

NORTHEAST UTILITIES



THE CONNECTICUT LIGHT AND POWER COMPANY
THE HARTFORD ELECTRIC LIGHT COMPANY
WESTERN MASSACHUSETTS ELECTRIC COMPANY
NEW YORK WATER POWER COMPANY
NORTHEAST UTILITIES SERVICE COMPANY
NORTHEAST NUCLEAR ENERGY COMPANY

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Docket Nos. 50-213
50-245
50-336
A01748



Director of Nuclear Reactor Regulation
Attn: Mr. Dennis M. Crutchfield, Chief
Operating Reactors Branch #5
Mr. Robert A. Clark, Chief
Operating Reactors Branch #3
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

- References: (1) D. M. Crutchfield letter to W. G. Council, dated May 26, 1981.
(2) W. G. Council letter to D. M. Crutchfield and R. A. Clark, dated July 1, 1980.
(3) D. L. Ziemann letter to W. G. Council, dated March 11, 1980.

Gentlemen:

Haddam Neck Plant
Millstone Nuclear Power Station, Unit Nos. 1 and 2
Safeguards Contingency Plan

By Reference (1), Connecticut Yankee Atomic Power Company (CYAPCO) and Northeast Nuclear Energy Company (NNECO) were requested to provide a response to NRC Staff concerns regarding NRC approval of the Safeguards Contingency Plans for the Haddam Neck Plant and Millstone Unit Nos. 1 and 2. Accordingly, the following information is provided.

The discussions of April 29, 1981 in our offices were helpful in enabling us to understand the basis for the Staff's position which was subsequently documented in Reference (1). It remains CYAPCO's and NNECO's position that the existing Plans fully comply with all applicable regulations, including Appendix C to 10CFR73.55. In this letter we will clarify and amplify the basis for our position, originally presented in Reference (2), such that approval of the existing plans can be secured.

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PURPOSE OF SAFEGUARDS
CONTINGENCY PLANS (SCP)

In conjunction with the balance of the Site Security Plan (the Plan), the SCP is designed to ensure that prompt and effective measures are taken in the event of safeguards contingency. It must contain a predetermined set of decisions and actions to satisfy this objective. It is of fundamental importance that the existing SCP, in conjunction with the Site Security Plan and the implementing procedures, delineates those actions necessary and appropriate to effectively respond to any postulated contingency. Based upon previous telephone discussions with the Staff, the meeting of April 29, 1981, and the wording of References (1) and (3) wherein the Staff states:

"It appears that the necessary planning may have been performed since many of the appropriate tasks and decisions are reflected in the responsibility matrix."

the Staff appears to concur that CYAPCO and NNECO have adequately planned for dealing with safeguards contingencies. The only area of disagreement involves the level of detail contained within the SCP as compared to the implementing procedures. Whereas the Staff has stated that they need to be able to definitively ascertain specific assignments to ensure that no conflicts occur, CYAPCO and NNECO believe that a better, more comprehensive plan results from having these assignments made in the implementing procedures. In our view, the effectiveness of the entire Site Security Plan is the important factor, and all aspects of the Plan must be viewed in this larger context.

BASIS FOR POSITION THAT THE SCP COMPLIES WITH
APPENDIX C TO 10CFR73.55

The existing Responsibility Matrices specify decisions and actions to be taken by either the Security Force or the Operating Staff. Appendix C recognizes three levels of detail which can be specified, those being individual, group, or organizational entity. Although these terms are not defined in the regulation, the context of the regulation suggests the inference that the alternatives are arranged in descending levels of specificity. A group constitutes a functional unit larger than an individual, and an organizational entity constitutes a functional unit larger than a group. In the context of the personnel responsibilities, which is the sole remaining issue, CYAPCO and NNECO assert that the Security Force and Operating Staff constitute organizational entities. Appendix C recognizes that varying degrees of detail can be specified at the option of the licensee, and CYAPCO and NNECO have elected to exercise the option of specifying actions by organizational entity.

In further support of this position, an examination of the examples provided in the Enclosure to Reference (1) reveals that the level of detail requested by the Staff is to identify actions by individual (title) or group. It appears that the Staff is rejecting the option in the regulation of identifying responsibility by organizational entity and is insisting instead upon identification of actions by individual or group. Our approach has been to include the additional detail in the supporting procedures, and not in the SCP. Based upon this analysis, CYAPCO and NNECO believe that the existing SCP's are in full compliance with Appendix C.

BASIS FOR THE CONTENT IN
EXISTING SCP'S

The Staff's proposal of Reference (1) would have two extremely undesirable effects:

- (1) Increased frequency of license amendments
- (2) Increased availability of security plan detail in documents which may become available during the hearing process for a license amendment.

Several years ago, contrary to the preferences of CYAPCO and NNECO, the Commission incorporated the Security Plans into the licenses for the three nuclear facilities. As a consequence, all changes to the Security Plan, including the SCP, constitute license amendments. As long as any given change does not degrade the effectiveness of the plan, 10CFR50.54(p) allows implementation of such changes prior to Commission approval. Nonetheless, many of the anticipated changes to the SCP are of a trivial nature and processing these as license amendments would be an unnecessary paperwork burden. For instance, changing the title of an existing position within the security force does not merit the attention given to a license amendment, yet the Reference (1) position would result in this undesirable paperwork exercise.


The implications of the recent decision in Sholly, et al. v. NRC, et al. are especially relevant. Independent of the finding on whether any change constitutes a significant hazards consideration, any license amendment, however trivial from a safety perspective, could result in a hearing if one is requested. Legislation has been proposed to eliminate some of the undesirable effects of the Sholly decision. While such legislation would be of some benefit in this regard, all license amendments could still be the subject of a hearing, even though subsequent to the issuance of an amendment.

In summary, CYAPCO and NNECO have determined that the existing Safeguards Contingency Plans comply with Appendix C to 10CFR73.55, and include the appropriate level of detail. In addition, we have summarized the basis for our position and the adverse effects which could result if we were required to adopt the Staff's position.

We look forward to your written approval of the existing Safeguards Contingency Plans.

Very truly yours,

CONNECTICUT YANKEE ATOMIC POWER COMPANY
NORTHEAST NUCLEAR ENERGY COMPANY



W. G. Council
Senior Vice President