



AEP:NRC:2382-01
10 CFR 50.90

April 25, 2002

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Mail Stop O-P1-17
Washington, DC 20555-0001

Donald C. Cook Nuclear Plant Unit 2
Docket No.: 50-316
SUPPLEMENT TO LICENSE AMENDMENT REQUEST FOR
BATTERY SURVEILLANCE REQUIREMENT
TAC NOS. MB4760 AND MB4761

- Reference: 1) Letter from J. E. Pollock, Indiana Michigan Power Company (I&M) to Nuclear Regulatory Commission (NRC) Document Control Desk, "Donald C. Cook Nuclear Plant Units 1 and 2 Docket Nos. 50-315 and 50-316 License Amendment Request for Battery Surveillance Requirement," AEP:NRC:2382, dated April 9, 2002.
- 2) Letter from J. E. Pollock, I&M to NRC Document Control Desk, " Donald C. Cook Nuclear Plant Unit 2, Request for Notice of Enforcement Discretion for the Unit 2 AB Station Battery," AEP:NRC:2016-01, dated April 8, 2002.

Dear Sir or Madam:

In Reference 1, pursuant to 10 CFR 50.90, Indiana Michigan Power Company (I&M), the licensee for Donald C. Cook Nuclear Plant Unit 1 and Unit 2, proposed to amend Appendix A, Technical Specifications (TS), of Facility Operating Licenses DPR-58 and DPR-74. I&M proposed to revise the Surveillance Requirements for the Train AB, CD, and N batteries in TS 4.8.2.3.2.c.1 and TS 4.8.2.5.2.c.1. With this supplement, I&M is requesting Nuclear Regulatory Commission (NRC) approval, on an emergency basis, of the proposed changes to the Unit 2 TS 4.8.2.3.2.c.1 Surveillance Requirements for

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the Train AB and CD batteries only. I&M is requesting approval of the proposed TS changes pursuant to the requirements of 10 CFR 50.91(a)(5).

I&M was recently granted Enforcement Discretion on April 5, 2002, to preclude an unnecessary Unit 2 shutdown due to the discovery of three cracked battery cell covers in the Unit 2 AB station battery. The affected three battery cells were replaced. On April 9, 2002, I&M submitted a proposed amendment which would modify TS surveillance requirement 4.8.2.3.2.c.1 and TS 4.8.2.5.2.c.1 to indicate that physical damage or abnormal deterioration to the Train AB, CD, or N station battery cells, cell plates, and racks would not render the batteries inoperable unless the damage or deterioration could degrade battery performance.

On April 6, and 23, 2002, I&M identified two additional cracked battery cell covers in the Unit 2 AB station battery. Those two affected battery cells were replaced. Thus, a total of five battery cells have been replaced in less than three weeks. I&M concludes that, given the cause of the cracking, additional cell covers will crack in the near future since the cause is common to a group of Unit 2 AB battery cells that were installed in 1994. Currently, I&M has four (4) spare battery cells available in the event additional battery cells require replacement. Due to the frequency at which the battery cell covers have cracked, the inventory of available spare battery cells would likely be depleted before the proposed TS amendment is approved through the normal or exigent review process. Additionally, the TS allowed outage time is not of sufficient duration to allow NRC action prior to a Unit 2 shutdown, if multiple cracks are identified. As such, I&M requests approval of the proposed changes to the Unit 2 TS 4.8.2.3.2.c.1 Surveillance Requirements for the Train AB and CD batteries on an emergency basis.

Enclosure 1 to this letter provides an oath and affirmation affidavit pertaining to the requested emergency Unit 2 TS amendment. Enclosure 2 provides a detailed description of the condition, including a detailed justification for approving the amendment on an emergency basis. Because the basis for the proposed Unit 2 TS amendment has not changed, the justification provided in the no significant hazards consideration and environmental assessment described in Reference 1 remain valid. No new commitments were identified in this letter.

As previously stated in Reference 1, no pending amendment requests affect the TS pages that are submitted in this request. If any future submittals affect these TS pages, I&M will coordinate the changes to the pages with the NRC Project

Manager to ensure proper TS page control when the associated license amendment requests are approved.

If you have any questions or require additional information, please contact Mr. Gordon P. Arent, Manager of Regulatory Affairs, at (616) 697-5553.

Sincerely,

A handwritten signature in black ink, appearing to read "J. E. Pollock". The signature is written in a cursive style with a large initial "J" and "P".

J. E. Pollock
Site Vice President

/dmb

Enclosures:

- 1 Affidavit
- 2 Justification for Emergency TS Change

c: K. D. Curry
J. E. Dyer
MDEQ - DW & RPD
NRC Resident Inspector
R. Whale

AFFIRMATION

I, Joseph E. Pollock, being duly sworn, state that I am Site Vice President of Indiana Michigan Power Company (I&M), that I am authorized to sign and file this request with the Nuclear Regulatory Commission on behalf of I&M, and that the statements made and the matters set forth herein pertaining to I&M are true and correct to the best of my knowledge, information, and belief.

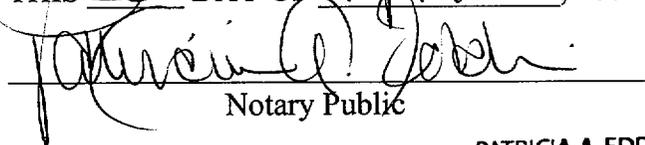
American Electric Power Service Corporation



J. E. Pollock
Site Vice President

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 25th DAY OF April, 2002



Notary Public

My Commission Expires PATRICIA A. EDDIE
NOTARY PUBLIC-BERRIEN COUNTY, MI
MY COMMISSION EXPIRES
NOVEMBER 5, 2004

**Supplement to Application for Amendment
Emergency License Amendment Request for Unit 2 Train AB
and CD Battery Surveillance Requirements**

1.0 Background

In Reference 1, Indiana Michigan Power Company (I&M) proposed to revise the Surveillance Requirements for the Train AB, CD, and N batteries in Technical Specification (TS) 4.8.2.3.2.c.1 and TS 4.8.2.5.2.c.1. The proposed amendment affects the requirement to verify that battery cells, cell plates and racks show no visual indication of physical damage or abnormal deterioration. The proposed amendment would allow the operability of the batteries exhibiting such damage or deterioration to be determined by an evaluation. The proposed amendment had not been issued for public comment as of April 24, 2002.

If a Train AB or CD battery is declared inoperable and not restored to an operable status within 2 hours, the Action Statement for Unit 2 TS 3.8.2.3 requires that the unit be in Hot Standby (Mode 3) within 6 hours, and in Cold Shutdown (Mode 6) within the following 30 hours. As documented in Reference 2, I&M was granted Enforcement Discretion on April 5, 2002, to extend the 2-hour allowed outage time of TS 3.8.2.3 to 13 hours to allow replacement of three Unit 2 AB station battery cells that had exhibited cracks in their top covers, even though the cracks did not impair the cell's function. On April 6, 2002, another Unit 2 AB station battery cell was identified as exhibiting a potential crack. The affected battery cell was replaced within the time allowed by TS 3.8.2.3. On April 23, 2002, a crack was discovered on the top cover of another Unit 2 AB station battery cell. The affected battery cell was replaced before a Unit 2 shutdown was required.

Reason for Requesting Emergency Amendment

Regulation 10 CFR 50.91(a)(5) states that where the Nuclear Regulatory Commission (NRC) finds that an emergency situation exists, in that failure to act in a timely way would result in the shutdown of a nuclear power plant, or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, it may issue a license amendment involving no significant hazards consideration without prior notice and opportunity for a hearing or for public comment. The regulation also states that the NRC will decline to dispense with notice and comment on the determination of no significant hazards if it determines that the licensee has abused the emergency provision by failing to make timely application for the amendment and thus itself creating the emergency. The regulation requires that a licensee requesting an emergency amendment explain why the emergency situation occurred and why the licensee could not avoid the situation. As explained below, an emergency amendment is needed to preclude an unnecessary plant shutdown and cooldown, and I&M could not have reasonably avoided the situation or made timely application for an amendment.

Reason Emergency Situation Has Occurred

An amendment is needed to preclude the shutdown of Unit 2 because of the potential that cover cracking similar to that previously identified on five Unit 2 AB station battery cells will be discovered on other Unit 2 AB station battery cells prior to the completion of the 30-day public comment period. The previous actions of replacing the cells within the time allowed by TS cannot be continued indefinitely, since only four (4) replacement cells remain available. If multiple cells are identified as exhibiting the cover cracking, replacement within the time allowed by TS would likely be unachievable. In such cases, the only process available to preclude plant shutdown would be the exercise of enforcement discretion by the NRC. The short allowed outage time specified by TS 3.8.2.3 would necessitate rapid review and verbal approval by the NRC. Use of Regional enforcement discretion for recurring events is contrary to the guidance provided in NRC Manual Chapter 9900.

As described in the referenced letter, I&M considers that the cover cracking does not prevent the battery cells from performing their safety function. Accordingly, I&M considers that a plant shutdown resulting from the discovery of cover cracking on additional cells to be unnecessary with respect to the functionality of the batteries. However, since cover cracking will likely be identified on additional Unit 2 battery cells prior to completion of the public comment period, I&M considers that an emergency situation as defined in 10 CFR 50.91 exists in that there is not adequate time for prior notice and opportunity for a hearing or for public comment before issuance of the proposed amendment.

Reason the Situation Could Not Have Been Avoided

Although the corrosion that is now thought to be a precursor to the cracking had been previously identified, at the time I&M originally submitted the April 9, 2002, amendment request, it was not known how quickly additional cell covers would exhibit cracking. Also, in the short-term, the battery vendor considered this condition a maintenance issue rather than a battery performance issue. I&M submitted a TS amendment request in a timely manner to revise the surveillance requirement. However, due to subsequent failures and difficulty in organizing the appropriate NRC resources within the TS allowed outage time, if additional cracks were identified sufficient time would not have existed to preclude a Unit 2 shutdown. Therefore, the situation could not have been avoided.

I&M therefore considers that there is justification for requesting approval of the Unit 2 TS 4.8.2.3.2.1.c license amendment on an emergency basis.