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September 26, 1994

Docket No. 50-336
B14994

Re: 10CFR50.90
10CFR50.91
10CFR2, Appendix C

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

Millstone Nuclear Power Station, Unit No. 2
Proposed Revision to Technical Specifications and
Request for Enforcement Discretion from the Action Statements
for Limiting Conditions for Operation 3.6.1.1 and 3.6.1.2

Introduction

Pursuant to 10CFR50.90, Northeast Nuclear Energy Company (NNECO) hereby proposes to amend its Operating License, DPR-65, by incorporating the change identified in Attachments 1 and 2 into the Millstone Unit No. 2 Technical Specifications. NNECO is proposing to revise Surveillance Requirement 4.6.1.2.d of the Millstone Unit No. 2 Technical Specifications by extending the frequency for a number of Type B and C tests until the end of the twelfth refueling outage.

In addition, NNECO is requesting that the NRC Staff process this license amendment request on an emergency basis pursuant to 10CFR50.91(a)(5). The proposed license amendment is required on an emergency basis, because failure to act in a timely way would result in the shutdown of Millstone Unit No. 2. Currently, Millstone Unit No. 2 is operating in Mode 1 at 100% power.

Additionally, NNECO is formally requesting, on behalf of Millstone Unit No. 2, that the NRC Staff exercise enforcement discretion from the requirements of the Action Statements for Limiting Conditions for Operation (LCOs) 3.6.1.1 and 3.6.1.2 of the Millstone Unit No. 2 Technical Specifications. This enforcement discretion is necessary to prevent a technical specification required shutdown of Millstone Unit No. 2. The discretion would be effective for the remaining days of Cycle 12 operation. Currently, the plant is scheduled to begin its refueling outage on October 1, 1994. Mode 5 is scheduled to be entered on October 3, 1994.

On September 24, 1994, NNECO requested that the NRC exercise enforcement discretion from the requirements of the Action

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Statements for LCOs 3.6.1.1 and 3.6.1.2, and the NRC Staff verbally granted this request.

In parallel, we are submitting a request for a scheduler exemption from the requirements of Sections III.D.2(a) and III.D.3 of Appendix J to 10CFR50 via a separate letter dated September 26, 1994.⁽¹⁾

The emergency license amendment and enforcement discretion are warranted to avoid an unnecessary plant transient and the associated operational risk. Permitting Millstone Unit No. 2 to proceed with the current schedule for the twelfth refueling outage would be beneficial, since it would allow NNECO to take advantage of the preparations that have been made for the upcoming refueling outage, including initiatives which would reduce radiation exposure, allow dynamic testing of motor-operated valves, permit testing of main steam safety valves, and allow the performance of work on the service water system to reduce shutdown risks. Additionally, the previous Type A, B, and C tests have demonstrated the leak-tightness of the containment and the reliability of the penetrations/valves. Thus, no safety benefit would be gained by forcing the plant to shut down prematurely. NNECO believes that permitting the plant to continue to operate until the scheduled shutdown for the twelfth refueling outage has a net positive impact on safety.

Background

Millstone Unit No. 2 has a testing program to measure containment leakage throughout the life of the plant. The testing program was developed to conform to the requirements of Appendix J to 10CFR50. It includes the performance of Type A tests to measure the overall integrated leakage rate, Type B tests to measure local leakage across pressure-containing or leakage-limiting boundaries other than valves, and Type C tests to measure containment isolation valve leakage rates.

The Type B and C tests, also known as local leakage rate tests (LLRTs), must be performed at least once every two years. LLRTs ensure that degradation of components and systems penetrating containment is monitored from a leakage perspective and that appropriate corrective actions are taken in response to the

(1) J. F. Opeka letter to the U.S. Nuclear Regulatory Commission, "Millstone Unit No. 2, 10CFR50, Appendix J, Request for Exemption from Type B and C Test Requirements," dated September 26, 1994.

findings. Specific administrative limits are placed on individual penetration leakage to control the total Type B and C leakage to within their technical specification limits and ensure that containment integrity is maintained.

Previously, Millstone Unit No. 2 considered the Type B and Type C tests to constitute one group such that the two year surveillance window began when the last component test was completed during the refueling outage. A review of this rationale and discussions with our industry counterparts and the NRC Staff determined that this was not the appropriate interpretation. Rather, each Type B or C test of a penetration or valve should be considered unique, each with its own two year surveillance window. Using this interpretation, NNECO determined on September 23, 1994, that a number of Type B and Type C tests (48 Type B tests for electrical penetrations and 21 Type C tests) had not been conducted in accordance with the requirements of Surveillance Requirement 4.6.1.2.d.

In this case, the Action Statement for LCO 3.6.1.1 applies. It requires that containment integrity be restored within one hour or place the plant in hot standby within the next six hours, and in cold shutdown within the following 30 hours. Since 4.6.1.2.d was missed, Surveillance Requirement 4.0.3 was invoked. This surveillance requirement 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 tests cannot be performed while at power and the Type B tests that have exceeded the 24 month period cannot be completed within a 24 hour window, Millstone Unit No. 2 would be forced to shut down to comply with the Millstone Unit No. 2 Technical Specifications.

On September 24, 1994, NNECO requested enforcement discretion from the requirements of the Action Statements for LCOs 3.6.1.1 and 3.6.1.2, and the NRC verbally granted enforcement discretion. Thus, an unnecessary plant shutdown was avoided. This submittal formalizes the request for enforcement discretion. During the period that the enforcement discretion will apply, no other Type B or C tests are due to be performed. Each of the Type B and C tests that are currently outside of their 24 month window were required to be performed prior to September 24, 1994.

Description of the Proposed Change

NNECO is proposing to revise Surveillance Requirement 4.6.1.2.d of the Millstone Unit No. 2 Technical Specifications by extending 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 cycle. Specifically, NNECO is proposing to add the following footnote:

"Except that the performance of the Type B and C tests that were due between June 2 and September 1, 1994, may be deferred to the end of the twelfth refueling outage."

Attachments 1 and 2 contain the marked-up and retyped pages of the Millstone Unit No. 2 Technical Specifications.

Safety Assessment

Type A, B, and C Tests Historical Results

On February 8, 1988, Millstone Unit No. 2 conducted the first Type A test for the present 10-year service period. The test passed both the "As-Found" and "As-Left" integrated leakage rate tests (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_d (0.375 weight percent per day, based on an L_d 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 results represent 74.9% and 68.7% of the Millstone Unit No. 2 Technical Specification limit of 0.75 L_d (0.375 weight percent per day, based on an L_d 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_d (0.3 weight percent per day, based on an L_d 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 no. 23/72 with valve nos. 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 was confirmed by the performance of post-maintenance LLRTs which demonstrated that the leakage from the penetrations/valves were within their administrative 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.

The previous Type A, B, and C tests establish that containment integrity has been maintained, and that the penetrations/valves are reliable. Additionally, the total "As-Found" and "As-Left" leakage results of the last Type B and C tests were only 16.3% and 2.7% of the Millstone Unit No. 2 Technical Specification limit. Based on these considerations, the proposed license amendment does not pose or create any conditions that are adverse to safety.

Negative Impact of Premature Shutdown

NNECO reviewed the activities which are planned for the week prior to the initiation of the twelfth refueling outage (currently scheduled for October 1, 1994) to determine which activities could not be performed or would be impacted if Millstone Unit No. 2 were required to shutdown prematurely.

Millstone Unit No. 2 is currently scheduled to perform a reactor coolant system (RCS) cleanup to reduce RCS activity levels in an effort to reduce worker exposure during the refueling outage. Millstone is performing this process as an As Low As Reasonably Achievable (ALARA) initiative. The preparation for and execution of this evolution will take approximately four days. The planned activities include resin transfer, hydrolasing for ALARA considerations, resin fill, early boration of the RCS, and filtration of the RCS. NNECO believes that the benefits of this evolution are warranted, and has dedicated a significant amount of critical path time to this evolution. It is estimated that a significant exposure savings of 20 to 25 person rem (15% to 20% radiation field reduction) will be realized, based on demonstrated results from conducting this evolution during the previous refueling outage.

Shutting down the plant at the scheduled time would allow NNECO to take advantage of another ALARA measure. Typically, the RCS is degassified for 48 hours prior to the start of the refueling outage. A number of degassification prerequisite activities are scheduled for the week immediately prior to the start of the actual degassification process. This additional opportunity to reduce exposure would be lost if the proposed license amendment is not granted.

Additionally, avoiding an early shutdown of Millstone Unit No. 2 would allow NNECO to take advantage of the preparations that have been made for the scheduled refueling outage. These include

testing of the main steam safety valves while shutting down (versus during startup), dynamic testing of certain motor-operated valves pursuant to Generic Letter 89-10, pre-outage work on the service water system to reduce the shutdown risk during the refueling outage, and pre-outage training for incoming contractor staff.

In the case of motor-operated valve testing, personnel would not be available to conduct the testing during a premature shutdown which would mean that the selected valves would have to be tested during startup. This could result in additional plant transients, due to the potential for discovery of valve conditions that require resolution.

The work planning and control shutdown risk review pursuant to the guidance of NUMARC 91-06 would have to be reassessed. NNECO has dedicated significant resources to develop the shutdown risk analysis to minimize risk, thereby maximizing safe controlled operation during service water system outages and reduced inventory conditions.

Safety Assessment Conclusion

The emergency license amendment is warranted to avoid an unnecessary plant transient and the associated operational risk. Permitting Millstone Unit No. 2 to proceed with the current schedule for the twelfth refueling outage would be beneficial, since it would allow NNECO to take advantage of the preparations that have been made for the upcoming refueling outage, including initiatives which would reduce radiation exposure, allow dynamic testing of motor-operated valves, permit testing of main steam safety valves, and allow the performance of work on the service water system to reduce shutdown risks. Additionally, the previous Type A, B, and C tests have demonstrated the leak-tightness of the containment and the reliability of the penetrations/valves. Thus, no safety benefit would be gained by forcing the plant to shut down prematurely. NNECO believes that permitting the plant to continue to operate until the scheduled shutdown for the twelfth refueling outage has a net positive impact on safety.

Based on the above, the emergency license amendment request does not pose or create any conditions that are adverse to safety.

Justification for Emergency License Amendment

Pursuant to 10CFR50.91(a)(5), NNECO hereby requests NRC Staff emergency approval of the proposed amendment to Operating License DPR-65. This request needs to be addressed in an emergency manner to avoid an unnecessary plant shutdown. Surveillance Requirement 4.6.1.2.d requires that Type B and C tests be conducted at the peak

containment pressure for design basis accidents (P_d) at intervals no greater than 24 months, except for tests involving air locks. On September 23, 1994, NNECO discovered that Type B and C tests for certain containment penetrations had not been performed within the last 24 months. In this case, the Action Statement for LCO 3.6.1.1 applies. It requires that containment integrity be restored within one hour or place the plant in hot standby within the next 6 hours, and in cold shutdown within the following 30 hours. Since Surveillance Requirement 4.6.1.2.d was inadvertently missed, Surveillance Requirement 4.0.3 was invoked at approximately 1:00 p.m. on September 23, 1994. This surveillance requirement 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 tests 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 No. 2 would be forced to shut down to comply with the requirements of the Millstone Unit No. 2 Technical Specifications.

The emergency license amendment is warranted to avoid an unnecessary plant transient and the associated operational risk. Permitting Millstone Unit No. 2 to proceed with the current schedule for the twelfth refueling outage would be beneficial, since it would allow NNECO to take advantage of the preparations that have been made for the upcoming refueling outage, including initiatives which would reduce radiation exposure, allow dynamic testing of motor-operated valves, permit testing of main steam safety valves, and allow the performance of work on the service water system to reduce shutdown risks. Additionally, the previous Type A, B, and C tests have demonstrated the leak-tightness of the containment and the reliability of the penetrations/valves. Thus, no safety benefit would be gained by forcing the plant to shut down prematurely. NNECO believes that permitting the plant to continue to operate until the scheduled shutdown for the twelfth refueling outage has a net positive impact on safety.

On September 24, 1994, the NRC Staff verbally granted NNECO's request for enforcement discretion (discussed below). Thus, an unnecessary plant shutdown was avoided.

Significant Hazards Consideration

NNECO has reviewed the proposed change in accordance with 10CFR50.92 and concluded that the change does not involve an SHC. The basis for this conclusion is that the three criteria of 10CFR50.92(c) are satisfied. The proposed change does not involve an SHC because the change 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, Millstone Unit No. 2 conducted the first Type A test for the present 10-year service period. The test passed both 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 $0.75 L_d$ (0.375 weight percent per day, based on an L_d 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 $0.75 L_d$ (0.375 weight percent per day, based on an L_d 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 $0.6 L_d$ (0.3 weight percent per day, based on an L_d 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 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.

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.

Request for Enforcement Discretion

On September 24, 1994, NNECO requested enforcement discretion from the requirements of the Action Statements for LCOs 3.6.1.1 and 3.6.1.2, and the NRC Staff verbally granted the enforcement discretion. This submittal provides the formal, written request for enforcement discretion.

NNECO hereby requests the NRC Staff exercise discretion to not enforce compliance with the required actions for Millstone Unit No. 2 LCOs 3.6.1.1 and 3.6.1.2 for the remainder of Cycle 12 operations. Millstone Unit No. 2 is scheduled to begin its refueling outage on October 1, 1994, and to enter Mode 5 on October 3, 1994. NNECO hereby provides justification for enforcement discretion associated with the above LCO.

1. The Technical Specification Condition that Will Be Violated

Surveillance Requirement 4.6.1.2.d requires that Type B and C tests be conducted at the peak containment pressure for design basis accidents (P₁) at intervals no greater than 24 months, except for tests involving air locks. On September 23, 1994, NNECO discovered that Type B and C tests for certain containment penetrations had not been performed within the

last 24 months. In this case, the Action Statement for LCO 3.6.1.1 applies. It requires that containment integrity be restored within one hour or place the plant in hot standby within the next 6 hours, and in cold shutdown within the following 30 hours. Since 4.6.1.2.d was inadvertently missed, Surveillance Requirement 4.0.3 was invoked at approximately 1:00 p.m. on September 23, 1994. This surveillance requirement 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 tests 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 No. 2 would be forced to shut down to comply with the requirements of the Millstone Unit No. 2 Technical Specifications.

At present, the plant is in Mode 1. Enforcement discretion from the Action Statements of LCOs 3.6.1.1 and 3.6.1.2 is requested to allow the plant to continue to operate until the scheduled shut down for the twelfth refueling outage. This enforcement discretion would be effective until the plant enters Mode 5 during the scheduled shut down for the twelfth refueling outage.

2. The Circumstances Surrounding the Situation Including the Need for Prompt Action

Previously, Millstone Unit No. 2 considered the Type B and Type C tests to constitute one group such that the two year surveillance window began shortly after the last component test was completed during the refueling outage. A review of this rationale and discussions with our industry counterparts and the NRC Staff determined that this was not the appropriate interpretation. Rather, each Type B or C test of a penetration or valve should be considered unique, each with its own two year surveillance window. Using this interpretation, NNECO determined on September 23, 1994, that a number of Type B and Type C tests had not been conducted in accordance with the requirements of Surveillance Requirement 4.6.1.2.d.

In this case, the Action Statement for LCO 3.6.1.1 applies. It requires that containment integrity be restored within one hour or place the plant in hot standby within the next 6 hours, and in cold shutdown within the following 30 hours. Since 4.6.1.2.d was missed, Surveillance Requirement 4.0.3 was invoked. This surveillance requirement 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 tests cannot be performed while at power and the Type B tests that have exceeded the 24 month period cannot be completed within a 24 hour window, Millstone Unit No. 2 would be forced to shut down to comply with the Millstone Unit No. 2 Technical Specifications.

3. Safety Basis for the Request

Millstone Unit No. 2 has a testing program to measure containment leakage throughout the life of the plant. The testing program was developed to conform to the requirements of Appendix J to 10CFR50. It includes the performance of Type A tests to measure the overall integrated leakage rate, Type B tests to measure local leakage across pressure-containing or leakage-limiting boundaries other than valves, and Type C tests to measure containment isolation valve leakage rates.

The Type B and C tests, also known as local leakage rate tests (LLRTs), must be performed at least once every two years. LLRTs ensure that degradation of components and systems penetrating containment is monitored from a leakage perspective and that appropriate corrective actions are taken in response to the findings. Specific administrative limits are placed on individual penetration leakage to control the total Type B and C leakages to within their technical specification limits and ensure that containment integrity is maintained.

Type A, B, and C Tests Historical Results

On February 8, 1988, Millstone Unit No. 2 conducted the first Type A test for the present 10-year service period. The test passed both the "As-Found" and "As-Left" integrated leakage rate tests (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_d (0.375 weight percent per day, based on an L_d 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 results represent 74.9% and 68.7% of the Millstone Unit No. 2 Technical Specification limit of 0.75 L_d (0.375 weight percent per day, based on an L_d 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_e (0.3 weight percent per day, based on an L_e 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 no. 23/72 with valve nos. MS-191B and MS-220B) was a repeat failure. This penetration was tested successfully approximately five months ago.

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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 these penetrations/valves are reliable.

The previous Type A, B, and C tests establish that containment integrity has been maintained, and that the penetrations/valves are reliable. Additionally, the total "As-Found" and "As-Left" leakage results of the last Type B and C tests were only 16.3% and 2.7% of the Millstone Unit No. 2 Technical Specification limit. Based on these considerations, the proposed license amendment does not pose or create any conditions that are adverse to safety.

Negative Impact of Premature Shutdown

NNECO reviewed the activities which are planned for the week prior to the initiation of the twelfth refueling outage (currently scheduled for October 1, 1994) to determine which activities could not be performed or would be impacted if Millstone Unit No. 2 were required to shutdown prematurely.

Millstone Unit No. 2 is currently scheduled to perform a reactor coolant system (RCS) cleanup to reduce RCS activity

levels in an effort to reduce worker exposure during the refueling outage. Millstone is performing this process as an As Low As Reasonably Achievable (ALARA) initiative. The preparation for and execution of this evolution will take approximately four days. The planned activities include resin transfer, hydrolasing for ALARA considerations, resin fill, early boration of the RCS, and filtration of the RCS. NNECO believes that the benefits of this evolution are warranted, and has dedicated a significant amount of critical path time to this evolution. It is estimated that a significant exposure savings of 20 to 25 person rem (15% to 20% radiation field reduction) will be realized, based on demonstrated results from conducting this evolution during the previous refueling outage.

Shutting down the plant at the scheduled time would allow NNECO to take advantage of another ALARA measure. Typically, the RCS is degassified for 48 hours prior to the start of the refueling outage. A number of degassification prerequisite activities are scheduled for the week immediately prior to the start of the actual degassification process. This additional opportunity to reduce exposure would be lost if the proposed license amendment is not granted.

Additionally, avoiding an early shutdown of Millstone Unit No. 2 would allow NNECO to take advantage of the preparations that have been made for the scheduled refueling outage. These include testing of the main steam safety valves while shutting down (versus during startup), dynamic testing of certain motor-operated valves pursuant to Generic Letter 89-10, pre-outage work on the service water system to reduce the shutdown risk during the refueling outage, and pre-outage training for incoming contractor staff.

In the case of motor-operated valve testing, personnel would not be available to conduct the testing during a premature shutdown which would mean that the selected valves would have to be tested during startup. This could result in additional plant transients, due to the potential for discovery of valve conditions that require resolution.

The work planning and control shutdown risk review pursuant to the guidance of NUMARC 91-06 would have to be reassessed. NNECO has dedicated significant resources to develop the shutdown risk analysis to minimize risk, thereby maximizing safe controlled operation during service water system outages and reduced inventory conditions.

Safety Assessment Conclusion

The emergency license amendment is warranted to avoid an unnecessary plant transient and the associated operational risk. Permitting Millstone Unit No. 2 to proceed with the current schedule for the twelfth refueling outage would be beneficial, since it would allow NNECO to take advantage of the preparations that have been made for the upcoming refueling outage, including initiatives which would reduce radiation exposure, allow dynamic testing of motor-operated valves, permit testing of main steam safety valves, and allow the performance of work on the service water system to reduce shutdown risks. Additionally, the previous Type A, B, and C tests have demonstrated the leak-tightness of the containment and the reliability of the penetrations/valves. Thus, no safety benefit would be gained by forcing the plant to shut down prematurely. NNECO believes that permitting the plant to continue to operate until the scheduled shutdown for the twelfth refueling outage has a net positive impact on safety.

Based on the above, the request for enforcement discretion from the requirements of the Action Statements for LCOs 3.6.1.1 and 3.6.1.2 does not pose or create any conditions that are adverse to safety.

4. Compensatory Measures

No other compensatory measures are required to be taken. The previous Type A, B, and C tests have demonstrated that containment integrity has been maintained. Additionally, LLRTs have been performed to demonstrate the operability of the penetrations/valves that have had maintenance performed on them during Cycle 12. These LLRTs satisfied the administrative acceptance criteria established for the applicable penetrations/valves.

Additionally, NNECO has determined that no Type B or C tests have their due dates between September 24, 1994, and October 3, 1994. Also, performance of the Type B electrical penetration LLRTs will be initiated during the week of September 26, 1994.

5. Duration of Requested Waiver

The enforcement discretion is being requested to allow Millstone Unit No. 2 to continue to operate until entry into Mode 5 (currently scheduled for October 3, 1994) for the scheduled shutdown for the twelfth refueling outage without conducting a number of Type B and C tests within the schedule required by the Millstone Unit No. 2 Technical Specifications.

The results of the past Type A, B, and C tests have demonstrated that containment integrity is being maintained. Also, the relatively few failures of penetrations/valves to pass their LLRTs demonstrates the reliability of the penetrations/valves. Also, LLRTs have been performed to demonstrate the operability of penetrations/valves that have had maintenance conducted during Cycle 12.

Based on the above, the duration of the requested enforcement discretion is justified.

6. Basis for No Significant Hazards Consideration

NNECO has reviewed the proposed request for enforcement discretion in accordance with 10CFR50.92 and concluded that the request does not involve a significant hazards consideration (SHC). The basis for this conclusion is that the three criteria of 10CFR50.92(c) are not compromised. The proposed request does not involve an SHC because it would not:

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

The proposed request for enforcement discretion from the requirements of the Action Statements for LCOs 3.6.1.1 and 3.6.1.2 of the Millstone Unit No. 2 Technical Specifications 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.

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 request for enforcement discretion from the Action Statements of LCOs 3.6.1.1 and 3.6.1.2 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 request for enforcement discretion from the requirements of the Action Statements for LCOs 3.6.1.1 and 3.6.1.2 of the Millstone Unit No. 2 Technical Specifications 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 request for enforcement discretion from the Action Statements of LCOs 3.6.1.1 and 3.6.1.2 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 request for enforcement discretion from the requirements of the Action Statements for LCOs 3.6.1.1 and 3.6.1.2 of the Millstone Unit No. 2 Technical Specifications 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 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.

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 request for enforcement discretion from the requirements of the Action Statements for LCOs 3.6.1.1 and 3.6.1.2 does not involve a significant reduction in the margin of safety.

7. Basis for No Irreversible Environmental Consequences

The requested enforcement discretion involves no irreversible environmental consequences. The proposed request does not result in a reduction in a margin of safety, does not affect the calculated doses, and does not impact the capability of systems to perform their intended safety function to control

the release of radiological effluents. Also, the proposed request does not affect the associated non-radiological effluents. Thus, the proposed request does not negatively impact the public health and safety.

8. Safety Review

The Millstone Unit No. 2 Plant Operations Review Committee (PORC) and Nuclear Review Board (NRB) have reviewed and concurred with this request for enforcement discretion.

9. Additional Information

Additional information has been supplied throughout the text of this submittal.

In summary, the proposed enforcement discretion would allow Millstone Unit No. 2 to continue to operate at 100% power until the scheduled shutdown on October 1, 1994, to commence the twelfth refueling outage. The enforcement discretion would remain in effect until the plant reaches Mode 5 (currently scheduled for October 3, 1994). This request is safe, and does not constitute an SHC.

Environmental Considerations

NNECO has reviewed the proposed license amendment against the criteria of 10CFR51.22 for environmental considerations. The proposed change does not increase the types and amounts of effluents that may be released offsite, nor significantly increase individual or cumulative occupational radiation exposures. Based on the foregoing, NNECO concludes that the proposed change meets the criteria delineated in 10CFR51.22(c)(9) for a categorical exclusion from the requirements for an environmental impact statement.

Nuclear Review Board Review

The Millstone Unit No. 2 NRB has reviewed and concurred with the above determinations.

State Notification

In accordance with 10CFR50.91(b), we are providing the State of Connecticut with a copy of this proposed amendment via facsimile to ensure their awareness of this request.

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Summary and Conclusion

In summary, NNECO is requesting enforcement discretion from the requirements of the Action Statements for LCOs 3.6.1.1 and 3.6.1.2, and proposing that the frequency for specific Type B and C tests required to be conducted by Surveillance Requirement 4.6.1.2.d be extended on an emergency basis. These actions would allow Millstone Unit No. 2 to avoid an unnecessary shutdown, and to continue to operate for the remaining days of Cycle 12 operation.

On September 24, 1994, NNECO requested enforcement discretion from the requirements of the Action Statements for LCOs 3.6.1.1 and 3.6.1.2, and the NRC Staff verbally granted the enforcement discretion.

NNECO wishes to emphasize our conclusions that the proposed requests for an emergency license amendment and enforcement discretion do not involve an SHC, any undue safety risk, or any irreversible environmental consequences. Therefore, we are requesting these actions to allow continued operation of Millstone Unit No. 2. Avoiding an unnecessary plant shutdown is in the best interest of the health and safety of the public and our employees.

Schedule Required for NRC Approval

As stated previously, NNECO is requesting that this proposed license amendment be acted upon on an emergency basis. On September 24, 1994, NNECO requested enforcement discretion from the requirements of the Action Statements for LCOs 3.6.1.1 and 3.6.1.2, and the NRC Staff verbally granted this request.


If the NRC Staff should have any questions or comments regarding this submittal, please contact Mr. R. H. Young at (203) 440-2073. We will promptly provide any additional information the NRC Staff may need to respond to this request, and we appreciate your efforts in support of this request.

Very truly yours,

NORTHEAST NUCLEAR ENERGY COMPANY

FOR: J. F. Opeka
Executive Vice President

BY:


E. A. DeBarba
Vice President

cc: See Page 20

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cc: T. T. Martin, Region I Administrator
G. S. Vissing, NRC Project Manager, Millstone Unit No. 2
P. D. Swetland, Senior Resident Inspector, Millstone Unit
Nos. 1, 2, and 3

Mr. Kevin T.A. McCarthy, Director
Monitoring and Radiation Division
Department of Environmental Protection
79 Elm Street
P.O. Box 5066
Hartford, CT 06102-5066

Subscribed and sworn to before me

this 26th day of September, 1994



Date Commission Expires: _____

Kathleen T. Gabes

Notary Public

My Commission Expires December 31, 1997