

RAS 4127

RELATED CORRESPONDENCE

DOCKETED
USNRC

March 20, 2002 (11:25AM)

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of: : Docket No. 50-423-LA-3
Dominion Nuclear Connecticut, Inc. : ASLBP No. 00-771-01-LA-R
(Millstone Nuclear Power Station, :
Unit No. 3) : MARCH 7, 2002

**CONNECTICUT COALITION AGAINST MILLSTONE AND LONG ISLAND
COALITION AGAINST MILLSTONE'S RESPONSE TO DOMINION NUCLEAR
CONNECTICUT'S FIRST SET OF INTERROGATORIES AND DOCUMENT
REQUEST IN THE REOPENED PROCEEDING**

In accordance with the schedule established in the Atomic Safety and
Licensing Board ("Licensing Board") Memorandum and Order (Telephone
Conference Call, 3/28/02) issued on March 6, 2002, Connecticut Coalition
Against Millstone and Long Island Coalition Against Millstone (collectively,
"Intervenors") respond herewith to Dominion Nuclear Connecticut, Inc.'s First Set
of Interrogatories and Document Request dated January 25, 2002.

Interrogatories

Interrogatory 1: Identify each person who supplied information for responding
to these interrogatories. Specifically note the interrogatories for which each such
person supplied information.

Response: Not applicable. See Responses *infra*.

Interrogatory 2: Identify each person whom Intervenors expect to provide
sworn affidavits or declarations in connection with the written filing for this
Subpart K proceeding, and each person who would testify in any subsequent
evidentiary hearing. For each person identified, describe that person's
professional affiliation, address, area of professional expertise, qualifications and

Template=SECY-035

SECY-02

educational and scientific experience. Also, describe the general subject matter on which each such identified person is expected to provide sworn affidavits or testimony in this proceeding.

Response: David A. Lochbaum, nuclear safety engineer with the Union of Concerned Scientists, 16 P Street NW, Washington DC, who has been previously disclosed as an expert witness for the Intervenor in these proceedings, may provide a sworn affidavit or declaration in connection with the written filing for the Subpart K proceeding and he may present testimony in a subsequent evidentiary hearing. If presented, the subject matter would generally address the issue of administrative controls in spent fuel pools and more specifically the loss of administrative controls at Millstone Unit 1.

The Intervenor reserves the right to present other witnesses.

Interrogatory 3: Identify each document that Intervenor expects to submit, reference, cite or otherwise rely on in the written filing in this Subpart K proceeding.

Response: The Intervenor intends to submit, reference, cite or otherwise rely upon *inter alia* documents and materials previously released by the Licensee, the NRC Staff, the Office of Investigation, the Office of the Inspector General in these and related proceedings; and documents and materials previously disclosed by the Intervenor; and the following document, subject to reservation of the right to submit, reference, cite or otherwise rely on other documents as appropriate:

Licensee Event Report 2001-007-00

Interrogatory 4: Identify and give a description of any specific relief, remedy, corrective actions, order, or other action that Intervenor will request in connection with the reopened Contention 4 in this Subpart K proceeding and state the basis for such request.

Response: The Intervenor will request an adjudicatory hearing on reopened Contention 4 to resolve disputed issues of law and fact, as to be more particularly set forth in their Detailed Written Summary, and they will thereafter seek such relief as is appropriate including orders sustaining their challenge to the license amendment application at issue.

Interrogatory 5: Identify and describe each Millstone Unit 1 fuel pool procedure or other administrative control whose non-compliance or inadequacy Intervenor asserts resulted in or contributed to the loss or misplacement of the

two fuel rods reported missing by Licensee Event Report 2000-02-00 (filed on January 11, 2001). This response should identify:

- (a) the specific provision of each procedure or administrative control with which the Licensee did not comply, or which was inadequate to protect the public health and safety; and
- (b) the acts of the Licensee that would have constituted compliance, or such terms of the procedure or administrative control that would have sufficiently protected public health and safety.

Response: The Intervenor object to this Interrogatory. The information sought is beyond the proper scope of discovery as directed against the Intervenor. The Licensee has acknowledged that its failure to adhere to its own administrative controls caused it to lose accountability of the spent fuel rods, which controls remain inadequate in that the fuel rods remain unaccounted for.

Interrogatory 6: Identify and describe each Millstone Unit 3 spent fuel pool procedure or other administrative control that Intervenor assert is brought into question by any Unit 1 inadequacy or non-compliance identified in response to Interrogatory 5, either in terms of:

- (a) the adequacy of the Unit 3 procedure or administrative control itself;
- (b) the ability or willingness of the current Licensee to implement such procedures or administrative controls to protect public health and safety.

Response: The Intervenor object to this Interrogatory. The information sought is beyond the proper scope of discovery as directed against the Intervenor.

Interrogatory 7: For each Millstone Unit 1 and Unit 3 spent fuel pool procedure or administrative control identified in response to the preceding two interrogatories, identify and describe, in specific detail, each commonality in the substance, purpose or execution of such procedures or administrative controls, as between Unit 1 and Unit 3, that Intervenor assert renders the Unit 3 procedure or administrative control susceptible to inadequacy or non-compliance.

Response: See objections to Interrogatories 5 and 6.

Interrogatory 8: List all reasons that Intervenor will assert to support a conclusion that Dominion Nuclear Connecticut will not or cannot comply with the Millstone Unit 3 administrative controls that support the license amendment at issue in this Subpart K proceeding to prevent a criticality accident in the Unit 3 spent fuel pool.

Response: The Intervenor object to this Interrogatory. The Interrogatory improperly calls upon the Intervenor to speculate as to future specific acts of wilful misconduct and/or negligence on the part of Dominion Nuclear Connecticut, Inc.

Interrogatory 9: State whether Intervenor will assert that loss of one or more individual fuel rods (removed from a fuel assembly) would lead to a nuclear criticality accident in the Millstone Unit 3 spent fuel pool. If so, state the basis for this position and list all reasons that will be given in the written filing in this Subpart K. proceeding. Specifically identify how many fuel rods would need to be lost to cause a criticality accident.

Response: The Intervenor object to this Interrogatory because it is nonsensical.

Document Request


The Intervenor provide herewith the following document identified in response to Interrogatory 3:

Licensee Event Report 2001-007-00

Respectfully submitted,

**CONNECTICUT COALITION AGAINST
MILLSTONE
LONG ISLAND COALITION AGAINST
MILLSTONE**

By:


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

Dominion Nuclear Connecticut, Inc.
Millstone Power Station
Rope Ferry Road
Waterford, CT 06385



Dominion

DEC 17 2001

Docket No. 50-336
B18533

RE: 10 CFR 50.73(a)(2)(ii)
10 CFR 50.73(a)(2)(v)

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

Millstone Nuclear Power Station, Unit No. 2
Licensee Event Report 2001-007-00
Movement of Heavy Loads Not Addressed In Procedure

This letter forwards Licensee Event Report (LER) 2001-007-00, which related to a condition that was discovered at Millstone Nuclear Power Station, Unit No. 2, on October 22, 2001. This LER is being submitted pursuant to 10 CFR 50.73(a)(2)(ii) and 10 CFR 50.73(a)(2)(v).

There are no regulatory commitments contained within this letter.

Should you have any questions regarding this submittal, please contact Mr. David W. Dodson at (860) 447-1791, extension 2346.

Very truly yours,

DOMINION NUCLEAR CONNECTICUT, INC.

C. J. Schwarz
Master Process Owner - Operate the Asset

Attachment (1): LER 2001-007-00

cc: H. J. Miller, Region 1 Administrator
J. T. Harrison, NRC Project Manager, Millstone Unit No. 2
NRC Senior Resident Inspector, Millstone Unit No. 2

JE02

MAR-04-2002 14:00

P.03/06

Docket No. 50-336
B18533

Attachment 1

Millstone Nuclear Power Station, Unit No. 2

LER 2001-007-00

NRC FORM 366 (1-2001)			U.S. NUCLEAR REGULATORY COMMISSION			APPROVED BY OMB NO. 3150-0104 EXPIRES 6-30-2001 Estimated burden per response to comply with this mandatory information collection request: 60 hours. Reported lessons learned are incorporated into the licensing process and fed back to industry. Send comments regarding burden estimates to the Records Management Branch (T-6 ES), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to: bia1@nrc.gov , and to the Desk Officer, Office of Information and Regulatory Affairs, NEOS-10202 (3150-0104), Office of Management and Budget, Washington, DC 20503. If a means used to impose information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.					
LICENSEE EVENT REPORT (LER) (See reverse for required number of digits/characters for each block)						DOCKET NUMBER (2) 05000336			PAGE (3) 1 OF 3		
FACILITY NAME (1) Millstone Nuclear Power Station - Unit 2											
TITLE (4) Movement of Heavy Loads not Addressed in Procedure											
EVENT DATE (5)			LER NUMBER (6)			REPORT DATE (7)			OTHER FACILITIES INVOLVED (8)		
MO	DAY	YEAR	YEAR	SEQUENTIAL NUMBER	REV. NO.	MO	DAY	YEAR	FACILITY NAME	DOCKET NUMBER	
10	22	2001	2001 - 007 - 00			12	17	2001	FACILITY NAME	DOCKET NUMBER	
									05000		
									05000		
OPERATING MODE (9)			1			THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR §: (Check all that apply) (11)					
POWER LEVEL (10)			100			20.2201(b)			20.2203(a)(3)(II)		
						20.2201(d)			20.2203(a)(4)		
						20.2203(a)(1)			50.86(c)(1)(I)(A)		
						20.2203(a)(2)(I)			50.86(c)(1)(II)(A)		
						20.2203(a)(2)(II)			50.86(c)(2)		
						20.2203(a)(2)(III)			50.46(a)(3)(II)		
						20.2203(a)(2)(IV)			50.73(a)(2)(I)(A)		
						20.2203(a)(2)(V)			50.73(a)(2)(II)(B)		
						20.2203(a)(2)(VI)			50.73(a)(2)(I)(C)		
						20.2203(a)(3)(I)			50.73(a)(2)(II)(A)		
									50.73(a)(2)(VI)(B)		
									50.73(a)(2)(VII)(A)		
									50.73(a)(2)(VII)(B)		
									OTHER Specify in Abstract below or In NRC Form 366A		
LICENSEE CONTACT FOR THIS LER (12)											
NAME						TELEPHONE NUMBER (Include Area Code)					
David W. Dodson, Team Lead - Compliance						860-447-1791					
COMPLETE ONE LINE FOR EACH COMPONENT FAILURE DESCRIBED IN THIS REPORT (13)											
CAUSE	SYSTEM	COMPONENT	MANU- FACTURER	REPORTABLE TO EPIX	CAUSE	SYSTEM	COMPONENT	MANU- FACTURER	REPORTABLE TO EPIX		
SUPPLEMENTAL REPORT EXPECTED (14)											
YES (If yes, complete EXPECTED SUBMISSION DATE).						X NO		EXPECTED SUBMISSION DATE (15)		MONTH	DAY
ABSTRACT (Limit to 1400 spaces, i.e., approximately 15 single-spaced typewritten lines)(16)											
<p>It has been identified that no safe load path exists for lifts of new fuel shipping containers and spent resin casks at Millstone Unit No. 2 in the area of the cask washdown pit and the associated lifting device is not single failure proof. Safety related commodities are located both in the pipe trench below the cask pit floor and on the west wall of the railroad access bay. Load lifts on the order of 24 feet are required to bring material into and out of the spent fuel pool area via this load path. Previously it was identified that a 50 ton reactor coolant pump motor was stored in the cask washdown pit and that the drop of this motor would result in failure of the floor and potential damage to safety related components in the pipe trench.</p> <p>The root cause for the failure to identify heavy load paths is inadequate work practices in the Millstone engineering department in the area of programs.</p> <p>Remedial corrective actions taken to date include marking the location of the pipe trench on the railroad access bay floor and removal of the reactor coolant pump motor from the cask washdown pit using a NUREG-0612 compliant lift. Additional corrective actions are being addressed in accordance with the Millstone Corrective Action Program.</p>											

NRC FORM 356A
(1-2001)

U.S. NUCLEAR REGULATORY COMMISSION

LICENSEE EVENT REPORT (LER)

FACILITY NAME (1)	DOCKET (2)	LER NUMBER (6)			PAGE (3)
Millstone Nuclear Power Station - Unit 2	05000336	YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	23 OF 3
		2001	- 007 -	00	

NARRATIVE (If more space is required, use additional copies of NRC Form 356A) (17)

1. Event Description

On October 22, 2001, with the plant in mode one at one hundred percent power, it was discovered that heavy loads have been historically moved at Millstone Unit No. 2 without appropriate procedural guidance. In order to support plant operation and refueling activities, various items need to be lifted and transported to locations within the power block and yard. These lifts and movements are controlled by procedures which take into consideration safety related structures, systems, components, and fuel which may be adversely effected by a load drop. Historically this issue has been addressed via the guidance provided in NUREG-0612, "Control of Heavy Loads at Nuclear Power Plants." Commitments were established for procedural controls, conduct of operations for cranes, and safe load paths.

The Millstone Unit No. 2 Spent Fuel Pool Area, 38'-6" elevation of the Auxillary Building [NF], as well as the cask washdown pit, is addressed by procedure MP 2712B1, "Control of Heavy Loads." The procedure shows the Spent Fuel Pool as a restricted area for lifts, with a safe load path adjacent to the pool. Historically, loads such as new fuel, spent resin casks, and other items have been lifted from the railroad access bay at the 14'-6" elevation, to and from the 38'-6" elevation, over a safety related pipe trench. Most recently, a spare reactor coolant pump [P] motor [MO] was lifted into the cask washdown pit. However, these loads have been lifted over the safety related pipe trench using a crane [CRN] that is not "single failure proof" as described in NUREG-0612.

The safety related pipe trench lies below the cask washdown pit and the railroad access bay floor. The trench contains conduit [CND], cable raceways [TRLY] and safety related piping, including redundant refueling water storage tank [TK] (RWST) suction headers and redundant emergency diesel Service Water [LB] headers. The drop of a heavy load in the area of the cask washdown pit could cause failure of the floor slab resulting in damage to the safety related pipe trench. In addition, the end wall of the railroad access bay supports various safety related items that could be damaged while performing heavy load lifts in the area.

The cask crane is not "single failure proof" as described in NUREG-0612. The crane is a conventional 100 ton beam crane. The factor of safety requirements for rigging, presented in NUREG-0612, can be extended to the hook and other load bearing components where the stress distributions do not change as the load is being either lifted or transported horizontally, however, it cannot be extended to the other parts such as the cable, sheaves, etc. where the stress distribution does change while the load is being lifted/transported. Thus a failure of one of these parts must be considered even though the probability of such a failure is very low. If one of these parts does fail, the load will not necessarily fall straight down. If a sheave were to fail or if the cable somehow rides up over the edge of a sheave, and then fails, the block will tilt prior to releasing the load. The center of gravity of the load will move to remain directly beneath the location of the support force. This support force location will be constantly changing as the cable unloads. Hence, an initial angle and/or slight tendency to tumble cannot be precluded.

Should a load drop have occurred, the floor of the cask pit could have failed and the resulting impact to the safety related structures below the floor may have resulted in a loss of safety function for the RWST and Service Water system. The ability to safely shutdown the plant under these circumstances would have been a significant challenge and is not an analyzed condition for the facility.

On the basis of the above, this condition is considered to be reportable under 10 CFR 50.73(a)(2)(ii) as an unanalyzed condition which could significantly degrade plant safety, and 50.73(a)(2)(v) as a condition that could have prevented the fulfillment of the safety function.

2. Cause

The root cause for the failure to identify heavy load paths is inadequate engineering work practices in the Millstone engineering department in the area of programs.

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	:	Docket No. 50-423-LA-3
Dominion Nuclear Connecticut, Inc.	:	ASLBP No. 00-771-01-LA-R
(Millstone Nuclear Power Station, Unit No. 3)	:	MARCH 7, 2002

CERTIFICATE OF SERVICE

I hereby certify that a copy of "Connecticut Coalition Against Millstone and Long Island Coalition Against Millstone's Response to Dominion Nuclear Connecticut's First Set of Interrogatories and Document Request in the Reopened Proceeding" was served upon the following on March 7, 2002 via U.S. Mail, first class, postage pre-paid . Additional e-mail service was made on March 7, 2002 as indicated below.

Charles Bechhoefer, Chairman
Administrative Judge
Atomic Safety and Licensing Board
Board
U.S. Nuclear Regulatory Commission
Commission
Washington DC 20555-0001
(e-mail: cxb2@nrc.gov)

Dr. Charles N. Kelber
Administrative Judge
Commission
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission

Washington DC 20555-0001
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Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission

Dr. Richard Cole
Administrative Judge
Atomic Safety and Licensing

U.S. Nuclear Regulatory

Washington DC 20555-0001
(e-mail: rhc1@nrc.gov)

Office of the Secretary
U.S. Nuclear Regulatory

Washington DC 20555
Attn: Rulemakings and
Adjudications
Staff

(original + two copies)
(e-mail: HEARINGDOCKET@nrc.gov)

Adjudicatory File
Atomic Safety and Licensing
Board

Washington DC 20555


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