



**INDIANA  
MICHIGAN  
POWER**

**Indiana Michigan  
Power Company**  
Nuclear Generation Group  
One Cook Place  
Bridgman, MI 49106  
aep.com

March 19, 2009

AEP-NRC-2009-18  
10 CFR 50.90

U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Subject: Donald C. Cook Nuclear Plant Units 1 and 2  
Docket Nos. 50-315 and 50-316  
License Amendment Request for Adoption of TSTF-511, Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26."

Dear Sir or Madam:

In accordance with the provisions of Section 50.90 of Title 10 of the Code of Federal Regulations (10CFR), Indiana Michigan Power Company (I&M) is submitting a request for an amendment to the Technical Specifications (TS) for Donald C. Cook Nuclear Plant, Units 1 and 2.

The proposed amendment would delete those portions of TS superseded by 10 CFR Part 26, Subpart I. This change is consistent with Nuclear Regulatory Commission (NRC)-approved Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF-511, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR 26," Revision 0. The availability of this TS improvement was announced in the Federal Register on December 30, 2008, (73 FR 79923) as part of the consolidated line item improvement process.

Attachment 1 provides an evaluation of the proposed change. Attachment 2 provides the existing TS pages marked up to show the proposed change. New clean Unit 1 and Unit 2 TS pages with proposed changes incorporated will be provided to the NRC Licensing Project Manager when requested. Attachment 3 provides the regulatory commitment.

I&M requests approval of the proposed license amendment by September 1, 2009, to support implementation of TS changes concurrent with implementation of the 10 CFR 26, Subpart I requirement by October 1, 2009.

This letter contains one regulatory commitment identified in Attachment 3. Should you have any questions, please contact John A. Zwolinski, Manager of Regulatory Affairs, at (269) 466-2478.

Sincerely,

Lawrence J. Weber  
Site Vice President

RP/rdw

A001  
A001  
NRC

Enclosure: Affirmation

Attachments:

1. Evaluation of Proposed Change
  - 2a. Unit 1 Proposed Technical Specification Change (Mark-Up)
  - 2b. Unit 2 Proposed Technical Specification Change (Mark-Up)
  3. List of Regulatory Commitments
- c:
- T. A. Beltz - NRC Washington, DC
  - K. D. Curry - AEP Ft. Wayne, w/o enclosure/attachments
  - J. T. King - MPSC, w/o enclosure/attachments
  - MDEQ - WHMD/RPS, w/o enclosure/attachments
  - NRC Resident Inspector
  - M. A. Satorius - NRC Region III

**AFFIRMATION**

I, Lawrence J. Weber, being duly sworn, state that I am Site Vice President of Indiana Michigan Power Company (I&M), that I am authorized to sign and file this request with the Nuclear Regulatory Commission on behalf of I&M, and that the statements made and the matters set forth herein pertaining to I&M are true and correct to the best of my knowledge, information, and belief.

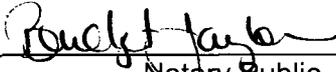
Indiana Michigan Power Company



Lawrence J. Weber  
Site Vice President

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 19<sup>th</sup> DAY OF March, 2009

  
\_\_\_\_\_  
Notary Public

My Commission Expires 6/10/2013



Attachment 1 to AEP-NRC-2009-18

Evaluation of Proposed Change

License Amendment Request for Adoption of TSTF-511, Revision 0, "Eliminate Working Hour  
Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26"

- 1.0 Description
- 2.0 Proposed Change
- 3.0 Background
- 4.0 Technical Analysis
- 5.0 Regulatory Safety Analysis
  - 5.1 No Significant Hazards Determination
  - 5.2 Applicable Regulatory Requirements/Criteria
- 6.0 Environmental Consideration
- 7.0 References

## 1.0 DESCRIPTION

The proposed amendment would delete those portions of Technical Specifications (TS) superseded by 10 Code of Federal Regulations (CFR) Part 26, Subpart I per Reference 1. This change is consistent with Nuclear Regulatory Commission (NRC)-approved Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF-511 (Reference 2). There are no differences between the proposed plant-specific TS changes, and the changes proposed by Reference 2. The availability of this TS improvement was announced in the Federal Register (Reference 3) as part of the consolidated line item improvement process (CLIIP).

## 2.0 PROPOSED CHANGE

Consistent with Reference 2, the proposed TS changes delete those portions of TS superseded by 10 CFR Part 26, Subpart I.

This application is being made in accordance with the CLIIP. Indiana Michigan Power Company (I&M) is not proposing variations or deviations from the TS changes described in Reference 2, or the NRC staff's model safety evaluation (SE) published in Reference 3, as part of the CLIIP Notice of Availability.

## 3.0 BACKGROUND

The NRC issued Reference 1 to provide notice of the issuance of a final rule that amended 10 CFR Part 26. The revised regulations in 10 CFR Part 26, Subpart I, supersede working hour restrictions contained in Paragraph d of TS 5.2.2. The background for this application is adequately addressed by the NRC Notice of Availability published in Reference 3.

## 4.0 TECHNICAL ANALYSIS

I&M has reviewed the SE published in Reference 3 as part of the CLIIP Notice of Availability. I&M has concluded that the technical justifications presented in the SE prepared by the NRC staff are applicable to Donald C. Cook Nuclear Plants (CNP), Units 1 and 2.

10 CFR Part 26, Subpart I, supersedes existing worker fatigue guidance. 10 CFR Part 26, Subpart I, distinguishes between work hour controls and fatigue management and strengthens the requirements for both. Under the new rule, work hour restrictions include not only work hour limitations for rolling 24-hour, 48-hour, and 7-day periods, but also include a required minimum break between work periods and varying required minimum days off.

Additionally, Subpart I confines the use of waivers (deviations from restrictions) to situations where overtime is necessary to mitigate or prevent a condition adverse to safety or necessary to maintain the security of the facility. Subpart I also strengthens reporting requirements. Finally, the new rule's work hour control scope includes certain operating and maintenance personnel, as well as individuals directing those operating and maintenance personnel, health physics and chemistry personnel who are a part of the on-site emergency response organization minimum shift complement, the fire brigade member who is responsible for understanding the effects of fire and fire suppressants on safe shutdown capability, and certain security personnel.

The proposed change removes working hour limits imposed in the TS in order to support compliance with 10 CFR Part 26, Subpart I. Work hour controls and fatigue management requirements have been incorporated into the NRC's regulations; therefore, it is unnecessary to have work hour control requirements in the TS.

Removal of the TS requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I, requirements, even if the TS change is implemented prior to the October 1, 2009, deadline. Along with this license amendment request, I&M has submitted a commitment to comply with 10 CFR Part 26, Subpart I, concurrently with the implementation of the TS change.

## 5.0 REGULATORY SAFETY ANALYSIS

### 5.1 NO SIGNIFICANT HAZARDS DETERMINATION

Indiana Michigan Power Company (I&M) has reviewed the no significant hazards determination published in Reference 3 as part of the consolidated line item improvement process (CLIP) Notice of Availability. I&M has concluded that the determination presented in the notice is applicable to Donald C. Cook Nuclear Plant (CNP), Units 1 and 2. I&M has evaluated the proposed changes to the Technical Specifications (TS) using the criteria in 10 Code of Federal Regulations (CFR) Part 50.92 and has determined that the proposed changes do not involve a significant hazards consideration. An analysis of the issue of no significant hazards consideration is presented below:

Criterion 1: The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change removes TS restrictions on working hours for personnel who perform safety-related functions. The TS restrictions are superseded by the worker fatigue requirements in 10 CFR Part 26. Removal of the TS requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I, requirements. The proposed change does not impact the physical configuration or function of plant structures, systems, or components (SSCs) or the manner in which SSCs are operated, maintained, modified, tested, or inspected. Worker fatigue is not an initiator of any accident previously evaluated. Worker fatigue is not an assumption in the consequence mitigation of any accident previously evaluated.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2: The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change removes TS restrictions on working hours for personnel who perform safety-related functions. The TS restrictions are superseded by the worker fatigue requirements in 10 CFR Part 26. Working hours will continue to be controlled in accordance with Nuclear Regulatory Commission (NRC) requirements. The new rule allows for deviations from controls to mitigate or prevent a condition adverse to safety or as necessary to maintain the security of the facility. This ensures that the new rule will not unnecessarily restrict working hours and

thereby create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not alter the plant configuration, require new plant equipment to be installed, alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criteria 3: The proposed change does not involve a significant reduction in a margin of safety.

The proposed change removes TS restrictions on working hours for personnel who perform safety-related functions. The TS restrictions are superseded by the worker fatigue requirements in 10 CFR Part 26. The proposed change does not involve any physical changes to the plant or alter the manner in which plant systems are operated, maintained, modified, tested, or inspected. The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The safety analysis acceptance criteria are not affected by this change. The proposed change will not result in plant operation in a configuration outside the design basis. The proposed change does not adversely affect systems that respond to safely shutdown the plant and to maintain the plant in a safe shutdown condition.

Removal of plant-specific TS administrative requirements will not reduce a margin of safety because the requirements in 10 CFR Part 26 are adequate to ensure that worker fatigue is managed.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, I&M concludes that the proposed change presents no significant hazards consideration under the standards set forth in 10 CFR 50.92c, and, accordingly, a finding of "no significant hazards consideration" is justified.

## 5.2 APPLICABLE REGULATORY REQUIREMENTS/CRITERIA

A description of the proposed TS change and its relationship to applicable regulatory requirements was provided in Reference 3, I&M has reviewed the NRC staff's model safety evaluation published in Reference 3 as part of the CLIP Notice of Availability and concluded that the regulatory evaluation section is applicable to CNP, Units 1 and 2.

The proposed change eliminates the plant-specific TS administrative controls on working hours. The TS guidance has been superseded by Reference 1.

10 CFR Part 26, Subpart I, "Managing Fatigue," contains requirements for managing worker fatigue at operating nuclear power plants.

10 CFR 50.36 provides, among other things, the regulatory requirements for the content in the Administrative Controls section of the TS. The inclusion of requirements to control working

hours and manage fatigue is not required to be in the Administrative Controls by 10 CFR Part 50.36. Because the requirement to control working hours and manage fatigue is provided in Reference 1, it is unnecessary for the TS to contain similar controls.

## 6.0 ENVIRONMENTAL CONSIDERATION

I&M has reviewed the environmental evaluation included in the SE published in Reference 3 as part of the CLIIP Notice of Availability. I&M has concluded that the staff's findings presented in that evaluation are applicable to CNP, Units 1 and 2. The proposed amendment changes recordkeeping, reporting, or administrative procedures. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

## 7.0 REFERENCES

1. Federal Register Notice, Final Rule 10 CFR Part 26, published on March 31, 2008 (73 FR 17224).
2. TSTF-511, Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26."
3. Federal Register Notice, Notice of Availability, published on December 30, 2008 (73 FR 79923).

Attachment 2a to AEP-NRC-2009-18

Proposed Technical Specification Change (Mark-Up)

Revised Page

Unit 1

5.2-2

## 5.2 Organization

---

### 5.2.2 Unit Staff (continued)

- b. Shift crew composition may be less than the minimum requirement of 10 CFR 50.54(m)(2)(i) and Specifications 5.2.2.a and 5.2.2.f for a period of time not to exceed 2 hours in order to accommodate unexpected absence of on-duty shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements;
  - c. A radiation protection technician shall be on site when fuel is in the reactor. The position may be vacant for not more than 2 hours, in order to provide for unexpected absence, provided immediate action is taken to fill the required position;
  - d. ~~The amount of overtime worked by unit staff members performing safety related functions must be limited in accordance with the NRC Policy Statement on working hours (Generic Letter 82-12); Deleted~~
  - e. The operations manager must hold or have held a Senior Operator license at Cook Nuclear Plant or a similar reactor, or have been certified for equivalent Senior Operator knowledge. If the operations manager does not hold an Senior Operator license, then a line operations middle manager shall hold a Senior Operator license for the purposes of directing operational activities; and
  - f. In MODE 1, 2, 3, or 4, an individual (shared with Unit 2) shall provide advisory technical support to the unit operations shift crew in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit. This individual shall meet the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift.
-

Attachment 2b to AEP-NRC-2009-18

Proposed Technical Specification Change (Mark-Up)

Revised Page

Unit 2

5.2-2

## 5.2 Organization

---

### 5.2.2 Unit Staff (continued)

- b. Shift crew composition may be less than the minimum requirement of 10 CFR 50.54(m)(2)(i) and Specifications 5.2.2.a and 5.2.2.f for a period of time not to exceed 2 hours in order to accommodate unexpected absence of on-duty shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements;
  - c. A radiation protection technician shall be on site when fuel is in the reactor. The position may be vacant for not more than 2 hours, in order to provide for unexpected absence, provided immediate action is taken to fill the required position;
  - d. ~~The amount of overtime worked by unit staff members performing safety related functions must be limited in accordance with the NRC Policy Statement on working hours (Generic Letter 82-12); Deleted~~
  - e. The operations manager must hold or have held a Senior Operator license at Cook Nuclear Plant or a similar reactor, or have been certified for equivalent Senior Operator knowledge. If the operations manager does not hold an Senior Operator license, then a line operations middle manager shall hold a Senior Operator license for the purposes of directing operational activities; and
  - f. In MODE 1, 2, 3, or 4, an individual (shared with Unit 1) shall provide advisory technical support to the unit operations shift crew in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit. This individual shall meet the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift.
- 
-

Attachment 3 to AEP-NRC-2009-18

List of Regulatory Commitments

The following table identifies those actions committed to by Indiana Michigan Power Company (I&M) in this document. Any other actions discussed in this submittal represent intended or planned actions by I&M. They are described to the Nuclear Regulatory Commission (NRC) for the NRC's information and are not regulatory commitments.

Commitment	Due Date
Removal of the plant-specific Technical Specification requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements.	This commitment will be completed no later than October 1, 2009