CATEGORY 1

REGULATO[illegible] INFORMATION DISTRIBUTION [illegible]STEM (RIDS)

ACCESSION NBR:9708130263 DOC.DATE: 97/08/05 NOTARIZED: NO DOCKET #
FACIL:50-315 Donald C. Cook Nuclear Power Plant, Unit 1, Indiana M 05000315
50-316 Donald C. Cook Nuclear Power Plant, Unit 2, Indiana M 05000316
AUTH.NAME AUTHOR AFFILIATION
FITZPATRICK,E. Indiana Michigan Power Co.
RECIP.NAME RECIPIENT AFFILIATION
Document Control Branch (Document Control Desk)

SUBJECT: Requests exemption from requirements of 10CFR50.71(e)(4) re submission of revisions to UFSAR for plant.

DISTRIBUTION CODE: A001D COPIES RECEIVED:LTR 1 ENCL 1 SIZE: 3
TITLE: OR Submittal: General Distribution

NOTES:

	RECIPIENT ID CODE/NAME	COPIES LTTR	COPIES ENCL	RECIPIENT ID CODE/NAME	COPIES LTTR	COPIES ENCL
	PD3-3 LA	1	1	PD3-3 PD	1	1
	HICKMAN,J	1	1			
INTERNAL:	FILE CENTER 01	1	1	NRR/DE/ECGB/A	1	1
	~~NRR/DE/EMCB~~	1	1	NRR/DRCH/HICB	1	1
	NRR/DSSA/SPLB	1	1	NRR/DSSA/SRXB	1	1
	NUDOCS-ABSTRACT	1	1	OGC/HDS2	1	0
EXTERNAL:	NOAC	1	1	NRC PDR	1	1

C A T E G O R Y 1 D O C U M E N T

NOTE TO ALL "RIDS" RECIPIENTS:
PLEASE HELP US TO REDUCE WASTE! CONTACT THE DOCUMENT CONTROL DESK, ROOM OWFN 5D-5(EXT. 415-2083) TO ELIMINATE YOUR NAME FROM DISTRIBUTION LISTS FOR DOCUMENTS YOU DON'T NEED!

TOTAL NUMBER OF COPIES REQUIRED: LTTR 13 ENCL 12

Indiana Michigan
Power Company
500 Circle Drive
Buchanan, MI 49107 1395

INDIANA
MICHIGAN
POWER

August 5, 1997

AEP:NRC:1266

Docket Nos.: 50-315
50-316

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D. C. 20555-0001

Gentlemen:

Donald C. Cook Nuclear Plant Units 1 and 2
REQUEST FOR EXEMPTION FROM 10 CFR 50.71(e),
REGULATORY BURDEN REDUCTION, 10 CFR 50.12

Pursuant to 10 CFR 50.12(a), we request exemption from the requirements of 10 CFR 50.71(e)(4) regarding submission of revisions to the updated final safety analysis report (UFSAR) for Cook Nuclear Plant.

In 1992 when the 10 CFR 50.71 rule changed, we chose to continue with an annual update of our unified (unit 1 and 2) UFSAR. The alternative to update the UFSAR after each unit refueling outage would have been far more burdensome to both us and the NRC.

Because of the literal language of 10 CFR 50.71(e), and as allowed by 10 CFR 50.12, we hereby request an exemption from the requirements of 10 CFR 50.71(e)(4) that would allow us to update the single, unified UFSAR for our two unit site six months after each unit 1 refueling outage, not to exceed twenty-four months between successive revisions.

The attachment to this letter more fully describes the background and justification for seeking this exemption. Similar exemptions have been granted to other utilities, such as Catawba, McGuire, and Commanche Peak nuclear stations.

Sincerely,

E. E. Fitzpatrick
Vice President

vlb

Attachment

c: A. A. Blind
A. B. Beach
MDEQ - DW & RPD
NRC Resident Inspector
J. R. Padgett

ATTACHMENT TO AEP:NRC:1266

BACKGROUND AND JUSTIFICATION TO
REQUEST FOR EXEMPTION FROM 10 CFR 50.71(e),
REGULATORY BURDEN REDUCTION, 10 CFR 50.12

We hereby request an exemption for Cook Nuclear Plant from the reporting frequency stated in 10 CFR 50.71(e) that requires UFSAR revisions be filed annually, or six months after each refueling outage, not to exceed twenty-four months. This optional reporting frequency based on refueling outages was published in the federal register August 22, 1992 (57 FR 399353), and became effective October 1, 1992.

Where there is one shared, common UFSAR for a multiple unit site, "Subsequent revisions must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months." Under a literal interpretation of the rule, performing updates within six months after each refueling outage would actually increase the regulatory burden on us and the NRC.

According to the summary and analysis contained in the federal register notice accompanying the revised rule, in the case of multiple units, sharing a common UFSAR, "...licensees will have maximum flexibility for scheduling updates on a case-by-case basis." We believe this reporting requirement should be interpreted consistent with its most logical application and stated intent (i.e., reduction of regulatory burden).

10 CFR 50.12 authorizes the commission, upon application by any interested person, to grant exemptions from the requirements of the regulations when special circumstances are present. We contend that special circumstances are present for Cook Nuclear Plant because, "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule;...", as stated in 10 CFR 50.12(a)(ii).

We believe that in this instance, an exemption from the regulatory requirements of 50.71(e) is warranted. Literal compliance in the case of our station, with one common UFSAR shared by two units, would result in an undue regulatory burden because literal compliance with the rule could more than double the resources now required to incorporate the changes, republish these large documents, and transmit the revision packages to the NRC and other document holders.

This exemption is authorized by law, will not present an undue risk to the public health and safety, is consistent with common defense and security, and is otherwise in the public interest.

We, therefore, request approval to submit revisions to our UFSAR to the NRC within six months of the end of each unit 1 refueling outage, at an interval not to exceed twenty-four months for the station.

If this exemption is granted, we plan to submit UFSAR revisions on the following basis.

<u>Units 1 and 2 UFSAR</u>

Six months after each unit 1 refueling outage beginning May 1999, not to exceed twenty-four months between successive revisions.