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ACCESSION NBR: 9407080179 DOC. DATE: 94/06/29 NOTARIZED: NO DOCKET #
 FACIL: 50-316 Donald C. Cook Nuclear Power Plant, Unit 2, Indiana M 05000316
 AUTH. NAME AUTHOR AFFILIATION
 WEBER, G.A. Indiana Michigan Power Co. (formerly Indiana & Michigan Ele
 BLIND, A.A. Indiana Michigan Power Co. (formerly Indiana & Michigan Ele
 RECIP. NAME RECIPIENT AFFILIATION

SUBJECT: LER 94-004-00: on 940530, use of notice of enforcement discretion to extend B&C leak rate testing interval occurred. Caused by unexpected federal holiday. No corrective actions taken as result of event. W/940629 ltr.

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 TITLE: 50.73/50.9 Licensee Event Report (LER), Incident Rpt, etc.

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Indiana Michigan
Power Company
Cook Nuclear Plant
One Cook Place
Bridgman, MI 49106
616 465 5901



June 29, 1994

United States Nuclear Regulatory Commission
Document Control Desk
Rockville, Maryland 20852

Operating Licenses DPR-74
Docket No. 50-316

Document Control Manager:

In accordance with the criteria established by
10 CFR 50.73 entitled Licensee Event Report System,
the following report is being submitted:

94-004-00

Sincerely,

A. A. Blind
Plant Manager

/sb
Attachment

c: J. B. Martin, Region III
E. E. Fitzpatrick
P. A. Barrett
R. F. Kroeger
M. A. Bailey - Ft. Wayne
NRC Resident Inspector
J. B. Hickman - NRC
J. R. Padgett
G. Charnoff, Esq.
D. Hahn
INPO
S. J. Brewer

07000

LICENSEE EVENT REPORT (LER)

(See reverse for required number of digits/characters for each block)

ESTIMATED BURDEN PER RESPONSE TO COMPLY WITH THIS INFORMATION COLLECTION REQUEST: 50.0 HRS. FORWARD COMMENTS REGARDING BURDEN ESTIMATE TO THE INFORMATION AND RECORDS MANAGEMENT BRANCH (MNBB 7714), U.S. NUCLEAR REGULATORY COMMISSION, WASHINGTON, DC 20555-0001, AND TO THE PAPERWORK REDUCTION PROJECT (3150-0104), OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC 20503.

FACILITY NAME (1) D. C. Cook Nuclear Plant - Unit 2	DOCKET NUMBER (2) 05000 316	PAGE (3) 1 OF 3
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TITLE (4)
Use of Notice of Enforcement Discretion to Extend B&C Leak Rate Testing Interval

EVENT DATE (5)			LER NUMBER (6)			REPORT NUMBER (7)			OTHER FACILITIES INVOLVED (8)	
MONTH	DAY	YEAR	YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	MONTH	DAY	YEAR	FACILITY NAME	DOCKET NUMBER
05	30	94	94	-- 004	-- 00	06	29	94		05000
									FACILITY NAME	DOCKET NUMBER
										05000

OPERATING MODE (9)	THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR §: (Check one or more) (11)									
POWER LEVEL (10) 63%	20.402(b)			20.405(c)			50.73(a)(2)(iv)			73.71(b)
	20.405(a)(1)(i)			50.36(c)(1)			50.73(a)(2)(v)			73.71(c)
	20.405(a)(1)(ii)			50.36(c)(2)			50.73(a)(2)(vii)			OTHER
	20.405(a)(1)(iii)			X 50.73(a)(2)(i)			50.73(a)(2)(viii)(A)			(Specify in Abstract below and in Text, NRC Form 366A)
	20.405(a)(1)(iv)			50.73(a)(2)(ii)			50.73(a)(2)(viii)(B)			
	20.405(a)(1)(v)			50.73(a)(2)(iii)			50.73(a)(2)(x)			

LICENSEE CONTACT FOR THIS LER (12)

NAME G. A. Weber - Plant Engineering Superintendent	TELEPHONE NUMBER (include Area Code) (616) 465-5901
--------------------------------------------------------	--------------------------------------------------------

COMPLETE ONE LINE FOR EACH COMPONENT FAILURE DESCRIBED IN THIS REPORT (13)

CAUSE	SYSTEM	COMPONENT	MANUFACTURER	REPORTABLE TO NPRDS	CAUSE	SYSTEM	COMPONENT	MANUFACTURER	REPORTABLE TO NPRDS

SUPPLEMENTAL REPORT EXPECTED (14)

YES (* yes, complete EXPECTED SUBMISSION DATE)	X	NO	EXPECTED SUBMISSION DATE (15)	MONTH	DAY	YEAR
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ABSTRACT (Limit to 1400 spaces, i.e., approximately 15 single-spaced typewritten lines) (16)

On March 9, 1994 letter AEP:NRC:1204 was submitted requesting a schedular exemption to 10CFR50, Appendix J for Type B and C leak rate testing. The request was to allow Unit 2 to operate beyond the surveillance due date until the scheduled refueling outage in September 1994, thus avoiding a forced outage to perform the surveillances.

Due to the unexpected Federal Holiday on April 27, 1994, the Federal Register was published a day later than scheduled. This moved the expiration of the 30-day public comment period to Saturday, May 28 instead of Friday, May 27. In combination with the Memorial Day holiday, the proposed Technical Specification amendment could not be issued until May 31, 1994, after the expiration of the surveillance period. Prompt action was taken to avoid the forced shutdown of Unit 2 in the form of a request for Notice of Enforcement Discretion (NOED).

After review by NRR and Region III, the NOED was granted on May 26, 1994, to be effective for a maximum period of three days, from May 30 to June 1, 1994. This bridged the time period from the end of the surveillance period to the issuance of the amendment.

LICENSEE EVENT REPORT (LER)
TEXT CONTINUATION

ESTIMATED BURDEN PER RESPONSE TO COMPLY WITH THIS INFORMATION COLLECTION REQUEST: 500 HRS. FORWARD COMMENTS REGARDING BURDEN ESTIMATE TO THE RECORDS AND REPORTS MANAGEMENT BRANCH (P-530), U.S. NUCLEAR REGULATORY COMMISSION, WASHINGTON, DC 20555, AND TO THE PAPERWORK REDUCTION PROJECT (3150-0104), OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC 20503.

FACILITY NAME (1)	DOCKET NUMBER (2)	LER NUMBER (6)			PAGE (3)		
		YEAR	SEQUENTIAL NUMBER	REVISION NUMBER			
		94	004	00	0	2	OF 0 3

D. C. Cook Nuclear Plant - Unit 2

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9 4 | - 0 | 0 4 | - 0 | 0 0 | 0 | 2 | OF 0 | 3

TEXT (If more space is required, use additional NRC Form 366A's) (17)

Conditions Prior to Occurrence:

Unit 2 in Mode 1 (Power Operation) at 63 percent rated power.

Description of Event:

On March 9, 1994, letter AEP:NRC:1204 was submitted requesting a schedular exemption to 10CFR50, Appendix J, Type B and C Leak rate testing for Donald C. Cook Nuclear Plant Unit 2. Technical Specification 4.6.1.2.d requires that the leak rate tests be performed at an interval no greater than 24 months. The surveillance was to expire May 29, 1994.

The requested schedular exemption was to allow Unit 2 to operate beyond the surveillance due date until the scheduled refueling outage in September 1994, thus avoiding a forced outage to perform the surveillance.

Due to the unexpected Federal Holiday on April 27, 1994, the Federal Register was published a day later than scheduled. This moved the expiration of the 30-day public comment period to Saturday, May 28, 1994 instead of Friday, May 27, 1994. Therefore, the proposed Technical Specification amendment could not be issued by the staff until the day after the Memorial Day weekend, May 31, 1994, which was after the expiration of the surveillance period. If the Federal Register had been published on its scheduled date, the proposed amendment would have been issued on Friday, May 27, 1994, thus providing the surveillance extension necessary to continue operation of Unit 2.

Prompt action was taken on May 25, 1994 to avoid the forced shutdown in the form of a request for Notice of Enforcement Discretion (NOED).

After review by NRR and Region III, the NOED was granted on May 26, 1994, to be effective for a maximum period of three days, from May 30 to June 1, 1994. This bridged the time period from the end of the surveillance period to the issuance of the amendment.

Cause:

The delay in publication of the Federal Register, by the Federal Holiday on April 27, 1994, caused the 30-day public comment period to be extended. This, in combination with the Memorial Day holiday, pushed the issuance of the amendment past the date of expiration for the required surveillances.

LICENSEE EVENT REPORT (LER)
TEXT CONTINUATION

ESTIMATED BURDEN PER RESPONSE TO COMPLY WITH THIS INFORMATION COLLECTION REQUEST, 500 HRS. FORWARD COMMENTS REGARDING BURDEN ESTIMATE TO THE RECORDS AND REPORTS MANAGEMENT BRANCH (P-530), U.S. NUCLEAR REGULATORY COMMISSION, WASHINGTON, DC 20555, AND TO THE PAPERWORK REDUCTION PROJECT (3150-0104), OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC 20503.

FACILITY NAME (1)	DOCKET NUMBER (2)	LER NUMBER (6)			PAGE (3)		
		YEAR	SEQUENTIAL NUMBER	REVISION NUMBER			
D. C. Cook Nuclear Plant - Unit 2	0 5 0 0 0 3 1 6	9 4	0 0 4	0 0	0 3	OF	0 3

TEXT (If more space is required, use additional NRC Form 366A's) (17)

Analysis:

This event is being reported in accordance with 10CFR50.73(a)(2)(i)(B) as operation prohibited by the plant's Technical Specifications (TSs). The B and C leak rate surveillances were required to have been completed prior to May 29, 1994. To perform those surveillances, the unit would have to be shut down, thereby requiring a forced shutdown of the unit.

To avoid that situation, a schedular exemption was requested. Due to unusual circumstances, the amendment was not granted in time, necessitating the request for Notice of Enforcement Discretion.

The NOED was issued and in effect for a period of three days, from May 30 to June 1, 1994, bridging the time period between expiration of the surveillance interval until the amendment could be issued.

Corrective Actions:

No corrective actions were taken as a result of this event, as it is an isolated and unusual case.