

May 31, 1991

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 53406

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

Enclosed is a copy of the notice which relates to your application for  
amendment dated December 14, 1990 to revise the Duane Arnold Energy Center  
Technical Specifications relating to MSIV surveillance testing.

We are publishing this notice as an individual notice with a 15-day notice  
period, in lieu of a regular notice, due to the exigent circumstances  
described in your letter dated May 23, 1991.

The notice has been forwarded to the Office of the Federal Register for  
publication.

Sincerely,

original signed by

Stephen P. Sands, Project Manager  
Project Directorate III-3  
Division of Reactor Projects III/IV/V  
Office of Nuclear Reactor Regulation

Enclosure:  
As stated

cc w/enclosure:  
See next page

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

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Sincerely,

A handwritten signature in cursive script that reads "Stephen P. Sands" followed by a flourish.

Stephen P. Sands, Project Manager  
Project Directorate III-3  
Division of Reactor Projects III/IV/V  
Office of Nuclear Reactor Regulation

Enclosure:  
As stated

cc w/enclosure:  
See next page

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

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  
CENTRAL IOWA POWER COOPERATIVE  
CORN BELT POWER COOPERATIVE  
DOCKET NO. 50-331  
NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory 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, et al. (the licensees), for operation of the Duane Arnold Energy Center (DAEC) located in Palo, Linn County, Iowa.

The amendment would revise the Technical Specification (TS) requirements for surveillance testing of main steam isolation valves (MSIVs).

The facility TSs presently require that the MSIVs be partial-stroke (slow closure) tested weekly and full-stroke tested (fast closure) quarterly. On May 19, 1991, the licensees observed evidence of stem galling on the "C" outboard MSIV and requested a Waiver of Compliance for relief from the weekly partial-stroke testing of the MSIVs by letter dated May 23, 1991. The staff's granting of the waiver on May 24, 1991 was based on the concern that the partial stroke testing could accelerate or exacerbate the observed damage to the "C" outboard MSIV, possibly rendering it

inoperable, and the fact that the quarterly full-stroke exercising of the valves will continue to adequately demonstrate the valves' ability to perform their intended safety function. By expediting the amendment, compliance with the facility Technical Specifications would be resumed sooner, as the requirements for the weekly partial stroke testing of the MSIVs would be removed. This would decrease the probability of inadvertent scrams and transients by reducing the number of unnecessary challenges to the valves.

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 proposed change is judged to involve no significant hazards based on the following:

1. This proposed change deletes the requirement to exercise the MSIVs weekly. That weekly surveillance involves partial closure of each individual valve to the 90% open position and reopening to the full open position.

The safety function of the MSIVs is to isolate the main steamlines in case of a steamline break or Control Rod Drop Accident in order to limit the loss of reactor coolant and/or the release of radioactive materials. The MSIVs perform a safety function which mitigates the consequences of accidents; however, an event could be initiated by the inadvertent closure of the MSIVs. Therefore, eliminating unnecessary operating of the MSIVs reduces the probability of occurrence of an inadvertent closure. Also, the surveillance which is being deleted does not test the safety function of the MSIVs. The safety function is tested during the quarterly full-stroke fast closure test. Since deleting the weekly exercise of the valves is not considered to have a negative effect on the reliability of the MSIVs to perform their safety function, there is no increase in the consequences of any postulated accidents. Therefore, deleting the requirement for weekly exercise of the MSIVs does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The safety function of the MSIVs is to mitigate the consequences of accidents by isolating the main steamlines in order to limit the release of reactor coolant and/or radioactive materials. The MSIVs do not prevent the occurrence of any accident; however, an event could be initiated by the inadvertent closure of the MSIVs. This event (Group One Isolation) has been previously evaluated in Chapter 15 of the Updated Final Safety Analysis Report for the Duane Arnold Energy Center. The weekly exercising of the MSIVs by partial closure does

not test the safety function of the valves. The quarterly full-stroke fast closure test demonstrates the ability of the MSIVs to perform their safety function. Since the MSIV perform a mitigating safety function, and the quarterly test adequately demonstrates that the valves can perform that function, elimination of the weekly exercise will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The safety function of the MSIVs is not tested during the weekly exercise, the ability of the MSIVs to perform their safety function is tested quarterly. Therefore, deletion of the requirement to exercise the MSIVs weekly does not reduce the testing frequency of the safety function of the MSIVs. The weekly exercise of the MSIVs was originally specified in order to detect binding of the pilot valve, however the type of pilot valves that were susceptible to binding were replaced some time ago and there is no longer any need for frequent operation of the valves. The quarterly full closure test of the MSIVs adequately demonstrates that the MSIVs and their pilot valves are not binding and that the MSIVs will perform their safety function. Additionally, reducing the frequency of MSIV operation reduces the probability of inadvertent scrams and transients, and challenges to relief valves, providing an increase to the margin of safety.

The quarterly full-stroke fast closure test is considered to be sufficient. It is the only test required by the ASME Boiler and

Pressure Vessel Code and the BWR Standard Technical Specification (STS). Also, other power-operated primary containment isolation valves are tested no more frequently than once per quarter.

Based upon the discussion above, the weekly exercise of the MSIVs does not test the safety function of the MSIVs and the quarterly full-stroke fast closure test fulfills the ASME and STS requirements. Therefore, eliminating the weekly exercise of the MSIVs does not significantly reduce any margin of safety.

Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within fifteen (15) 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, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, 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 July 8, 1991, 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 request for hearing and a 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. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at the Cedar Rapids Public Library, 500 First Street S.E., Cedar Rapids, Iowa 52401. 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 that are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those

facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. 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 the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves a 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 15-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 15-day notice period, provided that its final determination is that the amendment involves no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER a notice of 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.

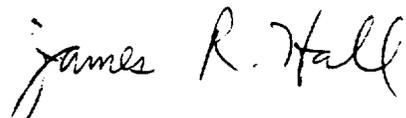
Nuclear Regulatory Commission, Washington, D.C. 20555, and to Jack Newman and Kathleen H. Shea, Newman and Holtzinger, 1615 L Street N.W., Washington, D.C. 20036, attorneys for the licensee.

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 presiding 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 December 14, 1990, 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 Local Public Document Room, Cedar Rapids Public Library, 500 First Street S.E., Cedar Rapids, Iowa 52401.

Dated at Rockville, Maryland, this 31st day of May 1991.

FOR THE NUCLEAR REGULATORY COMMISSION

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