NUCLEAR REGULATORY COMMISSION

[Docket No. 50–331]

IES Utilities Inc., Central Iowa Power Cooperative, Corn Belt Power Cooperative, and Duane Arnold Energy Center; Notice of Consideration of Issuance of Amendment to Facility Operating License 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–49 issued to IES Utilities Inc. (the licensee), for operation of the Duane Arnold Energy Center (DAEC), located in Linn County, Iowa.

The proposed amendment, requested by the licensee in a letter dated October 30, 1996, would represent a full conversion from the current Technical Specifications (CTSs) to a set of improved Technical Specifications (ITSs) based on NUREG–1433, Revision 1, ''Standard Technical Specifications, General Electric Plants BWR/4,'' dated April 1995. NUREG–1433 has been developed through working groups composed of both NRC staff members and industry representatives, and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve CTSs. As part of this submittal, the licensee has applied the criteria contained in the Commission's, ''Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors,'' (Final Policy Statement) published in the **Federal Register** on July 22, 1993 (58 FR 39132), to the current DAEC CTSs and, using NUREG–1433 as a basis, developed a proposed set of ITSs for DAEC. The criteria in the Final Policy Statement subsequently were incorporated in 10 CFR 50.36, ''Technical Specifications,'' in a rule change that was published in the **Federal Register** on July 19, 1995 (60 FR 36953). The rule change became effective August 18, 1995.

The licensee has categorized the proposed changes to the CTSs into four general groupings. These groupings are characterized as administrative changes, technical changes—relocations, technical changes—more restrictive, and technical changes—less restrictive.

Administrative changes are those that involve restructuring, renumbering, rewording, interpretation, and rearranging of requirements and other changes not affecting technical content or substantially revising an operational requirement. The reformatting, renumbering, and rewording processes reflect the attributes of NUREG–1433 and do not involve technical changes to the CTSs. The proposed changes include (a) providing the appropriate numbers, etc., for NUREG–1433 bracketed information (information that must be supplied on a plant-specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG–1433 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not affect initiators of analyzed events or assumed mitigation of accident or transient events.

Technical changes—relocations are those changes involving relocation of requirements and surveillances from the CTS to licensee-controlled documents, for structures, systems, components, or variables that do not meet the criteria for inclusion in the ITSs. Relocated changes are those CTS requirements that do not satisfy or fall within any of the four criteria specified in the Commission's Final Policy Statement and 10 CFR 50.36, and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in Volume 1 of its October 30, 1996, application titled, ''Duane Arnold Energy Center *Improved Technical Specifications* Split Report and Relocated CTS Pages.'' The affected structures, systems, components, or variables are not assumed to be initiators of events analyzed in the Updated Final Safety Analysis Report (UFSAR) and are not assumed to mitigate accident or transient events analyzed in the UFSAR. The requirements and surveillances for these affected structures, systems, components, or variables will be relocated from the CTS to administratively controlled documents such as the UFSAR, the BASES, or other licensee-controlled documents. Changes made to these documents will be made pursuant to 10 CFR 50.59 or other appropriate control mechanisms. In addition, the affected structures, systems, components, or variables are addressed in existing surveillance procedures which are also subject to 10 CFR 50.59.

Technical Changes—more restrictive are those changes that involve more stringent requirements for operation of the facility or eliminate existing flexibility. These more stringent requirements do not result in operation that will alter assumptions relative to mitigation of an accident or transient event. For each requirement in the DAEC CTSs that is more restrictive than the corresponding requirement in NUREG–1433, which the licensee proposes to retain in the ITSs, the licensee has provided an explanation of why it has concluded that the more restrictive requirement is desirable to ensure safe operation of the facility.

Technical changes—less restrictive are changes where current requirements are relaxed or eliminated, or new flexibility is provided. The more significant ''less restrictive'' requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the ITSs may be appropriate. In most cases, relaxations granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or © resolution of the Owners Groups'' comments on the ITSs. Generic relaxations contained in NUREG–1433 were reviewed by the staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design information will be reviewed to determine if its specific design and licensing bases are consistent with the technical justifications contained in NUREG–1433. This will determine if a foundation exists for the ITSs or if relaxation of the requirements in the CTSs is warranted by the justifications provided by the licensee.

In addition to the changes solely involving the conversion, changes are proposed to the CTSs or as deviations from the improved GE Technical Specifications (NUREG–1433) as follows:

1. The DAEC ITS 3.5.1 modifies the NUREG–1433 Limiting Condition of Operation (LCO) 3.5.1 by revising Conditions C, D, G, and I to allow certain combinations of Emergency Core Cooling systems/subsystems out-of-service that are supported by the DAEC Loss-of-Coolant Accident (LOCA) analysis.

2. The DAEC ITS Surveillance Requirements (SRs) 3.5.1.4, 3.5.1.5, and 3.5.1.6 modify the NUREG–1433 SRs 3.5.1.7, 3.5.1.8, and 3.5.1.9 to relax the required flow rates per the DAEC LOCA analysis, using the NRC-approved SAFER/GESTR–LOCA model.

3. The DAEC ITS SR 3.8.4.1 modifies the frequency for the NUREG–1433 SR 3.8.4.1 for performing pilot cell inspections from weekly to monthly, in accordance with industry (IEEE–450) and vendor recommendations.

4. The DAEC ITSs relocate the requirements for Suppression Pool

Spray (NUREG–1433 LCO 3.6.2.4) to licensee-controlled documents, as they do not meet the 10 CFR 50.36(c)(2)(ii) screening criteria.

5. The DAEC ITS 3.0.3 modifies the NUREG–1433 LCO 3.0.3 to allow 8 hours versus 6 hours to reach Mode 2. In addition, all other Required Actions that require reaching Mode 2 in 6 hours have been extended to 8 hours for consistency.

6. The DAEC ITSs 3.4.8 and 3.9.7 modify the NUREG–1433 LCOs 3.4.7 and 3.9.8 to not require forced circulation when reactor coolant temperature is less than 150°F.

7. The DAEC ITS SR 3.8.1.13 combines the NUREG–1433 SRs 3.8.1.11, 3.8.1.12, and 3.8.1.19 to eliminate unnecessary multiple Emergency Diesel Generator starts.

8. The DAEC ITS 3.4.7 modifies the applicability of the NUREG–1433 LCO 3.4.8 to use the Reactor Core Isolation Cooling (RCIC) low pressure isolation alarm in lieu of the Shutdown Cooling cut-in pressure permissive.

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.

By August 21, 1997, 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 Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, IA 52401. 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 a 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. The 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.

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 Jack Newman, Kathleen Shea, Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, DC 20036–5869, 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).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment, dated October 30, 1996, 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 Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, IA 52401.

Dated at Rockville, Maryland, this 16th day of July 1997.

For the Nuclear Regulatory Commission.

Glenn B. Kelly, Sr.,

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