

UNITED STATES NUCLEAR REGULATORY COMMISSIONINDIANA MICHIGAN POWER COMPANYDOCKET NOS. 50-315 AND 50-316NOTICE 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-58 and Facility Operating License No. DPR-74 issued to Indiana Michigan Power Company (the licensee) for operation of the Donald C. Cook Nuclear Power Plant, Units 1 and 2 located in Berrien County, Michigan.

The proposed license amendment would revise Technical Specification Section 3/4.8.1.2, "Electrical Power Systems, Shutdown," and its associated bases to provide a one-time extension of the 18-month surveillance interval for specific surveillance requirements for Units 1 and 2. This surveillance will be performed prior to the first entry into Mode 4 subsequent to receipt of the requested T/S amendment. In addition, for Unit 2 only, a minor administrative change is included to delete a reference to T/S 4.0.8, which is no longer applicable. For Unit 1 only, an editorial change is made to add the word "or" to action statement 3.8.1.2.

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

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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. Does the change involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated?

A discussion of each of the applicable accidents follows.

Fuel handling accident

The only time a fuel handling accident could occur is during the handling of a fuel assembly. The design of fuel handling equipment is such that an interruption of A.C. power would not cause a fuel element to be inadvertently dropped. Therefore, an interruption or loss of A.C. power does not significantly increase the probability of a fuel handling accident.

At present, fission product activities in the fuel assembly pellet-to-cladding gaps are greatly reduced. The fuel handling accident analysis considers the thyroid dose at the site boundary and in the low population zone. This dose is dominated by the isotope iodine 131, which also decays more slowly than the other iodine contributors to the dose. The activity of iodine 131 decreases by one-half every 8.05 days. The current shutdown period of approximately 18 months represents over 70 half-lives. Activity of a radioactive material is generally considered to be negligible after 7 half-lives (a reduction in activity of 1/128). By contrast, the accident analysis assumes an iodine reduction of less than 1/10 (from activated charcoal filtration) in the fuel handling building, and no reduction in the containment, prior to release. Therefore, the consequences of a fuel handling accident are clearly bounded by the existing safety analysis without taking credit for any iodine removal by charcoal filtration. The greatly reduced fission product activity at the current time provides assurance that the consequences of this event are bounded by the existing analysis. Therefore, the consequences are not significantly increased.

Accidental release of radioactive liquids

The inadvertent release of radioactive liquid wastes to the environment was evaluated for the waste evaporator condensate and monitor tanks, condensate storage tank, primary water storage tank, refueling water storage tank (RWST), the

auxiliary building storage tanks and the chemical and volume control system (CVCS) holdup tanks. It was concluded, in the UFSAR Chapter 14 evaluation, that loss of liquid from these tanks to the environment is not a credible accident. This conclusion does not depend on operating mode, hence, further evaluation of this event is not required.

Waste gas release

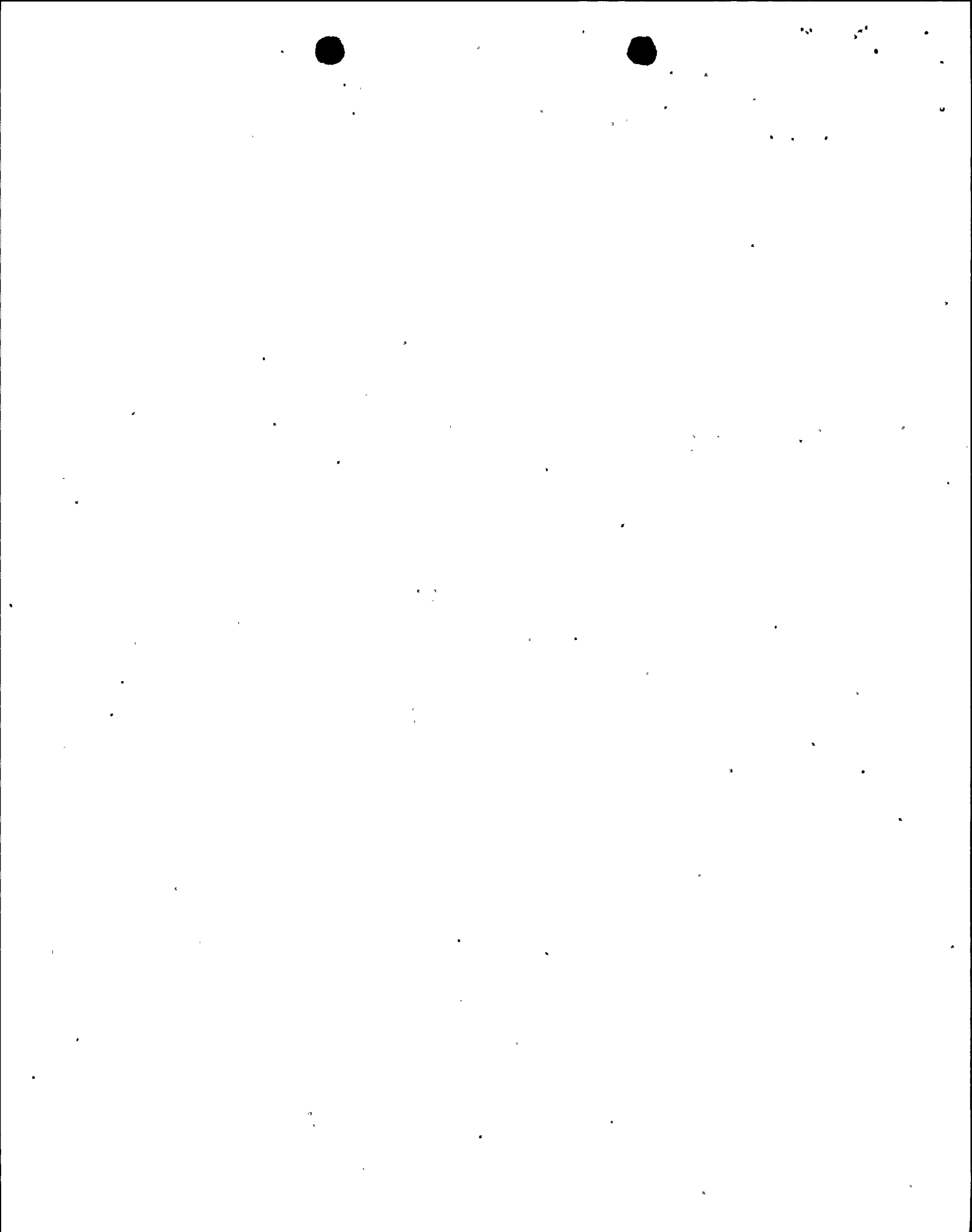
Radioactive gases are introduced into the reactor coolant by the escape of fission products if defects exist in the fuel cladding. The processing of the reactor coolant by auxiliary systems results in the accumulation of radioactive gases in various tanks. The two main sources of any significant gaseous radioactivity that could occur would be the volume control tank (VCT) and the gas decay tanks. It is assumed that a tank ruptures by an unspecified mechanism after the reactor has been operating for one core cycle with 1% defects in the fuel cladding. There is no identified mechanism by which an interruption or loss of power could result in a tank rupture. Therefore, it is concluded that the probability of occurrence of a tank rupture would not be significantly increased by an interruption or loss of A.C. power. The greatly reduced fission product activities at the current time provides assurance that the consequences of this event are bounded by the current analysis and would, therefore, not be significantly increased.

Uncontrolled rod cluster control assembly (RCCA) withdrawal from a subcritical condition

This event can only occur with the reactor trip breakers closed and the control rod drive mechanisms (CRDMs) energized. With the exception of testing or special maintenance, the rod drive motor generator set remains tagged out until Mode 3 and this alone would preclude rod movement. If the conditions for rod withdrawal are met, two operable source range instruments and two reactor trip channels and trip breakers must be operable. An interruption or loss of power would preclude CRDM movement and release the control rods. The source range instruments would remain available. Therefore, it is concluded that the probability of occurrence of an uncontrolled RCCA withdrawal would not be significantly increased by an interruption or loss of A.C. power in Modes 5 or 6. Acceptable consequences for this event rely on precluding its occurrence.

Uncontrolled boron dilution

This event requires a malfunction of the CVCS. The CVCS is designed to limit, even under various postulated failure modes, the potential rate of dilution to a value which provides the operator sufficient time to correct the situation in a safe and orderly manner. The rate of addition of unborated water makeup to the reactor coolant system is limited by the capacity of the primary water pumps. The maximum addition rate in this case is 225 gpm with both primary water pumps running. An interruption or loss of A.C. power would preclude pump operation and accidental dilution. The RWST is not a credible dilution source as recognized by a footnote to T/S 3/4.8.1.2. Therefore, the possibility of an uncontrolled boron dilution is not significantly increased. Acceptable consequences for this event rely on



precluding its occurrence and by detection with the source range nuclear instrumentation required by the T/S in Modes 5 and 6.

The proposed revision involves deferral of certain surveillance requirements when shut down but does not reduce the required operable power sources of the Limiting Condition for Operation (LCO), does not increase the allowed outage time of any required operable power supplies and does not reduce the requirement to know that the deferred SRs [surveillance requirements] could be met at all times. Deferral of the testing does not by itself increase the potential that the testing would not be met and the previously evaluated accidents described above do not rely on automatic starting or loading of the single operable EDG [emergency diesel generator] permitted in Modes 5 and 6. The monthly EDG starts, fuel level checks, and fuel transfer pump checks will continue to be performed to provide adequate confidence that the required EDG will be available if needed. Therefore, it is concluded that the required A.C. sources will remain available and the previously evaluated consequences will not be increased.

The proposed administrative change for unit 2 deletes a reference to T/S 4.0.8 that is no longer applicable and, thus, does not increase the probability or consequences of an accident. The editorial change to unit 1 corrects a typographical error. The correction is not intended to change the meaning.

Therefore, based on the above discussion, it is concluded that the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

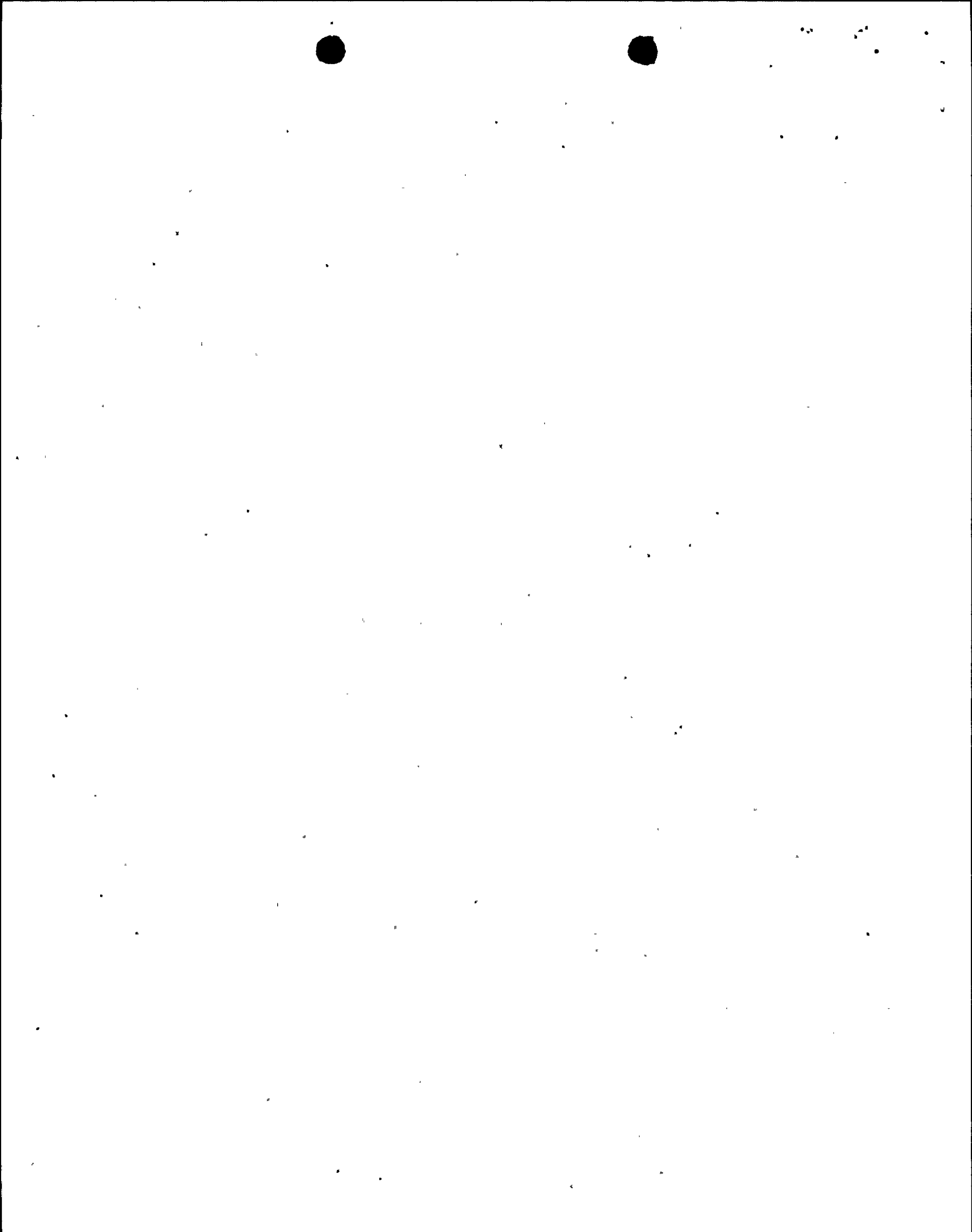
2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes do not involve operation of the required electrical power sources in a manner or configuration different than those previously recognized or evaluated. No new failure mechanisms of the A.C. power supplies are introduced by extension of the subject surveillance intervals.

The proposed administrative change for unit 2 deletes a reference to T/S 4.0.8 that is no longer applicable and, thus, does not create the possibility of a new or different kind of accident. The editorial change to unit 1 corrects a typographical error. The correction is not intended to change the meaning. Therefore, it is concluded that the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The required operable power supplies have not been reduced. Deferral of the specified SRs does not by itself introduce a failure mechanism, and past performance of the SRs has demonstrated reliability in passing the deferred surveillances. Therefore, the availability of power supplies assumed for accident



mitigation is not significantly reduced and previous margins of safety are maintained.

The proposed administrative change for unit 2 deletes a reference to T/S 4.0.8 that is no longer applicable and thus, does not increase the probability or consequences of an accident. The editorial change to unit 1 corrects a typographical error. The correction is not intended to change the meaning. Therefore, these changes do not involve a significant reduction in the margin of safety.

In summary, based upon the above evaluation, I&M has concluded that these changes involve no significant hazards consideration.

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 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 Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this

FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, 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.

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

By May 26, 1999, 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, and at the local public document room located at the Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, MI 49085. 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 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 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Jeremy J. Euto, Esquire, 500 Circle Drive, Buchanan, MI 49107, 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).

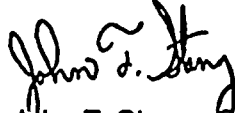
For further details with respect to this action, see the application for amendment dated December 3, 1998, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public



document room located at the Maud Preston Palenske Memorial Library, 500 Market Street,
St. Joseph, MI 49085.

Dated at Rockville, Maryland, this 22nd day of April 1999.

FOR THE NUCLEAR REGULATORY COMMISSION



John F. Stang, Sr. Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

4/23/99

MEMORANDUM TO: Rules Review and Directives Branch
Division of Freedom of Information and Publications Services
Office of Administration
FROM: Office of Nuclear Reactor Regulation
SUBJECT: DC Cook

One signed original of the *Federal Register* Notice identified below is attached for your transmittal to the Office of the Federal Register for publication. Additional conformed copies () of the Notice are enclosed for your use.

- Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s): Time for submission of Views on Antitrust matters.
- Notice of Consideration of Issuance of Amendment to Facility Operating License. (Call with 30-day insert date).
- Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- Notice of Availability of NRC Draft/Final Environmental Statement.
- Notice of Limited Work Authorization.
- Notice of Availability of Safety Evaluation Report.
- Notice of Issuance of Construction Permit(s).
- Notice of Issuance of Facility Operating License(s) or Amendment(s).
- Order.
- Exemption.
- Notice of Granting Exemption.
- Environmental Assessment.
- Notice of Preparation of Environmental Assessment.
- Receipt of Petition for Director's Decision Under 10 CFR 2.206.
- Issuance of Final Director's Decision Under 10 CFR 2.206.
- Other: _____

DOCKET NO. 50-315/316

Attachment(s): As stated

Contact: Kleene, 1389
Telephone:

DOCUMENT NAME:

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