

February 28, 2001

Mr. Gary Van Middlesworth
Site General Manager
Duane Arnold Energy Center
Nuclear Management Company, LLC
3277 DAEC Road
Palo, IA 52324-0351

SUBJECT: DUANE ARNOLD ENERGY CENTER -NOTICE OF CONSIDERATION OF
ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND
OPPORTUNITY FOR HEARING (TAC NO. MB0347)

Dear Mr. Van Middlesworth:

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendment to Facility Operating License And Opportunity For a Hearing" related to the application dated October 19, 2000, filed by Nuclear Management Company, LLC. The application relates to your request to revise the licensing basis to utilize the full scope of an alternative radiological source term for accidents as described in NUREG-1465, "Accident Source Terms for Light-Water Nuclear Power Plants. The application requests an amendment to the license to change the Technical Specifications implementing various assumptions in the Alternative Source Term analyses and to remove requirements that the Secondary Containment, Secondary Containment Isolation Valves and Dampers, Secondary Containment Instrumentation, and the Standby Gas Treatment System are to be operable during movement of irradiated fuel assemblies and during core alterations.

This notice is being forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Darl S. Hood, Senior Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-331

Enclosure: Notice

cc w/encl: See next page

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Duane Arnold Energy Center

cc

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UNITED STATES NUCLEAR REGULATORY COMMISSION

NUCLEAR MANAGEMENT COMPANY, LLC

DOCKET NO. 50-331

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE 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-49, held by Nuclear Management Company, LLC (the licensee), for operation of the Duane Arnold Energy Center (the facility) located in Linn County, Iowa.

By letter dated October 19, 2000, the licensee proposed an amendment to change the operating license. Specifically, the proposed amendment would authorize the licensee to change the licensing basis to utilize the full scope of an alternative radiological source term for accidents as described in NUREG-1465, "Accident Source Terms for Light-Water Nuclear Power Plants." The proposed amendment would change the Technical Specifications (TSs) implementing various assumptions in the Alternative Source Term analyses. These changes include:

In TS 1.1, the definition of Dose Equivalent Iodine-131 would be revised to reference Federal Guidance Report (FGR) 11, "Limiting Values of Radionuclide Intake and Air Concentration and Dose Conversion Factors for Inhalation, Submersion, and Ingestion," dated 1989, and FGR 12, "External Exposure to Radionuclides in Air, Water, and Soil," dated 1993. The word "thyroid" would be removed.

In Surveillance Requirement 3.3.7.1.3 regarding the channel calibration of the Control Building Air Intake Radiation Monitor, the setpoint for the allowable value would be reduced from $\leq 50\text{mR/hr}$ to $\leq 5\text{ mR/hr}$.

In the Action Statements for Limiting Condition for Operations 3.4.6, "Reactor Coolant System Specific Activity," the dose equivalent Iodine-131 specific activity limits would be lowered from 1.2 microCuries /ml to 0.2 microCuries/gm and from 12.0 microCuries/ml to 2.0 microCuries/gm.

References to 10 CFR Part 100 in various TSs and TS Bases would be changed to 10 CFR Part 50.67 to reflect adoption of the Alternative Source Term.

The proposed amendment would also remove requirements that the Secondary Containment, Secondary Containment Isolation Valves and Dampers, Secondary Containment Instrumentation, and the Standby Gas Treatment System are to be operable during movement of irradiated fuel assemblies and during core alterations.

The proposed changes are related to a proposed increase in power level that is identified in the licensee's letter to the NRC dated September 19, 2000. The proposed increase in power will be addressed in a separate *Federal Register* notice.

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.

By March 30, 2001, 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, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20855-2738, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>). 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.

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 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20855-2738, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Al Gutterman, Morgan, Lewis, & Bockius LLP, 1800 M Street, N.W., Washington, DC 20036-5869, 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).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated October 19, 2000, which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20855-2738, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 28th day of February, 2001.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Darl S. Hood, Senior Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation