UNITED STATES NUCLEAR REGULATORY COMMISSION

NORTHEAST NUCLEAR ENERGY COMPANY

DOCKET NO. 50-336

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-65, issued to Northeast Nuclear Energy Company (NNECO/the licensee), for operation of the Millstone Nuclear Power Station, Unit No. 2, located in New London County, Connecticut.

The proposed amendment would revise the Technical Specifications (TS) by adding a footnote to Surveillance Requirement (SR) 4.6.1.2.d that defers the performance of Type B and C containment leak rate tests to the end of the twelfth refueling outage.

On September 24, 1994, NNECO requested the NRC to exercise its discretion not to enforce compliance with the required actions for Millstone Unit 2 Limiting Conditions for Operations (LCOs) 3.6.1.1 and 3.6.1.2 for the remainder of Cycle 12 operations. The enforcement discretion would permit NNECO to operate Millstone Unit 2 while the proposed amendment is being processed. Millstone Unit 2 was scheduled to begin its refueling outage on October 1, and to enter Mode 5 on October 3, 1994. On September 23, 1994, NNECO discovered that Type B and C containment leak rate tests for certain containment penetrations had not been performed within the 24 months as

required by SR 4.6.1.2.d. The specific Action Statement for LCO 3.6.1.2 applies and requires that containment integrity to be restored within 1 hour or place the plant in hot standby within the next 6 hours, and in cold shutdown within the following 30 hours. Since SR 4.6.1.2.d was inadvertently missed, SR 4.0.3 was invoked at approximately 1:00 p.m. on September 23, 1994. This SR permits the action requirements to be delayed for up to 24 hours to permit the completion of a missed surveillance when the allowable outage time limits of the action requirements are less than 24 hours. Since the Type C test cannot be performed while at power and the Type B tests that have exceeded the 24-month period cannot be completed within the 24-hour window, Millstone Unit 2 would have been forced to shutdown to comply with the requirements of the Millstone Unit 2 TS.

The NRC staff granted orally on September 24, 1994, NNECO's request for enforcement discretion associated with Action Statements of LCOs 3.6.1.1 and 3.6.1.2 to be effective until the proposed amendment would be issued. This enforcement discretion was confirmed by the NRC letter to NNECO dated September 30, 1994.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously

evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards (SHC) consideration, which is presented below:

The proposed changes do not involve a SHC because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed.

   The proposed change to Surveillance Requirement 4.6.1.2.d of the Millstone Unit No. 2 Technical Specifications will extend the frequency for the Type B and C tests that were due between June 2 and September 1, 1994, to the end of the twelfth refueling outage. This change will allow Millstone Unit No. 2 to continue to operate until the plant conducts an orderly shutdown for the next refueling outage. This proposal does not modify the maximum allowable leakage rate at the calculated peak containment pressure, does not impact the design basis of the containment, and does not change the post-accident containment response.

   On February 8, 1988, NNECO conducted the first Type A test for the Millstone Unit No. 2 present 10-year service period. The test passed the "As-Found" and "As-Left" ILRTs. The "As-Found" leakage result was 0.201 weight percent per day and the "As-Left" leakage result was 0.138 weight percent per day. These values represent 53.6% and 36.8% of the Millstone Unit No. 2 Technical Specification Limit of 0.75 L_a (0.375 weight percent per day, based on an L_a equal to 0.5 weight percent per day), respectively. The second Type A test for the present 10-year service period was conducted on December 24, 1992. The "As-Found" and "As-Left" ILRT results were 0.2809 and 0.2577 weight percent per day, respectively. These values represent 74.9% and 68.7% of the Millstone Unit No. 2 Technical Specification limit of 0.75 L_a (0.375 weight percent per day, based on an L_a equal to 0.5 weight percent per day). In addition, as of December 1992, the total Type B and C "As-Found" and "As-Left" leakage results were 0.049 and 0.008 weight percent per day, respectively. These values represent 16.3% and 2.7% of the Millstone Unit No. 2 Technical Specification limit of 0.6 L_a (0.3 weight percent per day, based on an L_a equal to 0.5 weight percent per day), respectively. The results of these tests demonstrate that Millstone Unit No. 2 has maintained control of containment integrity by maintaining a conservative margin between the acceptance criterion and the "As-Found" and "As-Left" leakage rates.

   During the past two refueling outages, there have been few failures of penetrations/valves to pass their LLRTs. During the 1992 and 1990 refueling outages, there were a total of five failures (four in

1992 and one in 1990) of penetrations/valves to pass their LLRTs. Of these failures, only one (penetration 23/72 with valves MS-191B and MS-220B) was a repeat failure. This penetration was tested successfully approximately five months ago.

During Cycle 12, maintenance has been performed on several penetrations/ valves. Their operability has been assured by the performance of post-maintenance LLRTs which demonstrated that the leakage from the penetrations/valves were within their acceptance criteria.

Additionally, the 48 Type B penetrations (electrical) and 21 Type C penetrations (valves) that are currently outside of the 24 month interval have each passed their last two "As-Found" tests, as a minimum. These results indicate that the penetrations/valves are reliable.

Based on the above, the proposed change to Surveillance Requirement 4.6.1.2.d of the Millstone Unit No. 2 Technical Specifications does not involve a significant increase in the probability or consequences of an accident previously analyzed.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

The proposed change to Surveillance Requirement 4.6.1.2.d of the Millstone Unit No. 2 Technical Specifications will extend the frequency for the Type B and C tests that were due between June 2 and September 1, 1994, to the end of the twelfth refueling outage. This change will allow Millstone Unit No. 2 to continue to operate until the plant conducts an orderly shutdown for the next refueling outage. This proposal does not make any physical or operational changes to existing plant structures, systems, or components, does not modify the maximum allowable leakage rate at the calculated peak containment pressure, does not impact the design basis of the containment, and does not change the post-accident containment response.

In addition, the proposed changes do not modify the acceptance criteria for the Type A, B, or C tests. Maintaining the leakage through the containment boundary to the atmosphere within a specific value ensures that the plant complies with the requirements of 10CFR100. The containment boundary serves as an accident mitigator; it is not an accident initiator.

Based on the above, the proposed change to Surveillance Requirement 4.6.1.2.d of the Millstone Unit No. 2 Technical Specifications does not create the possibility of a new or different kind of accident from any previously analyzed.

3. Involve a significant reduction in the margin of safety.

The proposed change to Surveillance Requirement 4.6.1.2.d of the Millstone Unit No. 2 Technical Specifications will extend the frequency for the Type B and C tests that were due between June 2 and September 1, 1994, to the end of the twelfth refueling outage. This change will allow Millstone Unit No. 2 to continue to operate until the plant conducts an orderly shutdown for the twelfth refueling outage. This proposal does not make any physical or operational changes to existing plant structures, systems, or components, does not modify the containment pressure, does not impact the design basis of the containment, and does not change the post-accident containment response.

Additionally, the past Type A, B, and C tests have demonstrated the leak-tightness of the containment and the reliability of the penetrations/valves.

Based on the above, the proposed change to Surveillance Requirement 4.6.1.2.d of the Millstone Unit No. 2 Technical Specifications does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER a notice of issuance. The

Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11555 Rockville Pike, Rockville Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By November 14, 1994 , the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Learning Resource Center, Three Rivers Community-Technical College, Thames Valley Campus, 574 New London Turnpike, Norwich, Connecticut 06360. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and

Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the

contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory

Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Phillip F. McKee, Director, Project Directorate I-4: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Ms. L. M. Cuoco, Senior Nuclear Counsel, Northeast Utilities Service Company, Post Office Box 270, Hartford, CT 06141-0270, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 26, 1994, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room, located at the Learning Resource Center, Three Rivers Community-Technical College, Thames Valley Campus, 574 New London Turnpike, Norwich, Connecticut 06360.

Dated at Rockville, Maryland, this 5th day of October 1994.

FOR THE NUCLEAR REGULATORY COMMISSION

Guy S. Vissing, Senior Project Manager
Project Directorate I-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation