

April 26, 2002

Mr. A. Christopher Bakken III, Senior Vice President
and Chief Nuclear Officer
Indiana Michigan Power Company
Nuclear Generation Group
500 Circle Drive
Buchanan, MI 49107

SUBJECT: DONALD C. COOK NUCLEAR PLANT, UNIT 2 - ISSUANCE OF AMENDMENT
RE: BATTERY SURVEILLANCE REQUIREMENTS (TAC NO. MB4928)

Dear Mr. Bakken:

The U.S. Nuclear Regulatory Commission (NRC) has issued the enclosed Amendment No. 249 to Facility Operating License No. DPR-74 for the Donald C. Cook Nuclear Plant, Unit 2. The amendment consists of changes to the Technical Specifications (TSs) in response to your application dated April 9, 2002, as supplemented April 25, 2002. This amendment only grants the portion of the original application dealing with the Unit 2 AB and CD batteries. In your April 25, 2002, supplemental letter, you requested that this portion of the original application be processed on an emergency basis. The remaining portions of the original application will be processed under separate cover after the expiration of the 30-day public comment period.

The amendment revises TS Surveillance Requirement 4.8.2.3.c.1 for the Train AB and CD batteries. The amendment modifies the requirement to verify that the Train AB and CD battery cells, cell plates, and racks show no visual indication of physical damage or abnormal deterioration. The amendment allows batteries exhibiting damage or deterioration to be determined operable by an evaluation. The amendment is consistent with an NRC-approved change to the Standard Technical Specifications for Westinghouse plants (NUREG 1431, Revision 1), as documented in Technical Specification Task Force Standard Technical Specification Change Traveler-38, "Revise visual surveillance of batteries to specify inspection is for performance degradation."

A copy of our related safety evaluation is also enclosed. A Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

/RA/

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

Docket No. 50-316

Enclosures: 1. Amendment No. 249 to DPR-74
2. Safety Evaluation

cc w/encls: See next page

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The amendment revises TS Surveillance Requirement 4.8.2.3.c.1 for the Train AB and CD batteries. The amendment modifies the requirement to verify that the Train AB and CD battery cells, cell plates, and racks show no visual indication of physical damage or abnormal deterioration. The amendment allows batteries exhibiting damage or deterioration to be determined operable by an evaluation. The amendment is consistent with an NRC-approved change to the Standard Technical Specifications for Westinghouse plants (NUREG 1431, Revision 1), as documented in Technical Specification Task Force Standard Technical Specification Change Traveler-38, "Revise visual surveillance of batteries to specify inspection is for performance degradation."

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Docket No. 50-316

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2. Safety Evaluation

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JStang	GHill(2)	
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*Provided SE input by memo

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Donald C. Cook Nuclear Plant, Units 1 and 2

cc:

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INDIANA MICHIGAN POWER COMPANY

DOCKET NO. 50-316

DONALD C. COOK NUCLEAR PLANT, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 249

License No. DPR-74

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Indiana Michigan Power Company (the licensee) dated April 9, 2002, as supplemented April 25, 2002, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-74 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 249, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented immediately.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/ by D. Hood

L. Raghavan, Chief, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical Specifications

Date of Issuance: April 26, 2002

ATTACHMENT TO LICENSE AMENDMENT NO. 249

FACILITY OPERATING LICENSE NO. DPR-74

DOCKET NO. 50-316

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

REMOVE

3/4 8-13

B 3/4 8-2

INSERT

3/4 8-13

B 3/4 8-2

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 249 TO FACILITY OPERATING LICENSE NO. DPR-74
INDIANA MICHIGAN POWER COMPANY
DONALD C. COOK NUCLEAR PLANT, UNIT 2
DOCKET NO. 50-316

1.0 INTRODUCTION

By application dated April 9, 2002, as supplemented April 25, 2002, the Indiana Michigan Power Company (the licensee) requested amendments to the Technical Specifications (TSs) for the Donald C. Cook Nuclear Plant (D. C. Cook), Units 1 and 2. This safety evaluation only addresses the portion of the original application dealing with the Unit 2 AB and CD battery surveillance tests, which the licensee requested to be processed on an emergency basis in its April 25, 2002, supplemental letter. The proposed amendment would revise TS Surveillance Requirement (SR) 4.8.2.3.c.1 for the Train AB and CD batteries. The amendment would modify the requirement to verify that the Train AB and CD battery cells, cell plates, and racks show no visual indication of physical damage or abnormal deterioration. The proposed amendment would allow batteries exhibiting damage or deterioration to be determined operable by an evaluation. The proposed amendment is consistent with an NRC-approved change to the Standard Technical Specifications for Westinghouse plants (NUREG 1431, Revision 1), as documented in Technical Specification Task Force Standard Technical Specification (TSTF) Change Traveler-38, "Revise visual surveillance of batteries to specify inspection is for performance degradation."

2.0 BACKGROUND

The Train AB and CD batteries at D. C. Cook Unit 2 supply 250-volt dc power for operation of turbine generator emergency auxiliaries, switchgear, annunciators, vital bus inverters, motor-operated valves, and emergency lighting. The batteries are "central power station type" designed for continuous duty. The battery system for each unit consists of two separately located sets of 116 lead acid cells connected in series. Each cell is of the sealed type, assembled in a shock absorbing clear plastic container, with covers bonded in place to form a leakproof seal. The batteries are mounted on protected, corrosion-resistant steel racks for security and to facilitate maintenance. The Train AB and CD batteries each has its own active normal charger and a wired standby charger.

In 1994, the licensee purchased 109 LCR-25 battery cells (Shop Order No. 0111031-01) from C&D Technologies, Inc. These battery cells were installed in the Unit 2 AB battery system. In December 2001, the licensee began to see signs of degradation of these battery cells. In April 2002, the licensee discovered cracks in the top covers of the battery cells. The cracking did not impair the ability of the battery cells to perform their intended safety function. On April 4, 2002, the licensee requested and was granted enforcement discretion in accordance with NRC Manual Chapter 9900 to allow additional time, beyond the 2-hour action statement of TS 3/4.8.3, Action B, to replace three battery cells in the Unit 2 AB battery. By letter dated April 10, 2002, the NRC issued the written Notice of Enforcement Discretion (NOED). The enforcement discretion precluded an unnecessary plant shutdown due to the existing TS being overly restrictive. Since April 9, 2002, on two separate occasions, the licensee has discovered additional cracks in the top cover of a battery cell in the Unit 2 AB battery. In both cases, the licensee replaced the battery cell with a spare battery cell within the 2-hour action statement. Based on the trend of the battery degradation, the licensee considers that cracking on additional cells may be identified in the near future. This concern, coupled with the limited action statement time of 2 hours, has prompted the licensee to request that the NRC process the Unit 2 AB battery portion of the April 9, 2002, application on an emergency basis.

3.0 REGULATORY EVALUATION

TS SR 4.8.2.3.2.c.1 currently requires verification at least once per 18 months that the Train AB and CD battery cells, cell plates, and battery racks show no visual indication of physical damage or abnormal deterioration. The licensee is proposing to modify TS SR 4.8.2.3.2.c.1, consistent with TSTF-38, to clarify that physical damage or abnormal deterioration to Train AB or CD battery cells, cell plates, and racks would not render the batteries inoperable unless the damage or deterioration could degrade battery performance. The proposed amendment would also modify the TS Bases to describe the reason for the SR and the criteria for determining operability. In its submittal, the licensee indicated that adopting the provisions of TSTF-38 is appropriate because the TSTF considers that, under some conditions, the current TSs are overly restrictive.

Prior to approval of TSTF-38, STS SR 3.8.4.3 stated, "Verify battery cells, cell plates, and racks show no visual indication of physical damage or abnormal deterioration." However, the intent of the associated STS Bases was to allow for an evaluation of battery damage and/or abnormal deterioration and their affects on the operability of the batteries. TSTF-38 clarified the requirements of this SR to be consistent with the regulatory intent of the visual inspection as reflected in the associated STS Bases. The purpose of the battery visual inspection is to identify physical damage or abnormal deterioration that could potentially degrade battery performance. Thus, any identified physical damage or abnormal deterioration has to be of a type that could degrade battery performance before the SR would not be satisfied. The presence of physical damage or deterioration does not necessarily represent a failure of the SR, provided an evaluation determines that the physical damage or deterioration does not affect the operability of the battery (its capability to perform its intended safety function). For these reasons and for clarity, TSTF-38 revised the wording of STS SR 3.8.4.3 by adding the phrase, "that could degrade battery performance." Additionally, the associated STS Bases were revised to clarify the measures to be taken in the event physical damage or deterioration is discovered.

The NRC staff finds that the licensee has identified the applicable regulatory requirements in its submittal. The regulatory requirements for which the staff based its acceptance criteria are:

- 10 CFR Sections 50.36, 50.55a, 50.59, 50.65, 50.90, and 50.92;
- TSTF-38;
- The model TSs contained in the Improved Standard Technical Specifications, NUREG-1431, Revision 2, "Standard Technical Specifications, Westinghouse Plants," dated October 10, 2001; specifically SR 3.8.1 and associated Bases; and
- NRC Generic Letter (GL) 91-18, Revision 1, "Information To Licensees Regarding NRC Inspection Manual Section on Resolution of Degraded and Nonconforming Conditions," dated October 8, 1997.

The NRC previously approved implementation of TSTF-38 for the Grand Gulf Nuclear Station and Perry Nuclear Power Plant. Grand Gulf and Perry are boiling-water reactors; however, TSTF-38 was approved as applicable to both boiling-water reactors and pressurized-water reactors.

4.0 TECHNICAL EVALUATION

The staff has reviewed the licensee's regulatory and technical analyses provided in Enclosure 1 of the April 9, 2002, application. The evaluation below supports the conclusion that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

The licensee proposes to change TS SR 4.8.2.3.2.c.1 in TS Section 3/4.8.2.3, "DC Distribution - Operating," for the train AB and CD batteries, from

[Each 250-volt battery bank and charger shall be demonstrated operable at least once per 18 months by] Verifying that the cells, cell plates and battery racks show no visual indication of physical damage or abnormal deterioration

to

[Each 250-volt battery bank and charger shall be demonstrated operable at least once per 18 months by] Verifying that the cells, cell plates and battery racks show no visual indication of physical damage or abnormal deterioration that could degrade battery performance

The licensee also proposed an accompanying change to the Bases for TS Section 3/4.8, "Electrical Power Systems," by adding the following paragraph:

Visual inspection of the battery cells, cell plates, and battery racks provides an indication of physical damage or abnormal deterioration that could potentially degrade battery performance. The presence of physical damage or deterioration does not necessarily

represent a failure of SR 4.8.2.3.2.c.1, provided an evaluation determines that the physical damage or deterioration does not affect the OPERABILITY of the battery (its ability to perform its design function).

The operability of the dc power sources and associated distribution systems during plant operation ensures that sufficient power will be available to supply the safety-related equipment required for the safe shutdown of the facility, and the mitigation and control of accident conditions within the facility. By periodically visually inspecting the battery cells, cell plates, and battery racks, the licensee can identify physical damage or abnormal deterioration that could potentially degrade battery performance. TS SR 4.8.2.3.2.c.1 currently requires verification at least once per 18 months that the Train AB and CD battery cells, cell plates, and battery racks show no visual indication of physical damage or abnormal deterioration. Literal compliance with this requirement would result in the battery being declared inoperable if any physical damage or abnormal deterioration is observed, regardless of the actual effect on battery performance. The current SR would be overly restrictive for cases where battery performance is not affected.

The proposed amendment would eliminate the requirement to declare the Train AB or CD batteries inoperable due to physical damage or abnormal deterioration of the cells, cell plates, or racks if the damage or deterioration would not degrade battery performance. The proposed amendment would also require basing a decision to not declare the battery inoperable on an evaluation of the observed physical damage or abnormal deterioration.

The discovery of physical damage or abnormal deterioration on a battery would be addressed through the D. C. Cook Unit 2 corrective action program. The licensee has committed that this program contains provisions for promptly determining operability consistent with the guidance in NRC GL 91-18. The battery operability evaluation would be driven by the nature and extent of the material condition identified. The damage or deterioration would be evaluated based on its severity and its relation to the critical parts of the battery and its performance requirements, and would involve the battery manufacturer's representative, as appropriate.

The provisions of TSTF-38, Rev. 0, which have been incorporated into the STSs, are applicable to D.C. Cook Unit 2. Thus, the licensee has modeled the proposed change on TSTF-38. The proposed wording of D. C. Cook TS SR 4.8.2.3.2.c.1 is virtually identical to that of the corresponding STS SR.

The proposed change to TS SR 4.8.2.3.2.c.1 would permit the evaluation of any identified physical damage or abnormal deterioration to determine operability, rather than automatic declaration of inoperability. The NRC staff finds this change acceptable because (a) it meets the intent of the current SR, as explained in the STS Bases for the corresponding STS SR, (b) the D. C. Cook Unit 2 corrective action program contains adequate controls for performing operability evaluations; and (c) it will preclude unnecessary entry into the 2-hour action statement of TS 3/4.8.3, Action B. The proposed changes are also consistent with corresponding STS SR 3.8.4.3.

Although the current TS Bases do not specifically address TS 4.8.2.3.2.c.1, the STS Bases for the corresponding SR are applicable to the D. C. Cook Unit 2 SR, as revised. Therefore, the licensee has adopted the STS Bases language in support of the revised SR. The NRC staff has verified that the associated change to the TS Bases adequately explains the technical basis for the revised requirement. Therefore, the NRC staff has no objection to the proposed Bases change.

4.0 SUMMARY

The licensee proposed that the wording of TS SR 4.8.2.3.2.c.1 and its associated Bases be changed to reflect the evaluation of physical damage to determine operability, rather than automatic declaration of inoperability when any physical damage is noted. This change is acceptable since it meets the intent of the SR, as explained in the Bases; the licensee has adequate provisions for performing such an evaluation; and it will preclude unnecessary entry into the 2-hour action statement when identified physical damage or abnormal deterioration is determined not to affect battery performance, thereby avoiding the risk associated with a unit shutdown. The proposed changes are also consistent with corresponding STS SR 3.8.4.3. Therefore, the staff finds that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

5.0 EMERGENCY CIRCUMSTANCES

The Commission's regulations at 10 CFR 50.91 contain provisions for issuance of an amendment involving no significant hazards consideration where the Commission finds that emergency circumstances exist, in that failure to act in a timely way would result in the shutdown of a nuclear plant and that the time does not permit the Commission to publish a *Federal Register* notice allowing 30 days for prior public comment. The emergency exists in this case in that the proposed amendment is needed to prevent shutdown of D. C. Cook Unit 2. In April 2002, the licensee discovered cracks in the top covers of the battery cells. The cracking did not impair the ability of the battery cells to perform their intended safety function. On April 4, 2002, the licensee requested and was granted enforcement discretion in accordance with NRC Manual Chapter 9900 to allow additional time, beyond the 2-hour action statement of TS 3/4.8.3, Action B, to replace three battery cells in the Unit 2 AB battery. By letter dated April 10, 2002, the NRC issued the written NOED. The enforcement discretion precluded an unnecessary plant shutdown due to the existing TS being overly restrictive. Since April 9, 2002, on two separate occasions, the licensee has discovered additional cracks in the top cover of a battery cell in the Unit 2 AB battery. In both cases, the licensee replaced the battery cell with a spare battery cell within the 2-hour action statement. Based on the trend of the battery degradation, the licensee considers that cracking on additional cells may be identified in the near future. This concern, coupled with the limited action statement time of 2 hours, has prompted the licensee to request that the NRC process the Unit 2 AB battery portion of the April 9, 2002, application on an emergency basis.

The NRC staff has determined that the licensee could not reasonably have foreseen the problem that led to the April 25, 2002, request to expedite the processing of the portion of the original application dealing with the Unit 2 AB and CD batteries. The problem was the overly restrictive TS surveillance and the changing state of the Unit 2 AB and CD batteries.

Accordingly, the Commission has determined that emergency circumstances exist pursuant to 10 CFR 50.91(a)(5) and could not have been avoided, that the submittal of information was timely, and that the licensee did not intentionally create the emergency condition.

6.0 FINAL NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION

The Commission's regulations at 10 CFR 50.92(c) state that the Commission may make a final determination that a license amendment involves no significant hazards consideration if 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, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) result in a significant reduction in the margin of safety. The NRC staff has made a final determination that no significant hazards consideration is involved for the proposed amendment and that the amendment should be issued as allowed by the criteria contained in 10 CFR 50.91. The NRC staff's final determination is presented below:

1. The proposed changes do not involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated.

Probability of Occurrence of an Accident Previously Evaluated -

The proposed changes would eliminate the requirement to declare the Unit 2 Train AB or CD battery inoperable due to physical damage or abnormal deterioration of the cells, cell plates, or racks if the damage or deterioration would not degrade battery performance. The proposed changes do not affect any existing accident initiators or precursors. The safety function of the batteries is to provide power to systems and components that mitigate an accident. There is no design basis accident that is initiated by a failure of a battery to perform its safety function. The proposed changes will not create any adverse interactions with other systems that could result in initiation of a design-basis accident. Therefore, the probability of occurrence of an accident previously evaluated is not significantly increased.

Consequences of an Accident Previously Evaluated

The proposed changes do not reduce the ability of the batteries to perform their safety function. The TSs will continue to require that a battery be declared inoperable if physical damage or abnormal deterioration that impairs the ability of a battery to perform its intended safety function is observed. As a result, the ability of the batteries to perform their safety function is unaffected by the proposed changes. Therefore, the safety-related systems and components that are supported by the batteries and mitigate the consequences of an accident are not affected by the proposed changes.

In summary, the probability of occurrence and the consequences of an accident previously evaluated are not significantly increased.

2. The proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes will not create any new or different accident initiators or precursors. The batteries will continue to function as they did before the change, and will continue to be declared inoperable if physical damage or abnormal deterioration that impairs the ability of a battery to perform its intended safety function is observed. The proposed changes do not create any new failure modes for the batteries and do not affect the interaction between the batteries and any other system. Thus, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed changes do not involve a significant reduction in the margin of safety.

The margins of safety associated with a battery are those pertaining to its performance. The TSs will continue to require that a battery be declared inoperable if physical damage or abnormal deterioration of the cells, cell plates, or racks that would degrade battery performance is observed. As a result, the proposed change does not affect the capability of the batteries to perform in accordance with established safety margins. Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

In summary, based upon the above NRC staff evaluation, the staff has concluded that the proposed change involves no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of no significant hazards consideration is justified.

7.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Michigan State official was notified of the proposed issuance of the amendments. The State official had no comments.

8.0 ENVIRONMENTAL CONSIDERATION

The amendment changes the requirements with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20 and changes the surveillance requirements. The staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has made a final finding that the amendment involves no significant hazards consideration. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

9.0 CONCLUSION

The staff has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: J. Foster

Date: April 26, 2002