

Northeast
Nuclear Energy

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The Northeast Utilities System

DEC - 4 1998

Docket No. 50-245

B17547

Re: 10CFR50.12
10CFR50.54

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, DC 20555

Millstone Nuclear Power Station, Unit No. 1
Request for Exemption from Certain Requirements of 10CFR50.54,
Conditions of License [10CFR50.54(m)(2)]

On July 21, 1998, Northeast Nuclear Energy Company (NNECO) informed the NRC that Millstone Unit No. 1 Nuclear Plant had permanently ceased operations and that the fuel had been permanently removed from the reactor vessel.⁽¹⁾ Pursuant to 10CFR50.82(a)(2), the certification in the letter modified the Millstone Unit No. 1 license to permanently withdraw the authority to operate the unit. As a result, Millstone Unit No. 1 is only authorized to possess special nuclear material and is prohibited from placing fuel in the reactor vessel.

NNECO has determined that for Millstone Unit No. 1 plant operating activities which require Licensed and Senior Licensed Operators will no longer be conducted. Therefore, a request for exemption from the requirements of 10CFR50.54(m)(2) regarding Licensed Operators has been prepared and is enclosed as Attachment 1 to this letter.

This exemption request is being submitted concurrent with a request for NRC approval of a Certified Fuel Handler Training and Retraining Program,⁽²⁾ and a proposed change

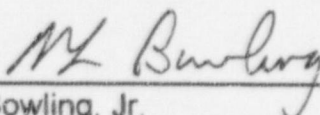
⁽¹⁾ Letter: B. D. Kenyon to USNRC, "Certification of Permanent Cessation of Power Operation and Permanent Removal of Fuel from the Reactor," B17388, dated July 21, 1998.

⁽²⁾ Letter: M. L. Bowling to USNRC, "Certified Fuel Handler Training and Retraining Program," B17548, dated December 4, 1998.

to the Millstone Unit No. 1 Technical Specifications to remove the requirement for Licensed and Senior Licensed Operators in lieu of individuals qualified as Certified Fuel Handlers.⁽³⁾

If you have any questions with regard to this submittal, please contact Mr. Paul Willcoughby at (860) 444-3655.

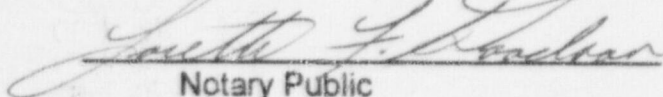
NORTHEAST NUCLEAR ENERGY COMPANY



Martin L. Bowling, Jr.
Recovery Officer - Technical Services

Sworn to and subscribed before me

this 4 day of December, 1998


Notary Public

LORETTA F. GOODSON
NOTARY PUBLIC

My Commission expires _____
Commission Expires November 30, 2001

Attachment

cc: H. J. Miller, Region I Administrator
L. L. Wheeler, NRC Project Manager, Millstone Unit No. 1

⁽³⁾ Letter: M. L. Bowling to USNRC, "Proposed Revision to Technical Specifications, Administrative Controls," B17546, dated December 4, 1998.

Docket No. 50-245
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Attachment 1

Millstone Nuclear Power Station, Unit No. 1
Request for Exemption From Title 10 of the Code of Federal
Regulations, Part 50.54 (10CFR50.54(m)(2))

December 1998

**Request for Exemption from Title 10 Of the Code of Federal
Regulations, Part 50.54 (10CFR50.54(m)(2))**

I. REQUEST FOR EXEMPTION

Northeast Nuclear Energy Company (NNECO) hereby requests exemption for Millstone Unit No. 1 Nuclear Plant from the requirements 10CFR50.54(m)(2). NNECO has decided to permanently cease operation of the Millstone Unit No. 1. Certification of Permanent Cessation of Operation and Removal of Fuel from the Reactor has been docketed pursuant to 10CFR50.82.⁽¹⁾ Plant operating activities which require Licensed Operators and Senior Licensed Operators are no longer conducted. This request for exemption is being submitted concurrent with a request for approval of a Certified Fuel Handler Training and Retraining Program,⁽²⁾ and a proposed change to the Millstone Unit No. 1 Technical Specifications to remove the requirement for Licensed and Senior Licensed Operators in lieu of individuals qualified as Certified Fuel Handlers.⁽³⁾

10CFR50.54(m)(2) specifies the minimum requirements for staffing by Licensed Operators and Senior Licensed Operators. Pursuant to this requirement, one Licensed Operator and one Senior Licensed Operator are currently required at Millstone Unit No. 1.

II. JUSTIFICATION FOR GRANTING THE EXEMPTION REQUEST

The specific requirements for granting exemptions to 10CFR50 regulations are set forth in 10CFR50.12. Under Section 50.12(a)(1), the Commission is authorized to grant an exemption upon demonstration that the exemption: (A) is authorized by law, (B) will not present an undue risk to the public health and safety, and (C) is consistent with the common defense and security. Under Section 50.12(a)(2), special circumstances must exist for the NRC to consider the exemption request. Special circumstances include: (A) particular circumstances where the application of the regulation would not serve the underlying purpose of the rule and is not necessary to achieve the underlying purpose of the rule, and (B) undue hardship or costs that are significantly in excess of those incurred by others similarly situated. The following justification demonstrates that the Commission should grant the requested exemption.

⁽¹⁾ Letter: B. D. Kenyon to USNRC, "Certification of Permanent Cessation of Power Operation and Permanent Removal of Fuel from the Reactor," B17388, dated July 21, 1998.

⁽²⁾ Letter: M. L. Bowling to USNRC, "Request for Approval of a Certified Fuel Handler Training and Retraining Program," B17548, dated December, 1998.

⁽³⁾ Letter: M. L. Bowling to USNRC, "Proposed Revision to Technical Specifications, Administrative Controls," B17546, dated December, 1998.

NNECO has submitted Certifications of Permanent Cessation of Operations and Permanent Removal of Fuel from the Reactor pursuant to 10CFR50.82(a)(1)(i) and (ii) and 10CFR50.4(b)(8) and (9). The 10CFR Part 50 license no longer authorizes operation of the reactor or placement or retention of fuel in the reactor vessel. Therefore, plant operating activities which require Licensed or Senior Licensed Operators are no longer conducted and there is no need to maintain NRC licensed personnel on duty in the Unit 1 Control Room. Exempting Millstone Unit No. 1 from this requirement shall not be construed as reducing the staffing requirements for Millstone Unit Nos. 2 and 3.

III. CONCLUSION

NNECO has concluded that the requested exemption from 10CFR50.54(m)(2) is justified. It is authorized by the law, does not present undue risk to the public health and safety, and is consistent with the common defense and security. The proposed exemption meets the requirements of 10CFR50.12(a)(2)(ii), in that maintaining Licensed Operators and Senior Licensed Operators in the Control Room for Millstone Unit No. 1, when plant operating activities will no longer be conducted, does not serve the underlying purpose of the rule. The request for change to the Technical Specifications discussed previously requires that a qualified individual be present in the Control Room whenever irradiated fuel is in the fuel pool. The minimum staffing requirements for the operating units (Millstone Unit Nos. 2 and 3) will still be maintained as required by 10CFR50.54(m)(2). The proposed exemption also meets the requirements of 10CFR50.12(a)(2)(iii) in that the maintenance of Senior Licensed Operators and Licensed Operators in the Control Room for Millstone Unit No. 1 would result in undue costs associated with training and maintaining qualification, since activities requiring their presence are no longer conducted.

IV. ENVIRONMENTAL IMPACT

NNECO has reviewed the proposed exemption against the criteria in 10CFR51.22 for environmental considerations. The proposed exemption is administrative in nature. As such, the exemption will not result in type or quantity of radioactive or non-radioactive effluents, an increase in licensed power level, or a change to the plant configuration. Therefore, NNECO concludes that the proposed exemption will not have a significant impact on the environment.