

AUG 19 1982

Docket No. 50-316

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

Dear Mr. Dolan:

The Commission has filed the enclosed "Notice of Proposed Issuance of Amendment to Facility Operating License" with the Office of the Federal Register for publication. This notice relates to your request of April 7, 1982, as supplemented by letters dated June 11 and June 30, 1982, and July 8, 1982, to amend the Technical Specifications to Operating License No. DPR-74 for the D. C. Cook Nuclear Plant, Unit No. 2. The amendment, as a result of changing to fuel supplied by a different vendor, would revise the provisions of the Facility Operating License, item c(1) on increasing the maximum power level from 3391 megawatts thermal to 3411 megawatts thermal (an increase of about 0.6%) and item c(3)(s) on changing the maximum fuel enrichment from 3.5% uranium 235 to 3.84% uranium 235, and the Technical Specifications relating to the change to a different fuel design.

Sincerely,

Original signed by:
S. A. Varga

Steven A. Varga, Chief
Operating Reactors Branch #1
Division of Licensing

Enclosure:
"Notice of Proposed Issuance
of Amendment to Facility
Operating License"

cc w/enclosure:
See next page

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SURNAME	CParrish	RCilimberg	DWigginton	S. Varga	R. Busch		
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Mr. John Dolan
Indiana and Michigan Electric 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 and Trowbridge
1800 M Street, N.W.
Washington, D. C. 20036

Maude Preston Palenske Memorial
Library
500 Market Street
St. Joseph, Michigan 49085

W. G. Smith, Jr., Plant Manager
Donald C. Cook Nuclear Plant
P. O. Box 458
Bridgman, Michigan 49106

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

Mr. Wade Schuler, Supervisor
Lake Township
Baroda, Michigan 49101

Mr. William R. Rustem (2)
Office of the Governor
Room 1 - Capitol Building
Lansing, Michigan 48913

Honorable James Bemeneck, Mayor
City of Bridgman, Michigan 49106

Regional Radiation Representative
EPA Region V
230 South Dearborn Street
Chicago, Illinois 60604

Maurice S. Reizen, M.D.
Director
Department of Public Health
P.O. Box 30035
Lansing, Michigan 48109

William J. Scanlon, Esquire
2034 Pauline Boulevard
Ann Arbor, Michigan 48103

The Honorable Tom Corcoran
United States House of Representatives
Washington, D. C. 20515

James G. Keppler
Regional Administrator - Region III
U. S. Nuclear Regulatory Commission
799 Roosevelt Road
Glen Ellyn, Illinois 60137

UNITED STATES NUCLEAR REGULATORY COMMISSIONDOCKET NO. 50-316INDIANA AND MICHIGAN ELECTRIC COMPANYNOTICE OF PROPOSED ISSUANCE OF AMENDMENT TOFACILITY OPERATING LICENSE

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. DPR-74, issued to Indiana and Michigan Electric Company (the licensee), for operation of the D. C. Cook Nuclear Plant, Unit No. 2 located in Berrien County, Michigan.

The amendment, as a result of changing to fuel supplied by a different vendor, would revise the provisions of the Facility Operating License, item c(1) on increasing the maximum power level from 3391 megawatts thermal to 3411 megawatts thermal (an increase of about 0.6%) and item c(3)(s) on changing the maximum fuel enrichment from 3.5% uranium 235 to 3.84% uranium 235, and the Technical Specifications relating to the change to a different fuel design in accordance with the licensee's application for amendment dated April 7, 1982, as supplemented by letters dated June 11 and June 30, 1982 and July 8, 1982.

Prior to 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.

By September 27, 1982, 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

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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. 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, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. 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, NW., 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 Steven A. Varga, Chief, Operating Reactors Branch No. 1, Division of Licensing:

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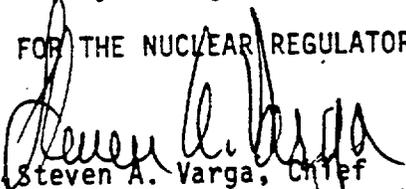
(petitioner's name and telephone number); date petition was mailed); (D.C. Cook Unit 2); and publication date and page number of this FEDERAL REGISTER notice). A copy of the petition should also be sent to the Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800M Street, NW., 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 application for amendment dated April 7, 1982, as supplemented June 11 and June 30, 1982, and July 8, 1982, 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 Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Bethesda, Maryland, this 19 day of August, 1982.

FOR THE NUCLEAR REGULATORY COMMISSION


Steven A. Varga, Chief
Operating Reactors Branch #1
Division of Licensing