

achieve the underlying purpose of the rule.

Based on generic and plant specific data, the NRC staff finds the basis for the licensee's proposed exemption to allow a one-time exemption to permit a scheduler extension for NMP2 of one cycle for the performance of the Appendix J, Type A test, provided that the visual containment inspection is performed, to be acceptable.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this Exemption will not have a significant impact on the environment (60 FR 17374).

This Exemption is effective upon issuance and shall expire at the completion of the late 1996 refueling outage.

Dated at Rockville, Maryland, this 24th day of April 1995.

For the Nuclear Regulatory Commission.

**Steven A. Varga,**

*Director, Division of Reactor Projects—I/II,  
Office of Nuclear Reactor Regulation.*

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[Docket No. 50-336]

**Northeast Nuclear Energy Co.; 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-21, issued to the 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 Specification (TS) 3.1.2.4, "Charging Pumps—Operating," by adding a note that indicates that the provisions of TS 3.0.4 and 4.0.4 are not applicable for entry into MODE 4 from MODE 5.

Currently Millstone Unit 2 is in an extended shutdown, but is scheduled to start up in the near future. The current TS 3.1.2.3 limits Millstone Unit No. 2 to only one charging pump and one high pressure safety injection (HPSI) pump for MODES 4 and 6. TS 3.1.2.4 requires that two charging pumps be operable in MODES 1, 2, 3 and 4. The ACTION statement requires that if one charging pump is operable, that an additional charging pump must be restored to an operable status or the unit must be shut down. TS 3.0.4 prohibits entrance into

an operational MODE when the limiting condition for operation (LCO) is not met and the ACTION statement requires a shutdown. Similarly, TS 4.0.4 prohibits entry into an operational MODE if the Surveillance Requirement cannot be met. The proposed change would permit Millstone Unit 2 to enter MODE 4 as planned. Exigent action is justified in order to avoid an unnecessary delay in reactor startup.

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 evaluated.

The proposed technical specification change will require that a second charging pump be returned to service within four hours of entering MODE 4 or prior to entering MODE 3, whichever occurs first. The addition of the footnote indicating that Technical Specifications 3.0.4 and 4.0.4 are not applicable for entry into MODE 4 from MODE 5 will allow for the testing and subsequent return to service of a charging pump that was required to be inoperable in MODE 5. The testing is necessary to restore the pump to operable status.

The need to restrict charging pump availability in MODE 5 is for LTOP protection. The restriction contained in the Technical Specification 3.1.2.4 to have a maximum of two charging pumps operable when the RCS [reactor coolant system] is less than 300°F is provided for the boron dilution analysis. Maximizing charging pump flow is desirable from shutdown risk management schemes. However, all three events, LTOP [low-temperature overpressure protection], boron dilution, and shutdown risk management must be integrated to maximize overall safety. The short (less than 4 hours) delay in verifying the operability of the

second charging pump after entry into MODE 4 does not significantly affect the overall risk. The technical specification as proposed, balances all three events and will allow the plant to operate.

The addition of the proposed footnote to Technical Specification 3.1.2.4 will not significantly increase the probability or consequences of an accident previously evaluated. The charging systems safety related functions are not being impacted by the proposed change.

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

The proposed change does not alter or affect the design, function, failure MODE, or operation of the plant. The proposed change will allow NNECO to perform the required operability tests to support the restoration of a charging pump to an operable status.

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

The proposed modification will allow for the restoration of a second charging pump to support plant operation in MODES 1, 2, 3, and 4. Testing of the charging pump is necessary to verify operability of the pump. Sufficient flow is provided by the remaining available pumps to address shutdown risk issues. This proposed change will not negatively impact the LTOP evaluation or boron dilution analysis.

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