



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 21, 1994

Docket No. 50-336  
NOED No. 94-6-005

Mr. John F. Opeka  
Executive Vice President, Nuclear  
Connecticut Yankee Atomic Power Company  
Northeast Nuclear Energy Company  
Post Office Box 270  
Hartford, Connecticut 06141-0270

Dear Mr. Opeka:

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION ASSOCIATED WITH THE LCO'S OF THE  
MILLSTONE UNIT 2 CONTROL ROOM EMERGENCY VENTILATION SYSTEM AND THE  
ENCLOSURE BUILDING FILTRATION SYSTEM, TECHNICAL SPECIFICATIONS  
3.7.6.1 & 3.6.5.1 RESPECTIVELY (TAC NO. M89230)

This letter confirms that on April 15, 1994, the Nuclear Regulatory Commission (NRC) granted orally Northeast Nuclear Energy Company's (NNECO's) request by letter of April 14, 1994, for enforcement discretion associated with the Limiting Conditions for Operation (LCO) for the Millstone Unit 2 Control Room Emergency Ventilation System (Technical Specification (TS) 3.7.6.1) and the Enclosure Building Filtration System (TS 3.6.5.1) until a proposed license amendment is issued. The proposed license amendment would change the laboratory testing protocol for the charcoal absorbers for the two systems.

The basis for the request for enforcement discretion is because of the current TS. The current TS require that sample charcoal canisters from the charcoal absorbers be tested in accordance with ANSI Standard N509-1976 as referenced in NRC Regulatory Guide 1.52, Revision 2, March 1978. The discretionary enforcement would allow NNECO to test the charcoal in accordance with the 1989 ASTM Standard D3803-89 and would not require compliance with Technical Specification Limiting Conditions for Operation 3.7.6.1 and 3.6.5.1 until the proposed amendment is issued. ASTM Standard D3803-1989 provides more accurate test results than the method in the current TS.

During the review of the recent ventilation system testing, the licensee's Quality Services Department discovered a discrepancy in the references identified in the vendor test procedure as compared to the Millstone Unit 2 TS requirements. Further, on April 12, 1994, the licensee discovered that the vendor's test equipment could not support the laboratory test required by the testing standard currently referenced in the Millstone Unit No. 2 TS. The in-place charcoal for the "B" facilities of the Control Room Emergency Ventilation System and the Enclosure Building Ventilation charcoal filters were conservatively determined to be inoperable because the surveillance performed on these units had been satisfied utilizing a standard (ASTM Standard

250012

9404270175 940421  
PDR ADOCK 05000336  
P PDR

NRC FILE CENTER COPY

DF01/10

D3803-79/86) not specified in the Millstone Unit 2 TS. Thus the licensee immediately declared the affected facilities inoperable and entered the 7 day action statements. The action statements require the affected systems to be restored to an operable status within 7 days or the plant be placed in at least hot standby within the next 6 hours and in cold shutdown within the following 30 hours.

By letter dated April 14, 1994, the licensee requested an emergency license amendment that would change the laboratory testing of charcoal canisters of the carbon absorbers of the Control Room Emergency Ventilation System and the Enclosure Building Filtration System to the requirements of ASTM Standard D3803-89. This was discussed with the licensee on April 15, 1994, and the licensee agreed to modify the request to more specifically specify the conditions and acceptance criteria of the laboratory tests. Also, the licensee indicated that canisters of carbon samples from the charcoal absorbers would be tested by the ASTM Standard D3803-89 before the expiration of their 7 day action statement to verify the operability of the charcoal absorbers by this standard.

Based on our review of your justifications identified above, your remaining supporting material provided in your submittal relative to the justification for this Notice of Enforcement Discretion and your commitments to modify your TS change request to specify specific requirements of ASTM Standard D3803-89 and to the testing of carbon canisters in accordance with the ASTM Standard D3803-89 before the expiration of the 7 day action statement, the staff has concluded that this course of action involves minimum safety impact, and we are satisfied that the exercise of enforcement discretion is warranted from a public health and safety perspective. The staff is planning to issue a license amendment on an exigency basis with a supporting safety evaluation. The staff is also currently processing a Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing in accordance with 10 CFR 50.91(a)(6) and 10 CFR 2.105(a)(4)(ii). It is our intention to exercise discretion not to enforce compliance with Technical Specification Limiting Conditions of Operation 3.7.6.1 and 3.6.5.1 until the proposed amendment is issued. Although enforcement discretion is granted, we will consider enforcement action, as appropriate, for the circumstances that led to the need for this exercise of enforcement discretion.

Sincerely,  
Original signed by Charlie L. Miller  
for: Jose A. Calvo, Assistant Director  
for Region I Reactors  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

cc: See next page \*SEE PREVIOUS CONCURRENCE

OFFICE:	LA:PDI-4	PH:PDI-4	D:PDI-4	D:DSSA*	BC:PRPB*	D:DRP:RI*	AD:RGI
NAME:	SNorris	GVisiting:bp	JSto	MVirgilio	LCunningham	WLanning	JCalvo
DATE:	4/17/94	4/21/94	4/21/94	4/20/94	4/20/94	4/20/94	4/14/94

D3803-79/86) not specified in the Millstone Unit 2 TS. Thus the licensee immediately declared the affected facilities inoperable and entered the 7 day action statements. The action statements require the affected systems to be restored to an operable status within 7 days or the plant be placed in at least hot standby within the next 6 hours and in cold shutdown within the following 30 hours.

By letter dated April 14, 1994, the licensee requested an emergency license amendment that would change the laboratory testing of charcoal canisters of the carbon absorbers of the Control Room Emergency Ventilation System and the Enclosure Building Filtration System to the requirements of ASTM Standard D3803-89. This was discussed with the licensee on April 15, 1994, and the licensee agreed to modify the request to more specifically specify the conditions and acceptance criteria of the laboratory tests. Also, the licensee indicated that canisters of carbon samples from the charcoal absorbers would be tested by the ASTM Standard D3803-89 before the expiration of their 7 day action statement to verify the operability of the charcoal absorbers by this standard.

Based on our review of your justifications identified above, your remaining supporting material provided in your submittal relative to the justification for this Notice of Enforcement Discretion and your commitments to modify your TS change request to specify specific requirements of ASTM Standard D3803-89 and to the testing of carbon canisters in accordance with the ASTM Standard D3803-89 before the expiration of the 7 day action statement, the staff has concluded that this course of action involves minimum safety impact, and we are satisfied that the exercise of enforcement discretion is warranted from a public health and safety perspective. The staff is planning to issue a license amendment on an exigency basis with a supporting safety evaluation. The staff is also currently processing a Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing in accordance with 10 CFR 50.91(a)(6) and 10 CFR 2.105(a)(4)(ii). It is our intention to exercise discretion not to enforce compliance with Technical Specification Limiting Conditions of Operation 3.7.6.1 and 3.6.5.1 until the proposed amendment is issued. Although enforcement discretion is granted, we will consider enforcement action, as appropriate, for the circumstances that led to the need for this exercise of enforcement discretion.

Sincerely,



Jose A. Calvo, Assistant Director  
for Region I Reactors  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

cc: See next page

Mr. John F. Opeka  
Northeast Nuclear Energy Company

Millstone Nuclear Power Station  
Unit 2

cc:

Gerald Garfield, Esquire  
Day, Berry and Howard  
Counselors at Law  
City Place  
Hartford, Connecticut 06103-3499

R. M. Kacich, Director  
Nuclear Planning, Licensing & Budgeting  
Northeast Utilities Service Company  
Post Office Box 270  
Hartford, Connecticut 06141-0270

J. M. Solymossy, Director  
Nuclear Quality and Assessment Services  
Northeast Utilities Service Company  
Post Office Box 270  
Hartford, Connecticut 06141-0270

J. P. Stetz, Vice President  
Haddam Neck Plant  
Connecticut Yankee Atomic Power Company  
362 Injun Hollow Road  
East Hampton, Connecticut 06424-3099

Kevin T. A. McCarthy, Director  
Monitoring and Radiation Division  
Department of Environmental Protection  
79 Elm Street  
Hartford, Connecticut 06106-5127

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

Allan Johanson, Assistant Director  
Office of Policy and Development  
Policy Development and Planning Division  
80 Washington Street  
Hartford, Connecticut 06106

First Selectmen  
Town of Waterford  
Hall of Records  
200 Boston Post Road  
Waterford, Connecticut 06385

S. E. Scace, Vice President  
Nuclear Operations Services  
Northeast Utilities Service Company  
Post Office Box 270  
Hartford, Connecticut 06141-0270

P. D. Swetland, Resident Inspector  
Millstone Nuclear Power Station  
c/o U.S. Nuclear Regulatory Commission  
Post Office Box 513  
Niantic, Connecticut 06357

G. H. Bouchard, Nuclear Unit Director  
Millstone Unit No. 2  
Northeast Nuclear Energy Company  
Post Office Box 128  
Waterford, Connecticut 06385

Charles Brinkman, Manager  
Washington Nuclear Operations  
ABB Combustion Engineering  
Nuclear Power  
12300 Twinbrook Pkwy, Suite 330  
Rockville, Maryland 20852

Nicholas S. Reynolds  
Winston & Strawn  
11400 L Street, NW  
Washington, DC 20005-3502

Donald B. Miller, Jr.  
Senior Vice President  
Millstone Station  
Northeast Nuclear Energy Company  
Post Office Box 128  
Waterford, Connecticut 06385

DISTRIBUTION OF ENFORCEMENT DISCRETION:

Docket File  
NRC & Local PDRs  
PDI-4 Plant  
WRussell  
FMiraglia  
LReyes  
ATHadani  
SVarga  
JCalvo  
JStolz  
SNorris  
GVissing  
OGC  
DHagan  
GHill (2)  
CGrimes  
CMcCraken  
LCunningham  
RCooper, RGI  
ACRS (10)  
OPA  
OC/LFDCB  
JLieberman, OE  
MBoyle  
LDoerflein, RGI