

March 17, 1989

Docket No. 50-331

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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Dear Mr. Liu:

SUBJECT: DUANE ARNOLD ENERGY CENTER (TAC NO. 65338)

Enclosed is a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing" concerning your application for amendment dated April 24, 1987. 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

OFO/
1/1

Office: LA/PDIII-3
Surname: PKreutzer
Date: 3/16/89

PKreutzer
RHall
3/16/89

JHannon
3/17/89

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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 COMMISSIONIOWA ELECTRIC POWER COMPANY, ET AL.DOCKET NO. 50-331NOTICE 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. NPF-49, issued to the Iowa Electric Power Company, the Central Iowa Power Cooperative, and the Corn Belt Power Cooperative for operation of the Duane Arnold Energy Center (DAEC) located in Linn County, Iowa.

The amendment would modify the Specifications issued as part of the Radiological Effluent Technical Specifications (RETS). The proposed modifications are administrative in nature and incorporate clarifications as well as typographical corrections to improve format consistency with the rest of the DAEC TS.

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

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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 Commission has provided guidance for the application of criteria for no significant hazards determination by providing examples of amendments that are considered not likely to involve significant hazards considerations (51 FR 7751). The examples include: (i) a purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the TS, correction of an error, or a change in nomenclature. The proposed modifications fall within the scope of example (i) because they are administrative and do not remove or relax any existing requirements. Since the application for the amendment involves proposed modifications that are encompassed by an example of an action not likely to involve a significant hazards consideration, the staff has made the proposed determination that the amendment 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 April 24, 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 Newman and Holtzinger, 1615 L 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 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 April 24, 1987, 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 17th day of March 1989.

FOR THE NUCLEAR REGULATORY COMMISSION

Timothy G. Colburn
Timothy G. Colburn, Acting Director
Project Directorate III-3
Division of Reactor Projects - III
IV, V and Special Projects
Office of Nuclear Reactor Regulation