

August 13, 2004

Mr. David A. Christian
Sr. Vice President and Chief Nuclear Officer
Dominion Nuclear Connecticut, Inc.
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060-6711

SUBJECT: MILLSTONE POWER STATION, UNIT NO. 2 - USE OF ANNULLED CODE
CASE N-2 REQUIREMENTS FOR CORROSION RESISTANT STEEL
(TAC NO. MC3859)

Dear Mr. Christian:

By letter dated July 22, 2004, Dominion Nuclear Connecticut, Inc. (DNC) submitted relief request RR-89-51 requesting approval by August 12, 2004. This relief requests approval to use an alternative to the requirements of the American Society of Mechanical Engineers Code (ASME Code), Section III, 1998 Edition with the 2000 Addenda, for the use of annulled ASME Code Case N-2 in association with the replacement of the Control Element Drive Mechanism housings for the Millstone Power Station, Unit No. 2 (MP2).

ASME Code Case N-2 is identified in the Nuclear Regulatory Commission (NRC) Regulatory Guide (RG) 1.84, Revision 32, dated June 2003 as an annulled ASME Code Case. RG 1.84 states: "After a Code Case is annulled and 10 CFR [Title 10 of the *Code of Federal Regulations*] Section 50.55a and this guide are amended, licensees may not implement that ASME Code Case for the first time". The RG and 10 CFR 50.55a have been amended to reflect the annulment and, therefore, the DNC request to implement this ASME Code Case for the first time at MP2 is contrary to the RG without justification for how the proposal meets the objectives of the RG.

The NRC considers that your submittal does not provide enough lead time (three weeks from the date of your letter) for NRC review and your submittal is inadequate (proposed use of an annulled ASME Code Case without appropriate justification); therefore, we are taking no further action on your request. We informed Mr. David Dodson, of your staff, of our decision during a telephone call on August 3, 2004.

Sincerely,

/RA/

James W. Clifford, Chief, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-423

cc: See next page

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NAME	VNerses	CRaynor	TChan	JClifford
DATE	8/12/04	8/12/04	8/12/04	8/12/04

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Millstone Power Station, Unit No. 2

cc:

Lillian M. Cuoco, Esquire
Senior Counsel
Dominion Resources Services, Inc.
Rope Ferry Road
Waterford, CT 06385

Edward L. Wilds, Jr., Ph.D.
Director, Division of Radiation
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

First Selectmen
Town of Waterford
15 Rope Ferry Road
Waterford, CT 06385

Charles Brinkman, Director
Washington Operations Nuclear Services
Westinghouse Electric Company
12300 Twinbrook Pkwy, Suite 330
Rockville, MD 20852

Senior Resident Inspector
Millstone Power Station
c/o U.S. Nuclear Regulatory Commission
P.O. Box 513
Niantic, CT 06357

Mr. W. R. Matthews
Senior Vice President - Nuclear Operations
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Mr. P. J. Parulis
Manager - Nuclear Oversight
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Mr. J. Alan Price
Site Vice President
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road

Waterford, CT 06385

Mr. John Markowicz
Co-Chair
Nuclear Energy Advisory Council
9 Susan Terrace
Waterford, CT 06385

Mr. Evan W. Woollacott
Co-Chair
Nuclear Energy Advisory Council
128 Terry's Plain Road
Simsbury, CT 06070

Ms. Nancy Burton
147 Cross Highway
Redding Ridge, CT 00870

Mr. G. D. Hicks
Director - Nuclear Station Safety and
Licensing
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Mr. S. E. Scace
Assistant to the Site Vice President
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Mr. Chris L. Funderburk
Director, Nuclear Licensing and
Operations Support
Dominion Resources Services, Inc.
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060-6711

Millstone Power Station, Unit No. 2

cc:

Mr. A. J. Jordan, Jr.
Director - Nuclear Engineering
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Mr. S. P. Sarver
Director - Nuclear Station Operations
and Maintenance
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Mr. David W. Dodson
Licensing Supervisor
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385