



**INDIANA
MICHIGAN
POWER**

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Power Company**
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October 15, 2009

AEP-NRC-2009-72
10 CFR 26.9

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
11555 Rockville Pike
Rockville, MD 20852

SUBJECT: Donald C. Cook Nuclear Plant Unit 1
Docket No. 50-315
Response to Request for Additional Information Regarding One-Time Scheduling
Exemption from Requirements of 10 CFR 26.205(d)(4) for Operations and
Maintenance Personnel

- REFERENCE:
- 1) Letter from R. A. Hruby, Indiana Michigan Power Company (I&M), to U. S. Nuclear Regulatory Commission (NRC) Document Control Desk, "Donald C. Cook Nuclear Plant Unit 1, Docket No. 50-315, Request for One-Time Scheduling Exemption from Requirements of 10 CFR 26.205(d)(4) for Operations and Maintenance Personnel," dated September 18, 2009 (ADAMS Accession No. ML092680722).
 - 2) Letter from T. A. Beltz, NRC, to J. N. Jensen, I&M, "Donald C. Cook Nuclear Plant, Unit 1 - Requests for Additional Information (RAI) Regarding One-Time Exemption from the Requirements of 10 CFR 26.205(D)(4) for Operations and Maintenance Personnel (TAC No. ME2305)," dated October 9, 2009 (ADAMS Accession No. ML092800062).

Dear Sir or Madam:

This letter provides Indiana Michigan Power Company's (I&M's) response to a U. S. Nuclear Regulatory Commission (NRC) Request for Additional Information regarding a proposed scheduling exemption from certain requirements specified in 10 CFR 26 Subpart I.

By Reference 1, I&M requested a one-time scheduling exemption from the provisions of 10 CFR 26.205(d)(4) that allow less restrictive working hour limitations only during the first 60 days of a unit outage. The proposed exemption will allow the less restrictive working hour limitations during a 60-day period starting on a date established by I&M, consistent with the restart of Donald C. Cook Nuclear Plant (CNP) Unit 1 from its current extended unscheduled outage. The proposed exemption will apply only to CNP operations and maintenance personnel covered by the regulation.

By Reference 2, the NRC staff requested additional information regarding the proposed exemption. The requested information is provided in the attachment to this letter.

A001
NRC

There are no new or modified regulatory commitments in this letter. Should you have any questions, please contact Mr. James M. Petro, Jr., Regulatory Affairs Manager, at (269) 466-2489.

Sincerely,

Handwritten signature of Raymond A. Hruby, Jr. in cursive script.

Raymond A. Hruby, Jr.
Vice President – Site Support Services

JRW/rdw

Attachment: Response to Request for Additional Information

c: T. A. Beltz, NRC Washington DC
J. T. King, MPSC
S. M. Krawec, Ft. Wayne AEP, w/o attachment
MDEQ – WHMD/RPS
NRC Resident Inspector
M. A. Satorius, NRC Region III

RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION

Documents referenced in this attachment are identified on Page 3.

Background

Donald C. Cook Nuclear Plant (CNP) Unit 1 began an extended unscheduled outage in September 2008, as a result of a main turbine failure. Restart of Unit 1 is expected in the fourth quarter, 2009. During the Unit 1 restart period, the workload for CNP operations and maintenance personnel will undergo a temporary but significant increase.

The CNP operations and maintenance personnel affected by this increased workload are subject to the working hour limitations specified in 10 CFR 26 Subpart I. The provisions of 10 CFR 26.205(d)(4) allow less restrictive requirements regarding the minimum number of days off per 15-day period, or per 7-day period, for operations and maintenance personnel during the first 60 days of a unit outage. However, since Unit 1 has been in an outage for over a year prior to the implementation of 10 CFR 26 Subpart I on October 1, 2009, the scheduling flexibility provided by these less restrictive requirements is not available to accommodate the short-term but significant increase in the CNP operations and maintenance workload resulting from the restart of Unit 1.

The affected CNP operations and maintenance personnel will not have worked excessive overtime during the period preceding the Unit 1 restart. Accordingly, Indiana Michigan Power Company (I&M) requested, by Reference 1, a one-time schedular exemption from the provisions of 10 CFR 26.205(d)(4) such that, for CNP operations and maintenance personnel, the 60-day period may be started on a date established by I&M, rather than the beginning of the outage. Reference 2 transmitted a Nuclear Regulatory Commission (NRC) Request for Additional Information regarding the proposed exemption. The requested information is provided below.

NRC Request 1

In the exemption request, the phrase "schedular exemption" is used several times.

Please provide further clarification of the phrase "schedular exemption" as used in the context of this specific exemption request.

When responding to the above request, the licensee should also attempt to incorporate its response into the specific wording to be used in the exemption. The staff understands that "the schedule" in this instance may be variable based upon progress of the current outage schedule. A response, for example, may include the following:

The less restrictive requirements of 10 CFR 26.205(d)(4) are allowed only during the first 60 days of a unit outage; however, CNP-1 commenced its current extended outage in September 2008. To support the increased workload for returning CNP-1 to operation, the proposed exemption would allow the less restrictive working hour limitations of 10 CFR 26.205(d)(4) during a 60-day period that will commence [on a date determined

by the licensee]. The exemption will affect those operations and maintenance personnel required to support outage-related activities, including preparations for unit restart. The licensee will ensure that the affected individuals in these departments will not have worked excessive overtime during the period immediately preceding the application of 10 CFR 26.205(d)(4).

I&M Response to NRC Request 1

The term "schedular exemption" was used in the exemption request because the proposed exemption will affect only the start date for the 60-day period of less restrictive requirements as specified in 10 CFR 26.205(d)(4). In lieu of requiring that the 60-day period start the first day of the outage, the exemption will allow the 60-day period to start on a date established by I&M to support the increased operations and maintenance activities that will occur during restart of Unit 1. The proposed exemption will not affect any requirements specified by 10 CFR 26 Subpart I, other than the start date for the 60-day period. Accordingly, the example response provided in the NRC request is restated below as a CNP-specific response.

The less restrictive requirements of 10 CFR 26.205(d)(4) are allowed only during the first 60 days of a unit outage; however, CNP Unit 1 commenced its current extended outage in September 2008. To support the increased workload for returning CNP Unit 1 to operation, the proposed exemption will allow the less restrictive working hour limitations of 10 CFR 26.205(d)(4) during a 60-day period that will commence [on a date determined by I&M]. The exemption will affect those operations and maintenance personnel required to support outage-related activities, including preparations for unit restart. In accordance with 10 CFR 26 Subpart I, I&M will ensure that the affected individuals in these departments will not have worked excessive overtime during the period immediately preceding the application of 10 CFR 26.205(d)(4).

NRC Request 2

Please explain how a "one-time schedular exemption from the provisions of 10 CFR 26.205(d)(4)" achieves the intended purpose of the request. Specifically, please provide further clarification as to why an exemption is being requested from the requirements of 10 CFR 26.205(d)(4).

I&M Response to NRC Request 2

The intended purpose of the request was to apply the existing provisions of 10 CFR 26.205(d)(4) to a 60-day period that supports restart of Unit 1 from the unscheduled extended outage rather than the first 60 days of that outage. The 60-day period will be of sufficient duration to support Unit 1 restart activities and compliance with all other requirements of 10 CFR 26 Subpart I can and will be maintained. Therefore, the only requirement for which an exemption is needed is the start date for the 60-day period. The apparent alternative to an exemption from 10 CFR 26.205(d)(4) would have been an exemption to 10 CFR 26.205(d)(3). However, a proposed exemption to 10 CFR 26.205(d)(3) would have to include proposed alternative working hour limits and a proposed duration for the alternative limits. Since 10 CFR 26.205(d)(4) already includes the alternative working hour limits and specifies a

duration that will support I&M's planned use of the alternative limits, I&M determined the simplest approach to be an exemption that only affects the start date of the 60-day period.

References

- 1) Letter from R. A. Hruby, I&M, to NRC Document Control Desk, "Donald C. Cook Nuclear Plant Unit 1, Docket No. 50-315, Request for One-Time Scheduler Exemption from Requirements of 10 CFR 26.205(d)(4) for Operations and Maintenance Personnel," dated September 18, 2009 (ADAMS Accession No. ML092680722).
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