

September 4, 1991

Docket Nos. 50-315
and 50-316

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Mr. E. E. Fitzpatrick, Vice President
Indiana Michigan Power Company
American Electric Power Company
1 Riverside Plaza, 20th Floor
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. 80527 AND 80528)

The U.S. Nuclear Regulatory Commission has granted the enclosed schedular Exemption regarding the conduct of a biennial off-site full participation emergency preparedness exercise for Donald C. Cook Nuclear Plant in 1992. The Exemption was granted in response to your letter of May 24, 1991, provided such an exercise is conducted prior to June 1, 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,

Original signed by

William O. Long 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

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OFC	: LA/PD31	: PM/PD31	: D/PD31	: OGC	: ADR3
NAME	: PShuttleworth	: TColburn	: LMarsh	: JZwolinski	
DATE	: 8/2/91	: 8/2/91	: 8/2/91	: 8/26/91	: 8/26/91

D: DRPW

BBoger

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Handwritten initials/signature

Mr. Gene Fitzpatrick
Indiana Michigan Power Company

Donald C. Cook Nuclear Plant

cc:

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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
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), are (1) 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 scheduled requirements of Section IV.F.3 of Appendix E to perform a biennial full participation emergency preparedness exercise for Donald C. Cook Nuclear Plant during 1992. The last biennial full participation emergency preparedness exercise at Donald C. Cook Nuclear Plant was conducted on April 3, 1990. The next biennial full participation exercise is scheduled for November 1992.

The required biennial full participation exercise is currently conducted for Donald C. Cook Nuclear Power Plant on an even-year cycle. The State of Michigan and FEMA have stated that this practice of conducting full participation exercises for Donald C. Cook during the even year has caused logistical and resource utilization difficulties. The licensee, therefore, has requested that the November 1992 full participation exercise be rescheduled for May 1993, a time convenient to all affected parties. The November 1992 exercise would then be a utility only exercise.

For the last two Systematic Assessment of Licensee Performance (SALP) cycles, Donald C. Cook has received a SALP rating of one (the highest rating) for emergency preparedness reflecting a consistent high level of on-site emergency preparedness.

Additionally, FEMA has indicated in their letter of July 5, 1991, that Donald C. Cook has conducted numerous successful exercises, including the last one in 1990. During that exercise, no major issues requiring corrective actions were identified. Based upon their performance, FEMA has granted an exemption to the requirement of Title 44 CFR Part 350.9(c) for Donald C. Cook, allowing them to reschedule the November 1992 exercise for May 1993.

In respect to the training for Berrien County, Berrien County also participates in the Palisades emergency preparedness exercises.

IV.

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

- a. The capability of the State of Michigan and the local government agencies to respond to an emergency at Donald C. Cook has been adequately demonstrated in previous exercises at Donald 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 has 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 which, for 1992, will include two full participation exercises.
- c. The licensee has maintained a SALP rating of one in the area of on-site emergency preparedness and will conduct an on-site exercise in November 1992. The State and local governments will have the opportunity to participate in this exercise at their option.
- d. FEMA, 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 postponing the biennial full participation exercise for approximately six months. The exemption will relieve the State of Michigan of the burden of conducting three full participation exercises two calendar years in a row, thereby resulting in a more balanced and efficient allocation of resources. The licensee has made a good faith effort to comply with the regulations by conducting the required full participation exercises at Donald C. Cook with the State and local government agencies since 1984. The licensee has taken into consideration the various concerns of FEMA and the local governments in rescheduling the Donald C. Cook exercise. All affected parties support the proposed exercise 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 prior to June 1993.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the environment (56 FR 37373).

This Exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by

Bruce A. Boger, Director
Division of Reactor Projects III/IV/V
Office of Nuclear Reactor Regulation

Dated at Rockville Maryland
this 4th day of September 1991.

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DATE	: 8/21/91	: 8/21/91	: 8/21/91	: 8/26/91	: 8/30/91
OFC	: D:DRP345	:	:	:	:
NAME	: BBoger	:	:	:	:
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