

September 16, 2005

Mr. Mano K. Nazar
Senior Vice President and
Chief Nuclear Officer
Indiana Michigan Power Company
Nuclear Generation Group
One Cook Place
Bridgman, MI 49106

SUBJECT: DONALD C. COOK NUCLEAR PLANT, UNITS 1 AND 2 - PUBLIC NOTICE OF
APPLICATION FOR AMENDMENT TO FACILITY OPERATING LICENSE
(TAC NOS. MC8306 AND MC8307)

Dear Mr. Nazar:

The enclosed announcement was forwarded to the Herald-Palladium for publication. This announcement relates to your application dated September 12, 2005, for amendment to Facility Operating License Nos. DPR-58 AND DPR-74. The proposed amendment would replace the requirements of Improved Technical Specification Surveillance Requirement (SR) 3.8.1.18 with the wording of previous Technical Specifications SR 4.8.1.1.2.e.11, with minor editorial changes.

Sincerely,

/RA by John Stang for/

Deirdre W. Spaulding, Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-315 and 50-316

Enclosure: Public Notice

cc w/encl: See next page

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Donald C. Cook Nuclear Plant, Units 1 and 2

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PUBLIC NOTICE

NRC STAFF PROPOSES TO AMEND OPERATING LICENSES AT THE
DONALD C. COOK NUCLEAR PLANT, UNITS 1 AND 2

The U.S. Nuclear Regulatory Commission (NRC) staff has received an application dated September 12, 2005, from Indiana Michigan Power Company (I&M, the licensee), for an exigent amendment to the operating license for the Donald C. Cook Nuclear Plant, Units 1 and 2, (CNP) located in Bridgman, Michigan.

By letter dated April 6, 2004 (Accession Number ML041200298), the licensee submitted an application for the conversion of the CNP Units 1 and 2 Technical Specifications (TSs) to the Improved TSs (ITSs). The ITSs are based on NUREG-1431, "Standard Technical Specifications, Westinghouse Plants," dated April 30, 2001; the Commission's Final Policy Statement, "NRC Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors," published on July 22, 1993 (58 FR 39132); and 10 CFR 50.36, "Technical specifications." The purpose of the conversion is to provide clearer and more readily understandable requirements in the TSs for the CNP units, to ensure safer operation of the units. By letter date June 1, 2005 (ML050620034), the NRC issued the license amendment which approved the conversion of the TSs.

During preparations for implementing the ITS, I&M discovered an unforeseen error. The error involved the conversion of surveillance requirements (SR) 4.8.1.1.2.e.11 to ITS SR 3.8.1.18. Both of these requirements are intended to verify operability of the emergency diesel generator (EDG) load sequencing relays. However, the times to be measured and the associated acceptance criterion of ITS SR 3.8.1.18 are not the same as those in the previous SR 4.8.1.1.2.e.11. ITS SR 3.8.1.18 addresses time intervals between starting of sequenced

loads, whereas previous SR 4.8.1.1.2.e.11 addresses acceptable times for the starting of each individual sequenced load. As a result, both CNP Unit 1 and Unit 2 ITS Pages 3.8.1-14 require a change to correctly reflect the design basis. Because of the current overall accuracy of the load sequencing relays, an analysis of the predicted performance intervals between each individual load sequencing relay setting indicates that the current installed relays cannot meet the more restrictive ITS 3.8.1.18 requirements. In addition, a review performed by I&M was unsuccessful in identifying a time delay relay capable of meeting the more restrictive ITS 3.8.1.18 requirements. Therefore, I&M has determined that the solution to this issue will require a change to replace ITS SR 3.8.1.18 with the wording of the previous SR 4.8.1.1.2.e.11, with minor editorial changes, consistent with the design basis. The proposed amendment would replace the ITS SR 3.8.1.18 with the wording of previous SR 4.8.1.1.2.e.11, with minor editorial changes.

Implementation of the ITS at CNP is currently scheduled for September 25, 2005. The reasons for selecting this implementation date include minimizing risk to the facility of a plant transient or upset during changing of setpoints for the applicable Reactor Trip System (RTS) and Engineered Safety Features Actuation System (ESFAS) instrumentation channels to support new more restrictive allowable values in the ITS, and minimizing the possibility of human error in implementing other aspects of the ITS. This implementation date is the beginning of the one week in each 13-week planning cycle, called the "null" week, where no work is typically planned on safety-related systems and components, including significant surveillance testing or preventive maintenance. Delaying implementation to any other week would involve significant revisions to the current plans for the next 13-week planning cycle, without the normal advance planning time typically allowed, which could lead to increased possibility of human error resulting in missed surveillance tests and other important preventive maintenance activities. In addition, the implementation date was selected to coincide with the

licensed operator requalification training cycle, and to allow for implementing the required changes to the plant training simulator in support of that training to reflect the revised RTS and ESFAS setpoints. Delaying implementation would increase the possibility that a human error could result in inadvertent RTS or ESFAS actuation, and in implementing the licensed operator requalification program which could increase the risk of human error by the licensed operators.

The proposed change is being requested on an exigent basis because ITS implementation is scheduled to occur on September 25, 2005, and without this change being approved the implementation date would be required to be extended. As describe above, implementation of the ITS requires significant advance planning and coordination between various departments, and involves verifications performed by each department that all preparations and conditions have been met with consideration for the planned ITS implementation date. The licensee and the NRC staff have evaluated this proposed change with regard to the determination of whether or not a significant hazards consideration is involved. Operation of CNP, in accordance with the proposed amendments will not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change replaces an ITS SR for the EDG load sequencing relays with the requirements of the previous SR, consistent with the design basis. The function of the EDG load sequencing relays is only mitigative and is not needed unless an accident and a loss of offsite power occurs. The EDG load sequencing relays do not affect any accident initiators or precursors. Replacing the ITS SR methodology and acceptance criterion with that of the previous SR does not affect the EDG load sequencing relays interaction with any system whose failure or malfunction can initiate an accident. Therefore, the probability of occurrence of an accident previously evaluated is not significantly increased.

The proposed amendments will not create the possibility of a new or different kind of accident from any previously analyzed. The proposed change replaces an ITS SR for the EDG

load sequencing relays with the previous SR, consistent with the design basis. There are no new failure modes for the EDG load sequencing relays created and the EDG load sequencing relays are not an initiator of any new or different kind of accident. The proposed change does not affect the interaction of the EDG load sequencing relays with any system whose failure or malfunction can initiate an accident. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed amendment will not involve a significant reduction in a margin of safety. The margins of safety applicable to the proposed change are those associated with the availability of the EDG load sequencing relays to perform their safety function in support of the EDGs and the Engineered Safety Features mitigating safety functions. The proposed change to replace the more restrictive ITS SR methodology and acceptance criterion with that of the previous SR is in compliance with the design basis and does not impact the margins of safety applicable to any other ITS requirement, and there will be no reduction in the safety margins associated with the capability of the EDG load sequencing relays to perform their safety function. Therefore, the proposed change does not involve a significant reduction in margin of safety.

Following an initial review of this application, the requested amendments have been evaluated against the standards in 10 CFR 50.92 and the NRC staff has made a proposed (preliminary) determination that the requested amendments involve no significant hazards considerations. The changes do not significantly increase the probability or consequences of any accident previously considered, nor create the possibility of an accident of a different kind, nor significantly decrease any margin of safety.

If the proposed determination that the requested license amendment involves no significant hazards consideration becomes final, the staff will issue the amendments without first offering an opportunity for a public hearing. An opportunity for a hearing will be published

in the *Federal Register* at a later date and any hearing request will not delay the effective date of the amendment.

If the NRC staff decides in its final determination that the amendment does involve a significant hazards consideration, a notice of opportunity for a prior hearing will be published in the *Federal Register* and, if a hearing is granted, it will be held before the amendment is issued.

Comments on the proposed determination of no significant hazards consideration may be: (1) telephoned to Lakshminaras Raghavan, Chief, Section I, Project Directorate III, by collect call to 301-415-2429, or by facsimile to 301-415-1222; (2) e-mailed to lxr1@nrc.gov; or (3) submitted in writing to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. All comments received by close of business (4:15pm EDT) on September 23, 2005, will be considered in reaching a final determination. A copy of the application may be examined electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site <http://www.nrc.gov/reading-room/adams.html> and at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.