

JANUARY 3 1979

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Mr. John Tillinghast  
Vice President  
Indiana and Michigan Electric Company  
Indiana and Michigan Power Company  
Post Office Box 18  
Bowling Green Station  
New York, New York 10004

Dear Mr. Tillinghast:

The Commission has filed the enclosed "Notice of Proposed Issuance of Amendments to Facility Operating Licenses" with the Office of the Federal Register for publication. The notice relates to your application dated November 22, 1978, for increase in spent fuel storage capacity at the Donald C. Cook Nuclear Plant.

Sincerely,

Original Signed By

A. Schwencer, Chief  
Operating Reactors Branch #1  
Division of Operating Reactors

Enclosure:  
"Notice of Proposed Issuance  
of Amendments to Facility  
Operating Licenses"

cc: w/enclosure  
See next page

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Indian & Michigan Electric Company - 2 -  
Indian & Michigan Power Company

cc: Mr. Robert W. Jurgensen  
Chief Nuclear Engineer  
American Electric Power  
Service Corporation  
2 Broadway  
New York, New York 10004

Gerald Charnoff, Esquire  
Shaw, Pittman Potts & Trowbridge  
1800 M Street, NW  
Washington, D.C. 20036

David Dinsmore Comey  
Executive Director  
Citizens for a Better Environment  
59 East Van Buren Street  
Chicago, Illinois 60605  
Maude Reston Palenske Memorial  
Library  
500 Market Street  
St. Joseph, Michigan 49085

Donald C. Cook Nuclear Plant  
ATTN: Mr. D. Shaller  
Plant Manager  
P. O. Box 458  
Bridgman, Michigan 49106

Kenneth R. Baker  
2874 Robin Hood Drive  
Stevensville, Michigan 49127

UNITED STATES NUCLEAR REGULATORY COMMISSION

DOCKET NOS. 50-315 AND 50-316

INDIANA AND MICHIGAN POWER COMPANY

INDIANA AND MICHIGAN ELECTRIC COMPANY

NOTICE OF PROPOSED ISSUANCE OF AMENDMENT TO

FACILITY OPERATING LICENSE

The United States Nuclear Regulatory Commission (the Commission) is considering approval of an application by Indiana and Michigan Power Company and Indiana and Michigan Electric Company (the licensees) to expand spent fuel storage capacity from 500 to 2050 fuel assemblies. This application has been made for the Donald C. Cook Nuclear Plant, Units 1 and 2 located in Bridgman, Michigan, which the licensees operate under Facility Operating Licenses Nos. DPR-58 and DPR-74.

Prior to approval of this application for increased spent fuel storage capacity, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By February 12, 1979 the licensee may file a request for a hearing with respect to approval of the application for increase in spent fuel storage capacity 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

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for Domestic Licensing Proceedings" in 10 CFR Part 2. 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 his petition, 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, the 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, and the bases for each contention set forth with reasonable specificity. 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 shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H 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 or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to A. Schwencer: (petitioner's name and telephone number); (date petition was mailed); Donald C. Cook Nuclear Plant, Units 1 and 2; and

(publication date and page number of this FEDERAL REGISTER notice). A copy of the petition should also be sent to the Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D. C. 20036, 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 designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR §2.714(a)(i)-(v) and §2.714(d).

For further details with respect to this action, see the licensees' application for increase in spent fuel storage capacity dated November 22, 1978, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C., and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan, 49085.

Dated at Bethesda, Maryland this 3rd day of January, 1979.

FOR THE NUCLEAR REGULATORY COMMISSION



A. Schwencer, Chief  
Operating Reactors Branch #1  
Division of Operating Reactors