



**Indiana Michigan
Power Company**
Nuclear Generation Group
One Cook Place
Bridgman, MI 49106
aep.com

October 21, 2008

AEP-NRC-2008-18
10 CFR 50.90

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Mail Stop O-P1-17
Washington, DC 20555-0001

SUBJECT: Donald C. Cook Nuclear Plant Units 1 and 2
Docket Nos. 50-315 and 50-316
Request for License Amendment to Technical Specification 5.6.3, Radioactive
Effluent Release Report, and One-Time Exemption from 10 CFR 50.36a(a)(2)

Dear Sir or Madam:

Pursuant to 10 CFR 50.90, Indiana Michigan Power Company (I&M), the licensee for Donald C. Cook Nuclear Plant Units 1 and 2, proposes to amend the Appendix A Technical Specifications (TS) to Facility Operating Licenses DPR-58 and DPR-74. The proposed amendment changes TS 5.6.3, "Radioactive Effluent Release Report." The proposed amendment would eliminate an undue administrative burden by changing the required submittal date for the Radioactive Effluent Release Report from "within 90 days of January 1" (i.e., prior to April 1), to prior to May 1. This change is consistent with changes to requirements for the Radioactive Effluent Release Report identified in NRC-approved Technical Specification Task Force Traveler Number 152 (TSTF-152), "Revise Reporting Requirements to be Consistent with 10 CFR 20."

I&M is also requesting a one-time exemption from 10 CFR 50.36a(a)(2) to support implementation of the proposed amendment. Regulation 10 CFR 50.36a(a)(2) states that the interval between submittals of the Radioactive Effluent Release Report must not exceed 12 months. To meet this requirement, submittal of the Radioactive Effluent Release Report for 2008 would be required one month before the May 1, 2009, date required by the proposed amendment. The one-time exemption will allow submittal of the Radioactive Effluent Release Report for 2008 in accordance with the proposed amendment. The exemption will not affect the information required in the report or the time period the report covers, only the date by which the report is to be submitted.

Enclosure 1 provides an affirmation statement pertaining to this letter. Enclosure 2 provides I&M's evaluation of the proposed change. Attachments 1 and 2 provide mark-ups of the affected TS pages reflecting the proposed change for Unit 1 and Unit 2, respectively.

Copies of this letter and its attachments are being transmitted to the Michigan Public Service Commission and Michigan Department of Environmental Quality, in accordance with the requirements of 10 CFR 50.91.

A001
IE48
MRR

I&M requests an implementation period of 60 days from the date of issuance of the amendment. In order to reduce the administrative burden associated with the current submittal schedule for the Radioactive Effluent Release Report for 2008, I&M requests that the one-time exemption to 10 CFR 50.36a(a)(2) and associated license amendment be issued by March 15, 2009.

There are no new or revised regulatory commitments in this letter. Should you have any questions, please contact Mr. John A. Zwolinski, Regulatory Affairs Manager, at (269) 466-2478.

Sincerely,



Lawrence J. Weber
Site Vice President

SLA/rdw

Enclosures:

- 1 Affirmation
- 2 Indiana Michigan Power Company's Evaluation

Attachments:

1. Donald C. Cook Nuclear Plant Unit 1 Technical Specification Pages Marked To Show Changes
2. Donald C. Cook Nuclear Plant Unit 2 Technical Specification Pages Marked To Show Changes

c: T. A. Beltz, NRC Washington, DC
J. L. Caldwell, NRC Region III
K. D. Curry, AEP Ft. Wayne, w/o enclosures/attachments
J. T. King, MPSC
MDEQ – WHMD/RPS
NRC Resident Inspector

Enclosure 1 to AEP-NRC-2008-18

AFFIRMATION

I, Lawrence J. Weber, being duly sworn, state that I am Site Vice President of Indiana Michigan Power Company (I&M), that I am authorized to sign and file this request with the Nuclear Regulatory Commission on behalf of I&M, and that the statements made and the matters set forth herein pertaining to I&M are true and correct to the best of my knowledge, information, and belief.

Indiana Michigan Power Company



Lawrence J. Weber
Site Vice President

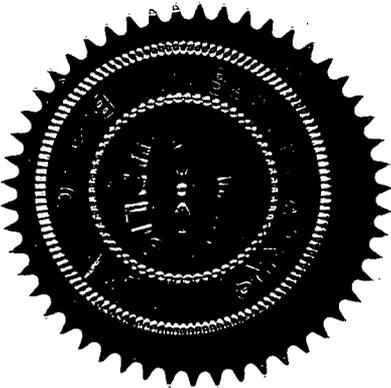
SWORN TO AND SUBSCRIBED BEFORE ME

THIS 21st DAY OF October, 2008



Notary Public

My Commission Expires 9/9/2011



Enclosure 2 to AEP-NRC-2008-18

DESCRIPTION

Indiana Michigan Power Company (I&M), the licensee for Donald C. Cook Nuclear Plant (CNP), Units 1 and 2, is proposing a change to Technical Specification (TS) 5.6.3, "Radioactive Effluent Release Report." The proposed change establishes the submittal date for the Radioactive Effluent Release Report as prior to May 1. This proposed change is consistent with changes to requirements for the Radioactive Effluent Release Report identified in Technical Specification Task Force Traveler Number 152 (TSTF-152), "Revise Reporting Requirements to be Consistent with 10 CFR 20," (ML040490219).

PROPOSED CHANGE

The current TS 5.6.3 for CNP, Units 1 and 2, requires that the Radioactive Effluent Release Report be submitted within 90 days of January 1 of each year. The proposed change to TS 5.6.3 replaces "within 90 days of January 1 of each year" with "prior to May 1 of each year." The change is shown in Attachments 1 and 2 of this letter.

BACKGROUND

In accordance with TS 5.6.3, the Radioactive Effluent Release Report is to cover operations of the unit in the previous year. The current TS 5.6.3 requires the Radioactive Effluent Release Report to be submitted within 90 days of January 1 of each year. As a result, a period of only three months is available to prepare and submit the report. This presents an undue administrative burden on CNP personnel due to the compressed schedule for data collection, report preparation, and internal I&M review following close of the reporting period. The proposed change to the required submittal date will allow an additional month for these activities.

TECHNICAL ANALYSIS

The proposed change alters the required submission date for the Radioactive Effluent Release Report to a date (prior to May 1) that has been previously approved on a generic basis by the Nuclear Regulatory Commission (NRC) via its approval of TSTF-152 on March 13, 1997. The proposed change is administrative in nature. It does not change the information to be submitted in the report and will not change the physical plant or affect plant operation. As described below, I&M is also requesting a one-time exemption from the requirements of 10 CFR 50.36a(a)(2) to support initial implementation of the proposed license amendment.

One-Time Exemption Request

10 CFR 50.36a(a)(2) requires that the time between submission of the Radioactive Effluent Release Reports be no longer than 12 months. I&M requests a one-time exemption from 10 CFR 50.36a(a)(2) in order to reset the required submittal date for the Radioactive Effluent Release Report for calendar year 2008 to prior to May 1, 2009. The exemption will allow I&M to submit the report for calendar year 2008 approximately 13 months following submittal of the

calendar year 2007 report. The exemption will not affect the information required in the report or the time period the report covers, only the date by which the report is to be submitted.

10 CFR 50.12(a)(2) requires that special circumstances be present for the NRC to grant an exemption to the regulations in 10 CFR 50. In accordance with 10 CFR 50.12(a)(2)(v), special circumstances are present if the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation. I&M considers that these special circumstances are present in that the exemption will provide temporary relief by extending the period between submittal of the 2007 Radioactive Effluent Release Report and submittal of the 2008 Radioactive Effluent Release Report. Subsequent to the one-time exemption, the report submittal dates will comply with 10 CFR 50.36a(a)(2). Additionally, the information provided in the report will comply with the regulations of 10 CFR 50.36a and 10 CFR 50, Appendix I, Section IV.B.1. The NRC previously approved a similar exemption request for Brunswick Steam Electric Plant as documented in Reference 2.

REGULATORY SAFETY ANALYSIS

No Significant Hazards Consideration

I&M has concluded that the proposed change to CNP, Units 1 and 2, TS 5.6.3, which would revise the required submittal date for the Radioactive Effluent Release Report, does not involve a Significant Hazards Consideration. In support of this determination, an evaluation of each of the three (3) standards set forth in 10 CFR 50.92 is provided below.

1. Does the proposed change involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated?

Response: No. The proposed change is administrative in nature. The date of the submittal of the Radioactive Effluent Release Report is not an initiator of any analyzed event. Similarly, the date of submission does not affect the consequences of any accident previously evaluated. The proposed change does not physically alter the plant or affect plant operation.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

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

Response: No. The proposed change is administrative in nature. It revises the date by which the Radioactive Effluent Release Report is required to be submitted to the NRC. Revision of the submittal date of the report does not affect any accident initiator or cause any new accident precursors to be created. The proposed change does not affect the types or amounts of radioactive effluents released or cumulative occupational radiological exposures.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

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

Response: No. The proposed change is administrative in nature and does not involve a significant reduction in a margin of safety. There are no margins of safety associated with the submittal date for the Radioactive Effluent Release Report.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

ENVIRONMENTAL CONSIDERATIONS

The proposed amendment relates to changes in reporting requirements. Accordingly, these amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

PRECEDENT

The proposed amendment and requested exemption are consistent with those approved for the Brunswick Steam Electric Plant per References 1 and 2, respectively.

REFERENCES

1. Letter from D. J. Ashley, NRC, to J. S. Keenan, Carolina Power and Light, "Brunswick Steam Electric Plant, Units 1 and 2 - Issuance of Amendments Regarding Radioactive Effluent Release Reports (TAC Nos. MB0668 and MB0669)," dated March 21, 2001 (ML010860439).
2. Letter from D. J. Ashley, NRC, to J. S. Keenan, Carolina Power and Light, "Exemption for Change to Submittal Date for the Radioactive Effluent Release Report for Calendar Year 2000 - Brunswick Steam Electric Plant, Units 1 And 2 (TAC Nos. MB0682 and MB0683)," dated February 6, 2001 (ML010380424).

Attachment 1 to AEP-NRC-2008-18

DONALD C. COOK NUCLEAR PLANT UNIT 1 TECHNICAL SPECIFICATION PAGE MARKED
TO SHOW CHANGES

5.6-2

5.6 Reporting Requirements

5.6.2 Annual Radiological Environmental Operating Report (continued)

The Annual Radiological Environmental Operating Report shall include the results of analyses of all radiological environmental samples and of all environmental radiation measurements taken during the period pursuant to the locations specified in the table and figures in the ODCM, as well as summarized and tabulated results of these analyses and measurements in the format of the table in the Radiological Assessment Branch Technical Position, Revision 1, November 1979. In the event that some individual results are not available for inclusion with the report, the report shall be submitted noting and explaining the reasons for the missing results. The missing data shall be submitted in a supplementary report as soon as possible.

5.6.3 Radioactive Effluent Release Report

-----NOTE-----
 A single submittal may be made for a multiple unit station. The submittal shall combine sections common to all units at the station.

The Radioactive Effluent Release Report covering the operation of the unit in the previous year shall be submitted ~~within 90 days of January 1~~ prior to May 1 of each year. The report shall include a summary of the quantities of radioactive liquid and gaseous effluents and solid waste released from the unit. The material provided shall be consistent with the objectives outlined in the ODCM and Process Control Program and in conformance with 10 CFR 50.36a and 10 CFR Part 50, Appendix I, Section IV.B.1.

5.6.4 DELETED

5.6.5 CORE OPERATING LIMITS REPORT (COLR)

- a. Core operating limits shall be established prior to each reload cycle, or prior to any remaining portion of a reload cycle, and shall be documented in the COLR for the following:
 1. SL 2.1.1, "Reactor Core Safety Limits";
 2. LCO 3.1.1, "SHUTDOWN MARGIN (SDM)";
 3. LCO 3.1.3, "Moderator Temperature Coefficient (MTC)";
 4. LCO 3.1.5, "Shutdown Bank Insertion Limits";

Attachment 2 to AEP-NRC-2008-18

DONALD C. COOK NUCLEAR PLANT UNIT 2 TECHNICAL SPECIFICATION PAGE MARKED
TO SHOW CHANGES

5.6-2

5.6 Reporting Requirements

5.6.2 Annual Radiological Environmental Operating Report (continued)

The Annual Radiological Environmental Operating Report shall include the results of analyses of all radiological environmental samples and of all environmental radiation measurements taken during the period pursuant to the locations specified in the table and figures in the ODCM, as well as summarized and tabulated results of these analyses and measurements in the format of the table in the Radiological Assessment Branch Technical Position, Revision 1, November 1979. In the event that some individual results are not available for inclusion with the report, the report shall be submitted noting and explaining the reasons for the missing results. The missing data shall be submitted in a supplementary report as soon as possible.

5.6.3 Radioactive Effluent Release Report

-----NOTE-----
A single submittal may be made for a multiple unit station. The submittal shall combine sections common to all units at the station.

The Radioactive Effluent Release Report covering the operation of the unit in the previous year shall be submitted ~~within 90 days of January 1~~ prior to May 1 of each year. The report shall include a summary of the quantities of radioactive liquid and gaseous effluents and solid waste released from the unit. The material provided shall be consistent with the objectives outlined in the ODCM and Process Control Program and in conformance with 10 CFR 50.36a and 10 CFR Part 50, Appendix I, Section IV.B.1.

5.6.4 DELETED

5.6.5 CORE OPERATING LIMITS REPORT (COLR)

- a. Core operating limits shall be established prior to each reload cycle, or prior to any remaining portion of a reload cycle, and shall be documented in the COLR for the following:
 - 1. SL 2.1.1, "Reactor Core Safety Limits";
 - 2. LCO 3.1.1, "SHUTDOWN MARGIN (SDM)";
 - 3. LCO 3.1.3, "Moderator Temperature Coefficient (MTC)";
 - 4. LCO 3.1.5, "Shutdown Bank Insertion Limits";