

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 amendments to Facility Operating License Nos. DPR-58 and 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 amendments involve movement of loads in excess of the design-basis seismic capability of the auxiliary building load handling equipment and structures. The proposed amendment requests approval to move the steam generator sections through the auxiliary building and to disengage crane travel interlocks, and also requests relief from performance of Technical Specification Surveillance Requirement 4.9.7.1.

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 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?

No. NUREG-0612, "Control of Heavy Loads at Nuclear Power Plants," generically evaluates the probabilities for a heavy load handling event that could result in consequences that exceed 25% of 10 CFR 100 limits. The NRC determined, assuming heavy load handling in accordance with NUREG-0612 guidelines, that the associated risks are acceptable based on the very low likelihood of a load drop. The proposed activity will be performed in accordance with NUREG-0612 as approved for Donald C. Cook Nuclear Plant (CNP) and will be similar to the heavy loads program reviewed, approved, and demonstrated effective during the Unit 2 SGRP [Steam Generator Repair Project]. The cranes feature single-failure-proof hoisting and braking systems in accordance with NUREG-0554, "Single-Failure-Proof Cranes for Nuclear Power Plants," and are evaluated to safely retain the load in the unlikely event of the safe shutdown earthquake (SSE). As such, this change does not introduce any new accident precursors or initiators and there is not a significant increase in the probability of previously evaluated accidents.

Administrative controls substitute for crane travel interlocks during the lifts to prevent loads from being carried over spent fuel assemblies. In addition, a load path evaluation has determined that, in the unlikely event of a load drop, requirements for safe shutdown of the operating unit, decay heat removal, and spent fuel pool cooling continue to be satisfied. As a result, there is no significant increase in the consequences of a load drop. Based on the above, the probability of occurrence and the consequences of accidents previously evaluated are not increased.

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

No. The potential accident involved in the proposed change is a design basis seismic event during load handling. The NUREG-0554 guideline for crane seismic capability is safe retention of the load during an SSE. A current engineering study demonstrates that the SG [steam generator] sections are safely retained by the cranes during load handling even in the unlikely event of an SSE. Although the crane travel interlocks are disengaged during the lifts, administrative controls prevent loads from being carried over the spent fuel pool. Furthermore, the load path, methods, and types of loads are similar to those previously reviewed and approved for the Unit 2 SGRP. That review also found that the possibility of a new or different kind of accident was not created. The current reviews and analyses for the Unit 1 SGRP have not identified a credible new kind of accident or one that is different from the evaluated load drop scenario. Based on the above, the

possibility of a new or different kind of accident from any previously evaluated is not created.

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

No. Handling of heavy loads during the proposed activity will be in accordance with the guidelines of NUREG-0612 (including appropriate codes and standards) as approved for CNP and will be similar to the heavy loads program previously approved for the Unit 2 SGRP. Administrative controls substitute for crane travel interlocks during the lifts to ensure that no loads are carried over spent fuel assemblies. The loads will be lifted by cranes with the single-failure proof features specified by NUREG-0554. For these loads, the design basis seismic capability of the load handling equipment and structures is exceeded. However, the likelihood of a seismic event coincident with the limited lift times for these loads is very remote. Furthermore, an evaluation of these lifts that considers the conservatism inherent in the design basis calculations concludes that the loads are safely retained even in the event of an SSE. Based on the above, the proposed change does not involve a significant reduction in the margin of safety.

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 November 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.

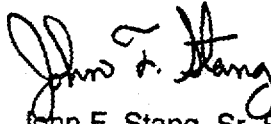
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 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 September 23, 1999, as supplemented October 11, 1999, 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 20th day of October 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