

Docket Nos. 50-315
and 50-316

March 30, 1993

Mr. E. E. Fitzpatrick, Vice President
Indiana Michigan Power Company
c/o American Electric Power Service Corporation
1 Riverside Plaza
Columbus, Ohio 43216

Dear Mr. Fitzpatrick:

SUBJECT: ISSUANCE OF SCHEDULAR EXEMPTION TO 10 CFR PART 50, APPENDIX E -
SECTION IV.F.3 FOR DONALD C. COOK NUCLEAR PLANT, UNITS 1 AND 2
(TAC NOS. M85671 AND M85672)

The U.S. Nuclear Regulatory Commission has granted the enclosed schedular Exemption regarding the conduct of the biennial off-site full participation emergency preparedness exercise for Donald C. Cook Nuclear Plant in 1993. The Exemption is granted in response to your letter of January 15, 1993, provided such an exercise is conducted prior to July 31, 1993.

We find that granting the Exemption is authorized by law, will not present an undue risk to the public health and safety, is consistent with the common defense and security, and meets the special circumstances described in 10 CFR 50.12(a)(2)(v).

A copy of the Exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

Leonard Olshan for
Ledyard B. Marsh, Director
Project Directorate III-1
Division of Reactor Projects - III/IV/V
Office of Nuclear Reactor Regulation

Enclosure:
Exemption

cc w/enclosure:
See next page

CP-3

*SEE PREVIOUS CONCURRENCE

W/Changes

OFFICE	LA:PD31	PM:PD31	GD:PD31	OGC*	AD:RIII	D:DRPW
NAME	MShuttleworth	WDean	LMarsh	SCTurk	JZwolinski	JRoe
DATE	03/15/93	03/18/93	03/22/93	03/15/93	03/12/93	03/12/93

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NRC & Local PDRs

PDIII-1 Reading

D.C. Cook Plant File

T. Murley/F. Miraglia, 12-G-18

J. Partlow, 12-G-18

E. Rossi

J. Lieberman

J. Roe

J. Zwolinski

L. Marsh

M. Shuttleworth

W. Dean

G. Hill (8)

OGC

E. Jordan, MNBB-3701

ACRS (10)

OPA

W. Shafer, R-III

G. Grant, 17-G-21

cc: Plant Service list

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
INDIANA MICHIGAN POWER COMPANY)
(Donald C. Cook Nuclear Plant)
Units 1 and 2)

Docket Nos. 50-315
and 50-316

EXEMPTION

I.

Indiana Michigan Power Company (the licensee) is the holder of Facility Operating License Nos. DPR-58 and DPR-74 which authorize operation of the Donald C. Cook Nuclear Plant, Units 1 and 2 at steady-state reactor power levels not in excess of 3250 and 3411 megawatts thermal, respectively. The Donald C. Cook facilities are pressurized water reactors located at the licensee's site in Berrien County, Michigan. These licenses provide, among other things, that they are subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II.

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans that meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.3 of Appendix E requires that each licensee at each site shall exercise with off-site authorities such that the State and local government emergency plans for each operating reactor site are exercised biennially, with full or partial participation by State and local governments, within the plume exposure pathway emergency planning zone (EPZ).

The NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a), (1) are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) where special circumstances are present. Section 50.12(a)(2)(v) of 10 CFR Part 50 indicates that special circumstances exist when an exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation.

III.

By letter dated May 24, 1991, the licensee requested an exemption from the schedule requirements of Section IV.F.3 of Appendix E to perform a biennial full participation emergency preparedness exercise for Donald C. Cook Nuclear Plant in 1992. This exemption was granted by the Commission on September 4, 1991, with the stipulation that the full participation exercise be conducted before June 1, 1993. By letter dated January 15, 1993, the licensee requested an extension to the previously granted exemption. As a result of a scheduling conference held November 12 and 13, 1992, with FEMA and representatives from all of the State and utilities in FEMA Region V, the licensee was assigned a date of June 30, 1993, for its full participation emergency preparedness exercise.

The rationale that was provided for originally granting the exemption, to balance the logistical and resource burden on the State and FEMA, is still germane. The current schedule only extends the previously granted exemption by a month. Also, local officials of Berrien County also participated in emergency preparedness exercises for the Palisades Nuclear Plant.

IV.

Based on a consideration of the facts presented in Section III above, the NRC staff finds that the following factors support granting of the requested exemption:

- a. The capability of the State of Michigan and the local government agencies to respond to an emergency at the Donald C. Cook Nuclear Plant has been adequately demonstrated in previous exercises at D. C. Cook. FEMA has found that there is reasonable assurance that appropriate measures can be taken to protect the health and safety of the public in the event of a radiological accident at D. C. Cook and had previously granted an exemption to the requirements of Title 44 CFR Part 350.9(c).
- b. The State of Michigan maintains a high level of preparedness through its participation in exercises with each of the nuclear power plants located in the State, including two full participation exercises in 1992.
- c. FEMA and State and local agencies have indicated their agreement with the proposed exercise schedule change.

The requested exemption is a one-time schedule change which will result in extending the previously granted exemption by one month. This will result in a more balanced and efficient allocation of State and FEMA resources. The licensee has made a good faith effort to comply with the regulations by conducting the required full participation emergency preparedness exercises at D. C. Cook with State and local government agencies since 1984. All affected parties support the proposed schedule change.

V.

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12(a)(1), this exemption as described in Section IV is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission determines further that special circumstances as provided in 10 CFR 50.12(a)(2)(v) are present justifying the exemption.

Therefore, the Commission hereby grants the Exemption from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.3, for the conduct of a biennial off-site full participation emergency preparedness exercise in 1992, provided that such an exercise be conducted by the end of July 1993.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this Exemption will have no significant impact on the environment (58 FR 16555).

This Exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by
 Martin J. Virgilio, Acting Director
 Division of Reactor Projects - III/IV/V
 Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
 this 30th day of March, 1993

*SEE PREVIOUS CONCURRENCE

OFFICE	LA:PD31*	PM:PD31	D:PD31*	OGC*
NAME	MShuttleworth	WDean <i>WMD</i>	LNO for LMarsh	
DATE	03/11/93	03/30/93	03/22/93	03/15/93
OFFICE	CH:PEPB:DRSS*	ADR3:DRPW*	D:DRPW	
NAME	RErickson	JZwolinski	JRoe <i>MR/jk</i>	
DATE	03/02/93	03/22/93	03/30/93	