

October 16, 1997

Mr. E. E. Fitzpatrick, Vice President  
Indiana Michigan Power Company  
Nuclear Generation Group  
500 Circle Drive  
Buchanan, MI 49107

SUBJECT: DONALD C. COOK NUCLEAR PLANT, UNITS 1 AND 2 - NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING (TAC NOS. M99635 AND M99636)

Dear Mr. Fitzpatrick:

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing" related to your request for a license amendment dated September 19, 1997 (AEP:NRC:1278). This amendment would modify the residual heat removal automatic interlock surveillance requirement.

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

Sincerely,

Original signed by:

John B. Hickman, Project Manager  
Project Directorate III-3  
Division of Reactor Projects III/IV  
Office of Nuclear Reactor Regulation

Docket Nos. 50-315 and 50-316

Enclosure: Notice

cc w/encl: See next page

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NAME	JHickman <i>JHickman</i>		CBoyle <i>CBoyle</i>					
DATE	10/15/97 <i>10/15/97</i>		10/15/97 <i>10/15/97</i>					

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Indiana Michigan Power Company  
Nuclear Generation Group  
500 Circle Drive  
Buchanan, MI 49107

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OFFICE	PM:PDIII-3	E	LA:PDIII-3	E				
NAME	JHickman	<i>[Signature]</i>	CBoyle	<i>[Signature]</i>				
DATE	10/15/97		10/15/97					

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E. E. Fitzpatrick  
Indiana Michigan Power Company

Donald C. Cook Nuclear Plant  
Unit Nos. 1 and 2

cc:

Regional Administrator, Region III  
U.S. Nuclear Regulatory Commission  
801 Warrenville Road  
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Indiana Michigan Power Company  
Nuclear Generation Group  
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Attorney General  
Department of Attorney General  
525 West Ottawa Street  
Lansing, MI 48913

Township Supervisor  
Lake Township Hall  
P.O. Box 818  
Bridgman, MI 49106

Al Blind, Site Vice President  
Donald C. Cook Nuclear Plant  
1 Cook Place  
Bridgman, MI 49106

U.S. Nuclear Regulatory Commission  
Resident Inspector's Office  
7700 Red Arrow Highway  
Stevensville, MI 49127

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

Mayor, City of Bridgman  
P.O. Box 366  
Bridgman, MI 49106

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

Drinking Water and Radiological  
Protection Division  
Michigan Department of  
Environmental Quality  
3423 N. Martin Luther King Jr Blvd  
P.O. Box 30630 CPH Mailroom  
Lansing, MI 48909-8130

UNITED STATES NUCLEAR REGULATORY COMMISSIONINDIANA MICHIGAN POWER COMPANYDOCKET NOS. 50-315 AND 50-316NOTICE 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 Nos. DPR-58 and DPR-74, issued to Indiana Michigan Power Company (the licensee), for operation of the Donald C. Cook Nuclear Plant, Units 1 and 2 (D.C. Cook), located in Berrien County, Michigan.

The proposed amendment would change the D.C. Cook technical specifications (TS) to delete the interlock which would close the residual heat removal (RHR) suction valves if the reactor coolant system (RCS) pressure were to increase to 600 psig while retaining the interlock which would prevent the suction valves from opening while the RCS pressure is above the RHR system design pressure. This change would maintain the interlock against opening to protect against an intersystem loss of coolant accident but would allow continued deactivation of the isolation valves when the RHR system is operating to assure RHR availability and provide low temperature overpressure protection (LTOP).

The licensee has requested that the proposed amendment be reviewed on an emergency basis. Section 50.91(a)(5) of Title 10 of the *Code of Federal Regulations* requires the licensee to explain the emergency and why the licensee cannot avoid it. The licensee's explanation is provided below:

On September 18, 1997, a letter was sent to the USNRC providing a discussion of the actions we are taking to address technical issues identified

by the recently complete [concluded September 12, 1997] architect engineering (AE) team inspection. We are currently anticipating the commencement of startup activities on September 29, 1997, and respectfully request NRC review and approval of this change by that date.

We understand the impact of such an emergency request, and recognizing that the conditions and status of the Cook Nuclear Plant restart may change in the future, we intend to keep the commission informed, through our daily contact with our NRR project manager, as to the status of our restart schedule.

The situation described above occurred because, until recently, the need to meet the RHR suction valve surveillance requirement, in mode 4, simultaneously with the reactivity control specification and the LTOP administrative requirements, was not recognized. Investigation into the root cause of this oversight is still in progress.

The AE inspection team identified issues related to our configuration management, design and procedure control, and our understanding of the plant's design and licensing bases. With the insight gained from the inspectors' conclusions, we identified this particular issue on September 11, 1997. The need for a T/S [technical specification] change prior to restarting either of the units, became evident as a result of our investigation of this matter.

The licensee was unable to make a more timely application because it was not determined until the recent inspection (September 11, 1997) that the RHR suction valve surveillance requirement in Mode 4 needed to be met, simultaneously with the reactivity control specification and the LTOP administrative requirements. Due to changes in the anticipated restart schedule, emergency circumstances no longer exist. However, the NRC has determined that the licensee used its best efforts to make a timely application for the proposed changes and that, pursuant to 10 CFR 50.91(a)(6), exigent circumstances do exist and were not the result of any intentional delay on the part of the licensee. The Donald C. Cook Nuclear Plant, Units 1 and 2, cannot restart until the proposed amendments have been approved by the NRC.

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 consideration, which is presented below:

Criterion 1

This amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated. The change provides an alternative means of providing overpressurization protection for the RHR system, and thereby protection against potential intersystem LOCA. Operating procedure administrative requirements establish the necessary LTOP system configuration and ECCS equipment operability constraints for mode 4 operation. The LTOP system has been analyzed to show that, if operated per the existing operating procedure constraints, it will protect the RHR system during postulated overpressure conditions.

Criterion 2

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. The change involves a different response by the system to an overpressurization event, but we have shown by analysis that the alternative LTOP configuration is capable of providing equivalent protection to the original suction valve auto-closure feature. The system remains protected from single failure of any of the available overpressure protection components. The change eliminates the potential for a single power supply or instrument failure isolating and damaging the RHR system while operating to remove decay heat in mode 4.

Criterion 3

This proposed change does not involve a significant reduction in a margin of safety. The change maintains an equivalent margin of safety against

intersystem LOCA concerns. Operating with the suction valves blocked open and the overpressure protection of the LTOP system, the change also helps to ensure the availability of decay heat removal from the RCS during any postulated accident which would involve pressurization of the RCS. Operating with the original auto-closure isolation of the suction valves would automatically cut off decay heat removal via the RHR system in any such postulated event if the RCS reached the auto-closure setpoint and the suction valves closed.

The change eliminates the potential for a power supply or instrument failure isolating and damaging the RHR system while in mode 4. The requested change maintains protection from inadvertently opening the RHR suction valves, thereby exposing the RHR system to high RCS system pressure, by maintaining the requirement for the open interlock in all modes.

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 14 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 14-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 14-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 and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, MD, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the Commission's Public Document Room, located at the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By November 21, 1997, 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 the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Maud Preston Palenske 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 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.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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 immediately 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.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, Attention: Rulemakings and Adjudications Staff, U.S. Nuclear

Regulatory Commission, Washington, DC 20555-0001, or may be delivered to the Commission's Public Document Room, located at the Gelman Building, 2120 L Street, NW., Washington, DC, 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 Gerald Charnoff, Esquire; Shaw, Pittman, Potts and Trowbridge; 2300 N Street, NW., Washington, DC 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 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).

For further details with respect to this action, see the application for amendment dated September 19, 1997, which is available for public inspection at the Commission's Public Document Room, located at the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Rockville, Maryland, this 16th day of October 1997.

FOR THE NUCLEAR REGULATORY COMMISSION



John B. Hickman, Project Manager  
Project Directorate III-3  
Division of Reactor Projects III/IV  
Office of Nuclear Reactor Regulation



UNITED STATES  
CLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 16, 1997

MEMORANDUM TO: Rules Review and Directives Branch  
Division of Freedom of Information and Publications Services  
Office of Administration

FROM: Office of Nuclear Reactor Regulation

SUBJECT: D.C. Cook

One signed original of the *Federal Register* Notice identified below is attached for your transmittal to the Office of the Federal Register for publication. Additional conformed copies ( ) of the Notice are enclosed for your use.

- Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s): Time for submission of Views on Antitrust matters.
- Notice of Consideration of Issuance of Amendment to Facility Operating License. (Call with 30-day insert date).
- Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- Notice of Availability of NRC Draft/Final Environmental Statement.
- Notice of Limited Work Authorization.
- Notice of Availability of Safety Evaluation Report.
- Notice of Issuance of Construction Permit(s).
- Notice of Issuance of Facility Operating License(s) or Amendment(s).
- Order.
- Exemption.
- Notice of Granting Exemption.
- Environmental Assessment.
- Notice of Preparation of Environmental Assessment.
- Receipt of Petition for Director's Decision Under 10 CFR 2.206.
- Issuance of Final Director's Decision Under 10 CFR 2.206.
- Other: \_\_\_\_\_

DOCKET NO. 50-315 -316

Attachment(s): As stated

Contact: Kleene, 1389

Telephone: