

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

NORTHEAST NUCLEAR ENERGY
COMPANY, ET AL.

(Millstone Unit 1)

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Docket No. 50-245

EXEMPTION

I.

The Connecticut Light and Power Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (the licensees) are the holders of Provisional Operating License No. DPR-21 which authorizes the operation of Millstone Unit 1 (the facility) at the steady-state power levels not in excess of 2011 megawatts thermal. The facility is a pressurized water reactor located at the licensee's site in New London County, Connecticut. The license provides, among other things, that it is subject to all rules, regulations and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II.

Section 50.71(e)(3)(ii) of 10 CFR Part 50 requires that those plants initially subject to the NRC's systematic evaluation program (SEP) must file a complete updated final safety analysis report within 24 months after receipt of notification that the SEP has been completed. By letter dated March 16, 1983, the staff informed Northeast Nuclear Energy Company (NNECO) that SEP had been completed for Millstone Unit 1 and that, pursuant to 10 CFR 50.71(e)(3), the licensee was required to file an updated Final

Safety Analysis Report (FSAR). By letter dated February 4, 1985 the licensee requested an exemption to defer submittal of the updated FSAR on the bases that ongoing reviews (e.g., the Integrated Safety Assessment Program) would directly affect the content of the updated FSAR and that the required submittal would affect the work of the licensee's engineering personnel on issues of higher safety significance.

The NRC staff reviewed the licensee's request and granted the exemption, by letter dated April 11, 1985. However, the staff determined that only a six month exemption from compliance with 10 CFR 50.71 was warranted at that time. As detailed in the April 11, 1985 exemption, any additional exemptions from compliance with 10 CFR 50.71 would be granted by the Director of Licensing only upon review and approval of a program plan containing schedules or milestones for the submittal of an updated FSAR for Millstone Unit 1.

By letter dated September 13, 1985, the licensee requested an additional exemption from the schedular requirements of 10 CFR 50.71 for the submittal date of an updated FSAR. However, the NRC staff, by letter dated October 2, 1985, informed NNECO that this exemption request was not responsive to the terms identified in the exemption granted on April 11, 1985, and therefore, the exemption request was denied. The denial was based on the licensee's failure to supply the required milestones or schedules, but left open the possibility of further consideration by the staff provided the licensee took certain actions by October 11, 1985.

By letter dated October 11, 1985, NNECO resubmitted a request for an additional exemption to the scheduler requirements of 10 CFR 50.71 for an updated FSAR. In that letter, NNECO stated that the FSAR update would be based largely on the format of Regulatory Guide 1.70, Revision 3, which would result in a more comprehensive document than would result from minimal compliance with 10 CFR 50.71. NNECO also provided milestones for the submittal of component parts of an updated FSAR and a completion schedule for the entire FSAR update. The following are the commitments made and the scheduled completion dates:

PROGRAM

SUBMITTAL DATE

1. Provide a concise program description and current reference to stand alone documentation for:

April 30, 1986

- a) Radiation Protection
- b) Emergency Planning
- c) Industrial Security
- d) Quality Assurance
- e) Technical Specifications
- f) Radiological Effluent Monitoring and Offsite Dose Calculation Manual and Plant Process Control Program

2. Provide current systems descriptions and instrumentation drawings for all safety-related systems and major balance-of-plant systems

July 1, 1986

<u>PROGRAM</u>	<u>SUBMITTAL DATE</u>
3. Provide updated FSAR Chapters 1, 2, 4, 7, 8, 10, 11, 12, 13, 15, 16, 17	December 31, 1986
4. Provide remaining FSAR Chapters with some editing of the earlier submittals	March 31, 1987

Based upon these milestones, the licensee requested relief from the completion date requirement for the updated FSAR until March 31, 1987.

The staff has reviewed the licensee's request for an exemption from the Millstone Unit 1 updated FSAR submittal date. The staff finds that the licensee's request meets the requirements identified in the exemption granted on April 11, 1985 and also finds the proposed and completion schedule to be acceptable.

The NRC staff considered safety aspects of the requested exemption from the updated FSAR submittal date. The proposed exemption affects only the required date for updating the FSAR and does not affect the risk of facility accidents. Thus, the granting of the requested exemption will have no significant impact on plant safety.

The public interest will be served by granting the exemption since the licensee can continue to use its personnel to complete other work of higher safety significance sooner than would be the case if personnel or other resources were diverted to update the FSAR immediately.

Based on its review, the staff concludes that issuance of this exemption will have no significant effect on plant safety. Further, this action is in the public interest and good cause has been shown to support the exemption.

Therefore, an exemption until March 31, 1987 is being granted by the staff for the submittal of an updated FSAR for Millstone Unit 1. Any significant deviation from the proposed completion schedule (i.e., failure to supply information within 30 days of the scheduled completion date) will be considered a violation of the terms of the exemption and may result in the voiding of the exemption and subsequent enforcement/compliance action. The Director, Division of Licensing, ONRR, may grant changes to the scheduled milestones if the licensee's request is timely and shows good cause for the proposed change. However, the staff will not consider any subsequent exemption requests beyond the currently scheduled March 31, 1987 completion date.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (50 FR 48284, November 22, 1985).

III.

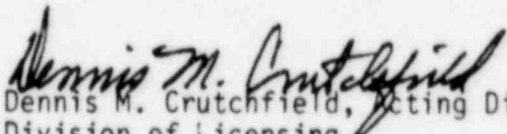
Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following temporary exemption from compliance with 50.71(e).

An updated FSAR containing those original pages of the FSAR that are still applicable plus updated replacement pages shall be filed under the schedule and conditions described in Section II above. The final completion date for the FSAR update effort shall be March 31, 1987. This updated FSAR

shall bring the FSAR up to date as of a maximum of 6 months prior to the date of filing the updated FSAR, with subsequent revisions no less frequently than annually thereafter.

Dated at Bethesda, Maryland, this 22nd day of November 1985.

FOR THE NUCLEAR REGULATORY COMMISSION


Dennis M. Crutchfield, Acting Director
Division of Licensing
Office of Nuclear Reactor Regulation