

March 30, 1989

Docket No. 50-331

Distribution

Mr. Lee Liu
Chairman of the Board and
Chief Executive Officer
Iowa Electric Light and Power Company
P. O. Box 351
Cedar Rapids, Iowa 52406

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SUBJECT: DUANE ARNOLD ENERGY CENTER (TAC NO. 63374)

Dear Mr. Liu:

Enclosed is a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing" concerning your application for amendment dated October 13, 1986. This notice was forwarded to the Office of the Federal Register for publication.

Sincerely,

/s/

James R. Hall, Project Manager
Project Directorate III-3
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

Office: LA/PDIII-3
Surname: PKreutzer
Date: 3/29/89

PM/PDIII-3
RHall/mr
3/29/89

PD/PDIII-3
JHannon
3/30/89

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Mr. Lee Liu
Iowa Electric Light and Power Company

Duane Arnold Energy Center

cc:
Jack Newman, Esquire
Kathleen H. Shea, Esquire
Newman and Holtzinger
1615 L Street, N.W.
Washington, D.C. 20036

Office for Planning and Programming
523 East 12th Street
Des Moines, Iowa 50319

Chairman, Linn County
Board of Supervisors
Cedar Rapids, Iowa 52406

Iowa Electric Light and Power Company
ATTN: R. Hannen
Post Office Box 351
Cedar Rapids, Iowa 52406

U.S. Nuclear Regulatory Commission
Resident Inspector's Office
Rural Route #1
Palo, Iowa 52324

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

Mr. John A. Eure
Assistant to the Division Director
for Environmental Health
Iowa Department of Public Health
Lucas State Office Building
Des Moines, Iowa 50319

UNITED STATES NUCLEAR REGULATORY COMMISSION
IOWA ELECTRIC LIGHT AND POWER COMPANY ET AL.

DOCKET NO. 50-331

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulation Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-49, issued to the Iowa Electric Light and Power Company, the Central Iowa Power Cooperative and the Corn Belt Power Cooperative (the licensee), for operation of the Duane Arnold Energy Center (DAEC), located in Linn County, Iowa.

The amendment would revise the DAEC Technical Specifications (1) to conform to the Inservice Testing (IST) Program for Pumps and Valves, and (2) to correct a typographical error. The licensee's summary of the changes are as follows:

Change (1): The requirements of 10 CFR 50.55a(g)(4)(ii) state that the inspection program for pumps and valves shall comply with Section XI of the edition of the ASME Boiler and Pressure Vessel Code incorporated into NRC regulations 12 months prior to the start of the 120-month inspection interval. The second 10-year Inservice Testing Program for Pumps and Valves began February 1985; however, the technical specification pages were not revised to reflect the use of the 1980 Edition

(Winter 1981 Addendum) of Section XI of the ASME Code. Under the previously applicable Code (1974 Edition, Summer 1985 Addendum), Paragraph IWP-3400, "Frequency of Inservice Tests," a monthly test was required to be conducted on pumps and valves. The 1980 Edition requires quarterly tests of pumps and valves. Since the DAEC Inservice Testing Program now uses the later 1980 Code Edition, revision to the technical specifications is required.

Change 2: A typographical error has been corrected which changes the word "continous" (sic) to "continuous."

Before 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.

The Commission has made a proposed determination 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. The basis for this proposed determination is provided below.

The licensee has determined that the proposed changes do not involve a significant hazard based, in part, on the following statements: Proposed Change 1 does not involve a significant increase in the

probability or consequences of an accident previously evaluated. Revising the surveillance requirements for pumps and valves from once per month to once per 3 months may, however, present a very small increase in the probability of an accident previously evaluated in the Duane Arnold Energy Center Updated Final Safety Analysis Report (UFSAR). The small increase in probability is acceptable as the testing program for the pumps and valves follows requirements of ASME Section XI, Paragraph IWP-3400, "Frequency of Inservice Tests," and still meets General Design Criterion 37, "Testing of Emergency Core Cooling System," the guidance of the NRC Standard Technical Specifications (Specification 4.0.5), and the NRC Standard Review Plan 3.9.6, "Inservice Testing of Pumps and Valves."

Proposed Change 1 does not create the possibility of a new or different kind of accident from any accident previously evaluated. Extension of the pump and valve surveillance frequency, to be in accordance with ASME Section XI Code requirements, continues to be enveloped by existing accident analyses described in Chapter 15 of the UFSAR.

Proposed Change 1 does not involve a significant reduction in the plant margin of safety; however, as explained previously, revising the surveillance requirements for the pumps and valves may present a slight increase in risk. The risk, if any, is acceptable as the testing requirements embodied in Paragraphs IWP-3000 and IWV-3000 of ASME Section XI of the Boiler and Pressure Vessel Code are met.

In the April 6, 1983 Federal Register, the NRC published examples of amendments that are not likely to involve a significant hazards consideration. The examples include:

- (i) A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature.
- (vi) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.
- (vii) A change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

Change 1 falls within the scope of examples (vi) and (vii). Change 2, the correction of a typographical error, is a purely administrative change that falls within the scope of example (i). Since Changes 1 and 2 are encompassed by the criteria for no

significant hazards consideration and examples for which no significant hazards consideration exists, the staff has made the proposed determination that the application involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of the FEDERAL REGISTER notice. Written comments may also be delivered to Room P-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 8, 1989, 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 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 pre-hearing 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.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. 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 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.

Normally, the Commission will not issue the amendment until the expiration of the 30-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 30-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 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.

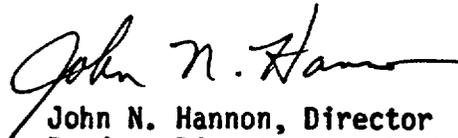
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L 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 promptly so inform the Commission by a toll-free telephone call to Western Union at 1 (800) 325-6000 (in Missouri 1 (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John N. Hannon: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Jack Newman, Esq. and Kathleen H. Shea, Esq., Newman and Holtzinger, 1615 L Street, N.W., Washington, D.C. 20036, attorneys 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 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 October 13, 1986, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W. Washington, D.C. 20555, and at the Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Dated at Rockville, Maryland, this 30th day of March 1989.

FOR THE NUCLEAR REGULATORY COMMISSION



John N. Hannon, Director
Project Directorate III-3
Division of Reactor Projects - III
IV, V and Special Projects
Office of Nuclear Reactor Regulation