, Unit No. 3) : July 7, 1998

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing "CRC Supplement to Intervention Petition" and cover letter thereto and Affidavit were sent on July 7, 1998 via U.S. Mail, First Class, postage pre-paid to the following and that a copy was transmitted via facsimile on July 7, 1998 to the ASLBP, via 301-415-5599:

Thomas S. Moore, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington DC 20555

Office of the Secretary  
Rulemaking and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington DC 20555

Dr. Richard F. Cole  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington DC 20555

Atomic Safety and Licensing Board  
U.S. Nuclear regulatory Commission  
Washington DC 20555

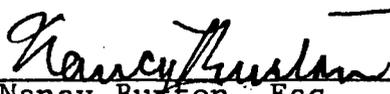
Adjudicatory File  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington DC 20555

Lillian M. Cuoco, Esq.  
Northeast Utilities Service Co.  
P.O. Box 270  
Hartford CT 06141

David A. Repka, Esq.  
Winston & Strawn  
1400 L Street  
Washington DC 20005

Office of Commission Appellate  
Adjudication  
Mail Stop O-16G15  
U.S. Nuclear Regulatory Commission  
Washington DC 20555

Richard G. Bachmann, Esq.  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington DC 20555

  
\_\_\_\_\_  
Nancy Burton, Esq.  
147 Cross Highway  
Redding Ridge CT 06876