

July 26, 1993

Docket No. 50-331

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Mr. Lee Liu  
Chairman of the Board and  
Chief Executive Officer  
Iowa Electric Light and Power Company  
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Dear Mr. Liu:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT - DUANE ARNOLD ENERGY CENTER (TAC NO. M86284)

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing." This notice relates to your application for amendment dated March 26, 1993.

The proposed amendment would revise the Technical Specification 5.5 "Spent and New Fuel Storage" to address the planned rerack of the spent fuel pool at the Duane Arnold Energy Center.

Sincerely,

Original signed by Robert M. Pulsifer

Robert M. Pulsifer, Project Manager  
Project Directorate III-3  
Division of Reactor Projects III/IV/V  
Office of Nuclear Reactor Regulation

Enclosure:  
As stated

\*See Previous Concurrence

cc w/enclosure:  
See next page

OFFICE	PD3-3:LA	PD3-3:PM	*OGC	PD3-3:PD
NAME	MRushbrook	RMPulsifer/ <i>RP</i> /sw	APH	JHannon <i>JBH</i>
DATE	7/23/93	7/17/93	7/19/93	7/26/93

OFFICIAL RECORD

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

July 26, 1993

Docket No. 50-331

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

Dear Mr. Liu:

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ENERGY CENTER (TAC NO. M86284)

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The proposed amendment would revise the Technical Specification 5.5 "Spent and New Fuel Storage" to address the planned rerack of the spent fuel pool at the Duane Arnold Energy Center.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert M. Pulsifer".

Robert M. Pulsifer, 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  
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Mr. John F. Franz, Jr.  
Vice President, Nuclear  
Duane Arnold Energy Center  
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Manager, Nuclear Licensing  
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U.S. Nuclear Regulatory Commission  
Resident Inspector's Office  
Rural Route #1  
Palo, Iowa 52324

Regional Administrator, Region III  
U.S. Nuclear Regulatory Commission  
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Mr. Stephen N. Brown  
Utilities Division  
Iowa Department of Commerce  
Lucas Office Building, 5th Floor  
Des Moines, Iowa 50319

UNITED STATES NUCLEAR REGULATORY COMMISSIONIOWA ELECTRIC LIGHT AND POWER COMPANYDOCKET NO. 50-331NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

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

The proposed amendment would revise the Technical Specifications to increase the storage capacity of the Spent Fuel Pool to a maximum of 3152 fuel assemblies, including storage capacity for 323 fuel assemblies in a proposed rack that could temporarily be located in the cask loading area of the cask pit during full-core offloading.

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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

- (1) Involve a significant increase in the probability or consequences of an accident previously evaluated?

In the course of the analysis, IELP has considered the following potential accident scenarios:

1. A spent fuel assembly drop in the spent fuel pool (SFP).
2. Loss of spent fuel pool cooling system flow.
3. A seismic event.

The increased storage capacity of the DAEC SFP has been analyzed for the existing fuel handling equipment and procedures, SFP cooling system, and seismic events. As with the existing racks, movement of a spent fuel cask over the SFP is prevented by safety interlocks and limit switches, as discussed in the DAEC UFSAR (Reference Section 9.1.4.4.5). Additionally, all fuel movements associated with this modification will be accomplished in accordance with existing fuel handling procedures. Consequently, the probability of dropping a fuel assembly per individual fuel movement is not increased. This modification will also necessitate movement of heavy loads within the SFP. No heavy loads will be moved directly over irradiated fuel. The DAEC SFP was reracked once before in 1979 and this modification will employ similar controls. Thus, the proposed modification does not increase the probability of any of the above accidents.

Sections 5.1.1, 5.1.2 and 5.1.6 of NUREG-0612, entitled "Control of Heavy Loads at Nuclear Power Plants," provide guidance for heavy load handling operations pursuant to a spent fuel storage rack replacement. Section 5.1.2 provides four alternatives for assuring the safe handling of heavy loads during a fuel storage rack replacement. Alternative (1) of Section 5.1.2 provides that the control of heavy loads guidelines can be satisfied by establishing that the potential for a heavy load drop is extremely small, as demonstrated by satisfaction of the single-failure-proof crane guidelines. The provisions of alternative (1) will be met during implementation of the subject activities.

NUREG-0554, entitled "Single-Failure-Proof Cranes for Nuclear Power Plants," provides guidance for the design, fabrication, installation and testing of new cranes that are of a high reliability design. For operating plants, NUREG-0612, Appendix C, entitled "Modification of Existing Cranes," provides guidelines on the implementation of NUREG-0554 at operating plants. An evaluation of storage rack movements, which will be accomplished by the DAEC Reactor Building crane, to determine conformance with the NUREG-0612, Appendix C guidelines demonstrated that alternative (1) above is satisfied, i.e., the probability of a drop of a storage rack is extremely small. As stated in the DAEC UFSAR, the Reactor Building crane has a rated capacity of 100 tons, which incorporated a design safety factor of five. The maximum weight of any existing or replacement storage rack and its associated handling tool is 12 tons. Therefore, there is ample safety factor margin for movements of the storage racks by the Reactor Building crane. This applies to non-redundant load-bearing components. Redundant special lifting devices, which have a rated capacity sufficient to maintain the safety factors, will be utilized in the movements of the storage racks. As per NUREG-0612, Appendix B, the substantial safety factor margin ensures that the probability of a load drop is extremely low.

IELP evaluated the consequences of a spent fuel assembly drop in the spent fuel pool and found that the criticality acceptance criterion, k-effective is less than or equal to 0.95, is not violated. In addition, IELP found that there was no significant change in the radiological consequences of a fuel assembly drop from the previous analysis. IELP analyses found that the calculated doses are well within 10 CFR 100 guidelines. The results of an analysis show that a dropped spent fuel assembly on the racks will not distort the racks to the extent that they would not perform their safety function. Thus, the consequences of this type of accident are not significantly increased from the previously evaluated spent fuel assembly drops.

The probability and consequences of a spent fuel cask drop will not be affected by the replacement of the racks. During the modification phase of the reracking project, administrative controls governing safe load paths will supplant the Reactor Building crane interlocks and limit switches. The limit switches represent a physical limitation on Reactor Building crane travel to prevent heavy load movement over irradiated fuel. The proposed administrative controls will accomplish the same objective of restricting movement of heavy loads to safe load paths. Similar controls were implemented during the previous SFP reracking modification in 1979. Upon completion of the rerack installation, the Reactor Building crane safety interlock and limit switch functions will be restored.

The consequence of a fuel handling accident during this modification has been considered. No heavy loads will be carried directly over irradiated fuel. In addition, no load weighing more than the combined weight of a fuel bundle and grapple (assumption for fuel handling accident) will be carried in the spent fuel pool area until all fuel in the pool has decayed for a minimum of three months. This provides sufficient time for decay of gaseous radionuclides in the fuel (gas activity) such that an assumed release of gases from damage to all stored fuel assemblies would result in a potential offsite dose less than 10% of 10 CFR 100 limits. Therefore, the consequences of a fuel handling accident are not significantly increased from previously evaluated events.

The consequences of a loss of spent fuel pool cooling system flow have been evaluated and it was found that sufficient time is still available to provide an alternate means for cooling in the event of a complete failure of the cooling system. Thus, the consequences of this type of accident are not significantly increased from previously evaluated loss of cooling system flow accidents.

The consequences of a seismic event have been evaluated. The new racks will be designed and fabricated to meet the requirements of applicable portions of the NRC Regulatory Guides and published standards. The new free-standing racks are designed, as are the existing free-standing racks, so that the integrity of the racks and the pool structure is maintained during and after a seismic event. Thus, the consequences of a seismic event are not increased from previously evaluated events.

Therefore, it is concluded that the proposed amendment to replace the spent fuel racks in the spent fuel pool does not involve a significant increase in the probability or consequences of an accident previously evaluated.

- 2) Create the possibility of a new or different kind of accident from any accident previously evaluated?

IELP has evaluated the proposed modification in accordance with the guidance of the NRC Position Paper entitled "OT Position for Review and Acceptance of Spent Fuel Storage and Handling Applications," appropriate NRC Regulatory Guides, appropriate NRC Standard Review Plans, and appropriate industry codes and standards. In addition, IELP has reviewed several previous NRC Safety Evaluation Reports for rerack applications similar to this proposed modification.

No unproven technology will be utilized either in the construction process or in the analytical techniques necessary to justify the planned fuel storage expansion. In fact, the basic reracking technology in this instance has been developed and demonstrated in over 80 applications for fuel pool capacity increases previously approved by the NRC.

Further, IELP reracked the SFP previously. That modification was accomplished following similar procedures. This modification will not introduce any new accidents from those previously analyzed.

The temporary installation of a spent fuel rack in the cask pit will only be done if the storage is necessary to support full core offloading. If this rack is installed, a cask cannot be placed in the cask pit. No heavy loads will be allowed above the pit with irradiated fuel stored in it. Several additional restrictions will be implemented if this rack is to be utilized. The analysis performed for the SFP reracking also supports temporary installation of a rack in the cask pit. The cask pit is included as part of the SFP so that a cask drop in the water would, if it results in local failure of the floor, only drain the cask pit. Since a cask will not be allowed in the pit with the temporary fuel rack installed, there is no possibility for an accident involving a heavy load being dropped on irradiated fuel, or pool drainage resulting in uncovered fuel.

Based upon the foregoing, IELP concludes that the proposed reracking does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3) Involve a significant reduction in a margin of safety?

The NRC Staff Safety Evaluation Review process has established that the issue of margin of safety, when applied to a reracking modification, should address the following areas:

1. Nuclear criticality considerations
2. Thermal-hydraulic considerations
3. Mechanical, material and structural considerations

The established acceptance criterion for criticality is that the effective neutron multiplication factor  $k$ -effective in spent fuel pools shall be less than or equal to 0.95, including all uncertainties, under all conditions. This margin of safety has been adhered to in the criticality analysis methods for the new rack design.

The methods used in the criticality analysis conform to the applicable portions of the appropriate NRC guidance and industry codes, standards, and specifications. The acceptance criteria for maintaining fuel subcritical in the SFP is met if  $k$ -effective is always less than 0.95. The SFP analysis for this rerack modification includes uncertainties at 95%/95% probability and confidence levels, therefore the proposed amendment does not involve a significant reduction in the margin of safety for nuclear criticality.

Conservative methods were used to calculate the maximum fuel temperature and the increase in temperature of the water in the spent fuel pool. The thermal-hydraulic evaluation used the methods previously employed for evaluations of the present spent fuel racks to demonstrate that the temperature margins of safety are maintained. The proposed modification will increase the heat load in the spent fuel pool. The evaluation shows that the existing spent fuel cooling system will maintain the bulk pool water temperature at or below 165°F. Thus a margin of safety exists such that the maximum allowable temperature for bulk boiling is not exceeded for the calculated increase in pool heat load. The evaluation also shows that maximum local water temperatures along the hottest fuel assembly are below that for a nucleate boiling condition to exist. Thus, there is no significant reduction in the margin of safety for spent fuel cooling concerns.

The main safety function of the spent fuel pool and the racks is to maintain the spent fuel assemblies in a safe configuration through all normal or abnormal loadings. Abnormal loadings which have been considered are the effect of an earthquake, the drop of a spent fuel assembly, or the drop of any other heavy object in the pool. The mechanical, material, and structural design of the new spent fuel racks is in accordance with applicable portions of NRC Position Paper, "OT Position for Review and Acceptance of Spent Fuel Storage and Handling Applications," dated April 14, 1978, as modified January 18, 1979; Standard Review Plan 3.8.4; and other applicable NRC guidance and industry codes. The rack materials used are compatible with the spent fuel pool and the spent fuel assemblies. The structural considerations of the new racks address margins of safety against tilting and deflection or movement, such that the racks do not impact each other during the postulated seismic events. In addition the spent fuel assemblies remain intact and no criticality concerns exist. Thus the margins of safety are not significantly reduced by the proposed rerack.

In summation, it has been shown that the proposed spent fuel storage facility modifications do 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 NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request 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.

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 in the FEDERAL REGISTER 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.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 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. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By August 30, 1993 , 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 a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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, NW., Washington, DC 20555 and at the local public document room located at Cedar Rapids Public Library, 500 1st Street, 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 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 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. 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 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 immediately 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.

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, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman

Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 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) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John H. 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, DC 20555, and to Jack Newman, Esquire and Kathleen H. Shea, Esquire; 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 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).

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWP), 42 U.S.C. § 10154. Under section 134 of the NWP, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in

controversy, proceeded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

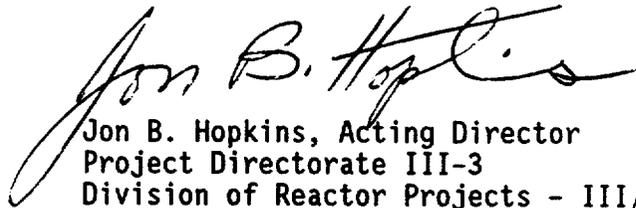
The Commission's rules implementing section 134 of the NWPAA are found in 10 CFR Part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41662 (October 15, 1985)). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR Part 2, subpart G continue to govern the filing of request for a hearing or petitions to intervene, as well as the admission of contentions. The presiding officer shall grant a timely request for oral argument). The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence,

those procedures limit the time available to discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, subpart G apply.

For further details with respect to this action, see the application for amendment dated March 26, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Cedar Rapids Public Library, 500 1st Street, S.E., Cedar Rapids, Iowa 52401.

Dated at Rockville, Maryland, this 26th day of July 1993.

FOR THE NUCLEAR REGULATORY COMMISSION



Jon B. Hopkins, Acting Director  
Project Directorate III-3  
Division of Reactor Projects - III/IV/V  
Office of Nuclear Reactor Regulation

those procedures limit the time available to discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, subpart G apply.

For further details with respect to this action, see the application for amendment dated March 26, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Cedar Rapids Public Library, 500 1st Street, S.E., Cedar Rapids, Iowa 52401.

Dated at Rockville, Maryland, this 26th day of July 1993.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by Jon B. Hopkins

Jon B. Hopkins, Acting Director  
Project Directorate III-3  
Division of Reactor Projects - III/IV/V  
Office of Nuclear Reactor Regulation

\*See Previous Concurrence

OFFICE	PD3-3:LA	PD3-3:PM	*OGC	PD3-3:PD JBH
NAME	MRushbrook	RMPulsifer/sw	APH	JHannon for
DATE	7/13/93	7/12/93	7/19/93	7/26/93

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