

September 11, 1990

Docket Nos. 50-315  
and 50-316

Mr. Milton P. Alexich  
Indiana Michigan Power Company  
c/o American Electric Power  
Service Corporation  
1 Riverside Plaza  
Columbus, Ohio 43216

Dear Mr. Alexich:

SUBJECT: DONALD C. COOK, UNIT NOS. 1 AND 2 - APPLICATION TO AMEND FACILITY  
OPERATING LICENSE - USE OF LIGHTS AND ROPE BOUNDARIES FOR HIGH  
RADIATION AREAS (TAC NOS. 73274 AND 73275)

Enclosed is a "Notice of Consideration of Issuance of Amendment to  
Facility Operating License and Proposed No Significant Hazards Consideration  
and Opportunity for Hearing" concerning your application for amendment dated  
June 25, 1990 and revised August 14, 1990. This Notice was forwarded to the  
Office of the Federal Register for publication.

Sincerely,

/s/

Timothy G. Colburn, Project Manager  
Project Directorate III-1  
Division of Reactor Projects - III,  
IV, V & Special Projects  
Office of Nuclear Reactor Regulation

Enclosures:  
Notice

cc w/enclosure:  
See next page

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

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Sincerely,

A handwritten signature in cursive script, reading "Timothy G. Colburn".

Timothy G. Colburn, Project Manager  
Project Directorate III-1  
Division of Reactor Projects - III,  
IV, V & Special Projects  
Office of Nuclear Reactor Regulation

Enclosures:  
Notice

cc w/enclosure:  
See next page

Mr. Milton Alexich  
Indiana Michigan Power Company

Donald C. Cook Nuclear Plant

CC:  
Regional Administrator, Region III  
U.S. Nuclear Regulatory Commission  
799 Roosevelt Road  
Glen Ellyn, Illinois 60137

Mr. S. Brewer  
American Electric Power  
Service Corporation  
1 Riverside Plaza  
Columbus, Ohio 43216

Attorney General  
Department of Attorney General  
525 West Ottawa Street  
Lansing, Michigan 48913

Township Supervisor  
Lake Township Hall  
Post Office Box 818  
Bridgman, Michigan 49106

Al Blind, Plant Manager  
Donald C. Cook Nuclear Plant  
Post Office Box 458  
Bridgman, Michigan 49106

U.S. Nuclear Regulatory Commission  
Resident Inspectors Office  
7700 Red Arrow Highway  
Stevensville, Michigan 49127

Gerald Charnoff, Esquire  
Shaw, Pittman, Potts and Trowbridge  
2300 N Street, N.W.  
Washington, DC 20037

Mayor, City of Bridgman  
Post Office Box 366  
Bridgman, Michigan 49106

Special Assistant to the Governor  
Room 1 - State Capitol  
Lansing, Michigan 48909

Nuclear Facilities and Environmental  
Monitoring Section Office  
Division of Radiological Health  
Department of Public Health  
3500 N. Logan Street  
Post Office Box 30035  
Lansing, Michigan 48909

UNITED STATES NUCLEAR REGULATORY COMMISSIONINDIANA MICHIGAN POWER COMPANYNOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License Nos. DPR-58 and DPR-74, issued to Indiana Michigan Power Company (the licensee), for operation of the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, located in Berrien County, Michigan.

The proposed amendment would allow the use of flashing lights and rope boundaries to serve as a substitute for a locked door as providing a locked door is not possible or practical due to area size of configuration. Technical Specification (TS) 6.12.2 currently requires that locked doors provided to prevent unauthorized entry into areas in which the intensity of radiation is greater than 1000 mrem/hr.

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.

The Commission has made a proposed determination 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.

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The licensee provided an analysis that addressed the above three standards in the amendment applications.

1. The proposed change would not increase the probability or consequences of a previously evaluated accident because changing the access control requirements for high radiation areas does not impact any of the previously analyzed accidents
2. The proposed change will not create the possibility of a new or different kind of accident from any previously analyzed or evaluated because the proposed change does not involve a change in plant configuration or operation and will not place the plant in an unanalyzed condition.
3. The change proposed will not involve a significant reduction in a margin of safety because the use of flashing lights in a specifically posted area will provide adequate protection against unauthorized entry into an area with dose rates exceeding 1000 mrem/hr. The proposed change is consistent with the language contained in the Westinghouse Standard TSs.

The staff has reviewed the licensee's evaluation and concurs with their findings. Therefore, based on the above considerations, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building 2120 L Street, N.W., Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 18, 1990 , 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 petition for leave to intervene. Requests for a hearing and petitions 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, N.W., Washington, D.C. 20555 and at the local public document room located at the Maude Preston Paleske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. 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 fifteen (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 fifteen (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 a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. 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 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.

Normally, the Commission will not issue the amendment until the expiration of the 30-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 30-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 a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

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, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (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) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union

operator should be given Datagram Identification Number 3737 and the following message addressed to Robert C. Pierson: 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, D.C. 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N. Street, N.W., Washington, D.C. 20037 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 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 June 25, 1990, as amended August 14, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W. Washington, D.C. 20555, and at the Maude Prestor Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Rockville, Maryland, this 11th day of September 1990.

FOR THE NUCLEAR REGULATORY COMMISSION



John Stang, Acting Director  
Project Directorate III-1  
Division of Reactor Projects - III  
IV, V and Special Projects  
Office of Nuclear Reactor Regulation