



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 24, 2010

Mr. Lawrence J. Weber
Senior Vice President and
Chief Nuclear Officer
Indiana Michigan Power Company
Nuclear Generation Group
One Cook Place
Bridgman, MI 49106

SUBJECT: DONALD C. COOK NUCLEAR PLANT, UNITS 1 AND 2 - ISSUANCE OF
AMENDMENT TO REVISE OPERATING LICENSES DPR-58 AND DPR-74,
APPENDIX B, ENVIRONMENTAL TECHNICAL SPECIFICATIONS, PART II,
NON-RADIOLOGICAL ENVIRONMENTAL PROTECTION PLAN
(TAC NOS. ME0483 AND ME0484)

Dear Mr. Weber:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment Nos. 312 and 295 to Renewed Facility Operating License (OL) Nos. DPR-58 and DPR-74 for the Donald C. Cook Nuclear Plant, Units 1 and 2, respectively. The amendments consist of changes to the Technical Specifications in response to your application dated January 14, 2009, as supplemented by letters dated October 30, 2009, and March 19, 2010.

The amendment modifies the OL, Condition 2.C.(2), and Appendix B, Environmental Technical Specifications, Part II, "Non-Radiological Environmental Protection Plan," by deleting outdated program information. The amendment relieves the licensee of the burden of preparing and submitting unnecessary environmental reports.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Terry A. Beltz", with a long, sweeping horizontal line extending to the right.

Terry A. Beltz, Senior Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-315 and 50-316

Enclosures:

1. Amendment No. 312 to DPR-58
2. Amendment No. 295 to DPR-74
3. Safety Evaluation

cc w/encls: Distribution via ListServ



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

INDIANA MICHIGAN POWER COMPANY

DOCKET NO. 50-315

DONALD C. COOK NUCLEAR PLANT, UNIT 1

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 312
License No. DPR-58

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 January 14, 2009, as supplemented by letters dated October 30, 2009, and March 19, 2010, 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 Renewed Facility Operating License No. DPR-58 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 312, are hereby incorporated in this license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. The license amendment is effective as of its date of issuance and shall be implemented within 60 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert J. Pascarelli, Chief
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Renewed Facility
Operating License and Appendix B

Date of Issuance: June 24, 2010

ATTACHMENT TO LICENSE AMENDMENT NO. 312
TO RENEWED FACILITY OPERATING LICENSE NO. DPR-58

DOCKET NO. 50-315

Replace the following page of Renewed Facility Operating License No. DPR-74 with the attached revised page. The revised page is identified by amendment number and contains a marginal line indicating the area of change.

REMOVE

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

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and radiation monitoring equipment calibration, and as fission detectors in amounts as required;

- (4) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument and equipment calibration or associated with radioactive apparatus or components; and
- (5) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This renewed operating license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor core power levels not to exceed 3304 megawatts thermal in accordance with the conditions specified herein.

(2) Technical Specifications

The Technical Specifications contained in Appendix A, and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 312, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Less than Four Loop Operation

The licensee shall not operate the reactor at power levels above P-7 (as defined in Table 3.3.1-1 of Specification 3.3.1 of Appendix A to this renewed operating license) with less than four reactor coolant loops in operation until (a) safety analyses for less than four loop operation have been submitted, and (b) approval for less than four loop operation at power levels above P-7 has been granted by the Commission by amendment of this license.

- (4) Indiana Michigan Power Company shall implement and maintain, in effect, all provisions of the approved Fire Protection Program as described in the Final Safety Analysis Report for the facility and as approved in the SERs dated December 12, 1977, July 31, 1979, January 30, 1981, February 7, 1983, November 22, 1983, December 23, 1983, March 16, 1984, August 27, 1985,

APPENDIX B
DONALD C. COOK NUCLEAR PLANT
UNITS 1 and 2
BERRIEN COUNTY, MICHIGAN
DOCKET NUMBERS 50-315 and 50-316

PART II – NONRADIOLOGICAL
ENVIRONMENTAL PROTECTION PLAN

DONALD C. COOK NUCLEAR PLANT
UNITS 1 and 2

ENVIRONMENTAL PROTECTION PLAN
(NON-RADIOLOGICAL)

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1.0 OBJECTIVES OF THE ENVIRONMENTAL PROTECTION PLAN

The Non-Radiological Environmental Protection Plan (EPP) is to provide for protection of environmental values during operation of the nuclear facility. The principle objectives of the EPP are as follows:

- (1) Verify that the station is operated in an environmentally acceptable manner, as established by the Final Environmental Statement (FES) – Operating License Stage (FES-OL) and other NRC environmental impact assessments.
- (2) Coordinate NRC requirements and maintain consistency with other Federal, State and local requirements for environmental protection.
- (3) Keep NRC informed of the environmental effects of facility construction and operation and of actions taken to control those effects.

Environmental concerns identified in the FES-OL which related to water quality matters are regulated by way of the licensee's NPDES permit.

2.0 ENVIRONMENTAL PROTECTION ISSUES

In the FES Operating License dated August 1973, the Staff considered the environmental impacts associated with the operation of the Donald C. Cook Nuclear Plant (CNP). Certain environmental issues were identified which required study or license conditions to resolve and to assure adequate protection of the environment. The Appendix B Environmental Technical Specifications (ETS) accompanying the license included monitoring programs and other requirements to permit resolution of the issues. Prior to issuance of this EPP, the requirements remaining in the ETS were:

2.1 Aquatic Issues

Effluent limitations and monitoring requirements are contained in the effective NPDES or Groundwater permits issued by the Federal or State permitting authority. The NRC will rely on these agencies for regulation of these matters as they involve water quality and aquatic biota.

2.2 Terrestrial Issues

The terrestrial issue is the need for controlled use of herbicides if such are used for maintenance of transmission rights-of-way. NRC requirements with regard to this terrestrial issue are specified in Subsection 4.2.

3.0 CONSISTENCY REQUIREMENTS

3.1 Plant Design and Operation

This licensee may make changes in station design or operation, or perform tests or experiments affecting the environment provided such changes, tests or experiments do not involve an unreviewed environmental question, and do not involve a change in the EPP.¹ Changes in plant design or operation or performance of tests or experiments which do not affect the environment are not subject to the requirements of this EPP. Activities governed by Section 3.3 are not subject to the requirements of this section.

Before engaging in unauthorized construction or operational activities which may significantly affect the environment, the licensee shall prepare and record an environmental evaluation of such activity. Activities are excluded from this requirement if all measurable non-radiological effects are confined to the on-site areas previously disturbed during site preparation and plant construction. When the evaluation indicates that such activity involves an unreviewed environmental question, the licensee shall provide a written evaluation of such activities and obtain prior approval from the NRC. When such activity involves a change in the EPP, such activity and change to the EPP may be implemented only in accordance with an appropriate license amendment as set forth in Section 5.3.

A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluated in the FES as modified by staff's testimony to the Atomic Safety and Licensing Board, supplements to the FES, environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board; or (2) a significant change in effluents or power level [in accordance with 10 CFR Part 51.5(b)(2)] or (3) a matter not previously reviewed and evaluated in the documents specified in (1) of this Subsection, which may have a significant adverse environmental impact.

The licensee shall maintain records of changes in facility design or operation and of tests and experiments carried out pursuant to this Subsection. These records shall include a written evaluation which provide bases for the determination that the change, test, or experiment does not involve an unreviewed environmental question nor constitute a decrease in the effectiveness of this EPP to meet the objectives specified in Section 1.0.

¹ This provision does not relieve the licensee of the requirements of 10 CFR 50.59.

3.2 Reporting Related to the NPDES Permits and State Certifications

The NRC shall be provided with a copy of the current NPDES permit or State certification within 30 days of approval. Changes to the NPDES permit or State certification shall be reported to the NRC within 30 days of the date the change is approved.

3.3 Changes Required for Compliance with Other Environmental Regulations

Changes in plant design or operation and performance of tests or experiments that are either regulated or mandated by other Federal, State, or local environmental regulations are not subject to the requirements of Section 3.1. However, if any environmental impacts of a change are not evaluated under other Federal, State, or local environmental regulations, then those impacts are subject to the requirements of Section 3.1.

4.0 ENVIRONMENTAL CONDITIONS

4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact related to plant operation shall be recorded and promptly reported to the NRC Operations Center within 24 hours followed by a written report per Subsection 5.4.2. If an event is reportable under 10 CFR 50.72, then a duplicate immediate report under this Subsection is not required. However, a written report is required in accordance with Section 5.4.2.

No routine monitoring programs are required to implement this condition.

4.2 Environmental Monitoring

4.2.1 Herbicide Application

The use of herbicides within rights-of-way within the Plant site shall conform to the approved use of selected herbicides as registered by the Environmental Protection Agency and approved by State authorities and applied as directed by said authorities.

5.0 ADMINISTRATIVE PROCEDURES

5.1 Review and Audit

The licensee shall provide for review and audit of compliance with the EPP. The audits shall be conducted independently of the individual or groups responsible for performing the specific activity. A description of the organization structure utilized to achieve the independent review and audit function and results of the audit activities shall be maintained and made available for inspection.

5.2 Records Retention

Records associated with this EPP shall be made and retained in a manner convenient for review and inspection. These records shall be made available to NRC on request.

Records of modifications to plant structures, systems and components determined to potentially affect the continued protection of the environment shall be retained until the date of the termination of the Operating License. All other records and procedures relating to this EPP shall be retained for five years or, where applicable, in accordance with the requirements of other agencies.

5.3 Changes in Environmental Protection Plan

Request of change in the EPP shall include an assessment of the environmental impact of the proposed change and a supporting justification. Implementation of such changes in the EPP shall not commence prior to NRC approval of the proposed changes in the form of a license amendment incorporating the appropriate revision to the EPP.

5.4 Plant Reporting Requirements

5.4.1 Deleted

5.4.2 Non-routine Reports

A written report shall be submitted to the NRC within 30 days of occurrence of non-routine event. The report shall (a) describe, analyze and evaluate the event, including extent and magnitude of the impact and plant operating characteristics, (b) describe the probable cause of the event, (c) indicate the action taken to correct the reported event, (d) indicate the corrective action taken to preclude repetition of the event and to prevent similar occurrences involving similar components or systems, and (e) indicate the agencies notified and their preliminary responses.

Events reportable under this subsection which also require reports to other Federal, State or local agencies shall be reported in accordance with those reporting requirements in lieu of the requirements of this subsection. The NRC shall be provided a copy of such report at the same time it is submitted to the other agency.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

INDIANA MICHIGAN POWER COMPANY

DOCKET NO. 50-316

DONALD C. COOK NUCLEAR PLANT, UNIT 2

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 295
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 January 14, 2009, as supplemented by letters dated October 30, 2009, and March 19, 2010, 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 Renewed Facility Operating License No. DPR-74 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 295, are hereby incorporated in this license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. The license amendment is effective as of its date of issuance and shall be implemented within 60 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert J. Pascarelli, Chief
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Renewed Facility
Operating License and Appendix B

Date of Issuance: June 24, 2010

ATTACHMENT TO LICENSE AMENDMENT NO. 295
TO RENEWED FACILITY OPERATING LICENSE NO. DPR-74
DOCKET NO. 50-316

Replace the following page of Renewed Facility Operating License No. DPR-74 with the attached revised page. The revised page is identified by amendment number and contains a marginal line indicating the area of change.

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radiation monitoring equipment calibration, and as fission detectors in amounts as required;

- (4) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument and equipment calibration or associated with radioactive apparatus or components; and
 - (5) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
- C. This renewed operating license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor core power levels not to exceed 3468 megawatts thermal in accordance with the conditions specified herein and in Attachment 1 to the renewed operating license. The preoperational tests, startup tests and other items identified in Attachment 1 to this renewed operating license shall be completed. Attachment 1 is an integral part of this renewed operating license.

(2) Technical Specifications

The Technical Specifications contained in Appendix A, and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 295, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Additional Conditions

- (a) Deleted by Amendment No. 76
- (b) Deleted by Amendment No. 2
- (c) Leak Testing of Emergency Core Cooling System Valves

Indiana Michigan Power Company shall prior to completion of the first inservice testing interval leak test each of the two valves in series in the

APPENDIX B
DONALD C. COOK NUCLEAR PLANT
UNITS 1 and 2
BERRIEN COUNTY, MICHIGAN
DOCKET NUMBERS 50-315 and 50-316

PART II – NONRADIOLOGICAL
ENVIRONMENTAL PROTECTION PLAN

DONALD C. COOK NUCLEAR PLANT
UNITS 1 and 2

ENVIRONMENTAL PROTECTION PLAN
(NON-RADIOLOGICAL)

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1.0 OBJECTIVES OF THE ENVIRONMENTAL PROTECTION PLAN

The Non-Radiological Environmental Protection Plan (EPP) is to provide for protection of environmental values during operation of the nuclear facility. The principle objectives of the EPP are as follows:

- (1) Verify that the station is operated in an environmentally acceptable manner, as established by the Final Environmental Statement (FES) – Operating License Stage (FES-OL) and other NRC environmental impact assessments.
- (2) Coordinate NRC requirements and maintain consistency with other Federal, State and local requirements for environmental protection.
- (3) Keep NRC informed of the environmental effects of facility construction and operation and of actions taken to control those effects.

Environmental concerns identified in the FES-OL which related to water quality matters are regulated by way of the licensee's NPDES permit.

2.0 ENVIRONMENTAL PROTECTION ISSUES

In the FES Operating License dated August 1973, the Staff considered the environmental impacts associated with the operation of the Donald C. Cook Nuclear Plant (CNP). Certain environmental issues were identified which required study or license conditions to resolve and to assure adequate protection of the environment. The Appendix B Environmental Technical Specifications (ETS) accompanying the license included monitoring programs and other requirements to permit resolution of the issues. Prior to issuance of this EPP, the requirements remaining in the ETS were:

2.1 Aquatic Issues

Effluent limitations and monitoring requirements are contained in the effective NPDES or Groundwater permits issued by the Federal or State permitting authority. The NRC will rely on these agencies for regulation of these matters as they involve water quality and aquatic biota.

2.2 Terrestrial Issues

The terrestrial issue is the need for controlled use of herbicides if such are used for maintenance of transmission rights-of-way. NRC requirements with regard to this terrestrial issue are specified in Subsection 4.2.

3.0 CONSISTENCY REQUIREMENTS

3.1 Plant Design and Operation

This licensee may make changes in station design or operation, or perform tests or experiments affecting the environment provided such changes, tests or experiments do not involve an unreviewed environmental question, and do not involve a change in the EPP.¹ Changes in plant design or operation or performance of tests or experiments which do not affect the environment are not subject to the requirements of this EPP. Activities governed by Section 3.3 are not subject to the requirements of this section.

Before engaging in unauthorized construction or operational activities which may significantly affect the environment, the licensee shall prepare and record an environmental evaluation of such activity. Activities are excluded from this requirement if all measurable non-radiological effects are confined to the on-site areas previously disturbed during site preparation and plant construction. When the evaluation indicates that such activity involves an unreviewed environmental question, the licensee shall provide a written evaluation of such activities and obtain prior approval from the NRC. When such activity involves a change in the EPP, such activity and change to the EPP may be implemented only in accordance with an appropriate license amendment as set forth in Section 5.3.

A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluated in the FES as modified by staff's testimony to the Atomic Safety and Licensing Board, supplements to the FES, environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board; or (2) a significant change in effluents or power level [in accordance with 10 CFR Part 51.5(b)(2)] or (3) a matter not previously reviewed and evaluated in the documents specified in (1) of this Subsection, which may have a significant adverse environmental impact.

The licensee shall maintain records of changes in facility design or operation and of tests and experiments carried out pursuant to this Subsection. These records shall include a written evaluation which provide bases for the determination that the change, test, or experiment does not involve an unreviewed environmental question nor constitute a decrease in the effectiveness of this EPP to meet the objectives specified in Section 1.0.

¹ This provision does not relieve the licensee of the requirements of 10 CFR 50.59.

3.2 Reporting Related to the NPDES Permits and State Certifications

The NRC shall be provided with a copy of the current NPDES permit or State certification within 30 days of approval. Changes to the NPDES permit or State certification shall be reported to the NRC within 30 days of the date the change is approved.

3.3 Changes Required for Compliance with Other Environmental Regulations

Changes in plant design or operation and performance of tests or experiments that are either regulated or mandated by other Federal, State, or local environmental regulations are not subject to the requirements of Section 3.1. However, if any environmental impacts of a change are not evaluated under other Federal, State, or local environmental regulations, then those impacts are subject to the requirements of Section 3.1.

4.0 ENVIRONMENTAL CONDITIONS

4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact related to plant operation shall be recorded and promptly reported to the NRC Operations Center within 24 hours followed by a written report per Subsection 5.4.2. If an event is reportable under 10 CFR 50.72, then a duplicate immediate report under this Subsection is not required. However, a written report is required in accordance with Section 5.4.2.

No routine monitoring programs are required to implement this condition.

4.2 Environmental Monitoring

4.2.1 Herbicide Application

The use of herbicides within rights-of-way within the Plant site shall conform to the approved use of selected herbicides as registered by the Environmental Protection Agency and approved by State authorities and applied as directed by said authorities.

5.0 ADMINISTRATIVE PROCEDURES

5.1 Review and Audit

The licensee shall provide for review and audit of compliance with the EPP. The audits shall be conducted independently of the individual or groups responsible for performing the specific activity. A description of the organization structure utilized to achieve the independent review and audit function and results of the audit activities shall be maintained and made available for inspection.

5.2 Records Retention

Records associated with this EPP shall be made and retained in a manner convenient for review and inspection. These records shall be made available to NRC on request.

Records of modifications to plant structures, systems and components determined to potentially affect the continued protection of the environment shall be retained until the date of the termination of the Operating License. All other records and procedures relating to this EPP shall be retained for five years or, where applicable, in accordance with the requirements of other agencies.

5.3 Changes in Environmental Protection Plan

Request of change in the EPP shall include an assessment of the environmental impact of the proposed change and a supporting justification. Implementation of such changes in the EPP shall not commence prior to NRC approval of the proposed changes in the form of a license amendment incorporating the appropriate revision to the EPP.

5.4 Plant Reporting Requirements

5.4.1 Deleted

5.4.2 Non-routine Reports

A written report shall be submitted to the NRC within 30 days of occurrence of non-routine event. The report shall (a) describe, analyze and evaluate the event, including extent and magnitude of the impact and plant operating characteristics, (b) describe the probable cause of the event, (c) indicate the action taken to correct the reported event, (d) indicate the corrective action taken to preclude repetition of the event and to prevent similar occurrences involving similar components or systems, and (e) indicate the agencies notified and their preliminary responses.

Events reportable under this subsection which also require reports to other Federal, State or local agencies shall be reported in accordance with those reporting requirements in lieu of the requirements of this subsection. The NRC shall be provided a copy of such report at the same time it is submitted to the other agency.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NOS. 312 AND 295

TO RENEWED FACILITY OPERATING LICENSE NOS. DPR-58 AND DPR-74

INDIANA MICHIGAN POWER COMPANY

DONALD C. COOK NUCLEAR PLANT, UNITS 1 AND 2

DOCKET NOS. 50-315 AND 50-316

1.0 INTRODUCTION

By letter to the Nuclear Regulatory Commission (NRC) dated January 14, 2009 (Reference 1), as supplemented by letters dated October 30, 2009 (Reference 2) and March 19, 2010 (Reference 3), Indiana Michigan Power Company (the licensee) requested to amend the Renewed Facility Operating License (OL), Condition 2.C.(2), and Appendix B, Environmental Technical Specifications (ETS), Part II, "Non-Radiological Environmental Protection Plan," for Units 1 and 2 of the Donald C. Cook Nuclear Plant (CNP). Specifically, the licensee proposed to revise Appendix B to remove outdated program information and relieve the burden of submitting unnecessary or duplicative information to the NRC.

The October 30, 2009, and March 19, 2010, letters contained clarifying information and did not change the NRC staff's initial proposed finding of no significant hazards consideration.

2.0 REGULATORY EVALUATION

The ETS were established during initial plant operation to require monitoring of environmental issues such as potential erosion along transmission line rights-of-way and the cooling tower drift impact on vegetation, noise, and cultural resources. The ETS were retained when issuing the renewed license for the CNP. The regulatory basis for the establishment of the ETS is Section 50.36b "Environmental conditions," of Title 10 of the *Code of Federal Regulations* (10 CFR). This section authorizes the NRC to place conditions in a license to protect the environment. The conditions will be derived from the licensee's environmental report and NRC's evaluation in the record of decision and will identify, per 10 CFR 50.36b(b), the "obligations of the licensee in the environmental area, including, as appropriate, requirements for reporting and keeping records of environmental data, and any conditions and monitoring requirement for the protection of the nonaquatic environment." In the March 12, 1984, Statements of Consideration for the final rule that created 10 CFR 50.36b, the Commission stated that the NRC "may also include additional environmental conditions, as appropriate."

Enclosure

3.0 TECHNICAL EVALUATION

The licensee proposed to make changes to a number of ETS sections. The individual changes are discussed below, including the NRC staff's evaluation of the proposed changes.

3.1 Document-wide Changes

The licensee proposes to change the title of Appendix B from, "Environmental Technical Specifications" to "Environmental Protection Plan." The licensee also proposes to change the font of Appendix B to a more legible font for the purpose of clarity.

The NRC staff agrees that changing the title of Appendix B better describes the content of the document. Changing the title of Appendix B and the font being used is administrative in nature, and is, therefore, acceptable.

3.2 Section 1.0: "Objectives of the Environmental Protection Plan"

The licensee proposes to modify the first sentence, "The Environmental Protection Plan (EPP) is to provide for protection of environmental values during construction and operation of the nuclear facility," by adding "Non-Radiological" before "Environmental Protection Plan" and deleting "construction and." Both of these changes are to provide clarity as to the content of the document. As the facility is fully constructed, the plan only need apply to the operating phase. The licensee proposes to define "Final Environmental Statement" within the paragraph, rather than in a referenced footer.

The NRC staff agrees that the modifications in this section improve the clarity of the document and are generally grammatical and administrative in nature and are, therefore, acceptable.

3.3 Section 2.1: "Aquatic Issues"

This section currently describes the requirements regarding aquatic issues contained in the National Pollutant Discharge Elimination System (NPDES) permit issued by the State of Michigan, Department of Natural Resources.

The licensee proposes to replace Section 2.1 with the following paragraph:

Effluent limitations and monitoring requirements are contained in the effective NPDES or Groundwater permits issued by the federal or state permitting authority. The NRC will rely on these agencies for regulation of these matters as they involve water quality and aquatic biota.

The language in this new paragraph would eliminate the list of specific aquatic issues. As stated in the licensee's January 14, 2009, license amendment request, each of these issues will continue to be addressed and regulated through the appropriate Federal or State permits or authorizations regarding discharges and water quality. The use of a more generic reference to the permitting authority will allow consistent reporting in the future of all aquatic issues related to plant operation.

NRC staff finds the proposed changes acceptable because the NPDES permit, the Groundwater Discharge Authorization, and the Wastewater Discharge Permit will collectively address the effluent limitations and monitoring requirements specified in Section 2.1 of the ETS. Additionally, the use of a more generic reference to the applicable permitting authorities does not change the intent of the section.

3.4 Section 2.2: "Terrestrial Issues"

The licensee proposes to delete the word "remaining" in the sentence, "The remaining terrestrial issue is the need for controlled use of herbicides if such are used for maintenance of transmission rights-of-way." Previous terrestrial issues were addressed in previous versions of the ETS; however, this change is grammatical in nature.

The NRC staff agrees that this is a grammatical change and is, therefore, acceptable.

3.5 Section 3.1: "Plant Design and Operation"

This section addresses the need for the licensee to prepare an environmental evaluation for activities, changes, tests, or experiments in station design or operation that may affect the environment. If an environmental evaluation results in an "unreviewed environmental question," the licensee must seek prior approval from the NRC before proceeding with the activity. This section also requires the licensee to retain records of changes, tests, or experiments in station design or operation carried out pursuant to this section of Appendix B.

The licensee proposes to insert the word "significantly" so that the first sentence of the second paragraph reads, "Before engaging in unauthorized construction or operational activities which may significantly affect the environment, the licensee shall prepare and record an environmental evaluation of such activity." The addition of the word "significantly" is for the purposes of distinguishing actions or activities that are regulated or authorized by an existing CNP environmental plan or permit and would have a negligible impact on the environment from actions or activities that would have a potential impact on the environment such that they would require NRC review. If an activity is not regulated or authorized by an existing CNP environmental plan or permit, or if the activity has not been previously reviewed for potential impacts to the environment, it would be considered "significant." The licensee provided examples of activities that would be considered significant in a letter dated October 30, 2009, in response to requests for additional Information (RAIs) (Reference 2). These examples include activities such as grading, paving, excavating, new construction, or changes to any dunes, lake bottoms, or wetlands.

Additionally, in the second paragraph, the licensee proposes to insert the following sentence: "Activities are excluded from this requirement if all measurable non-radiological effects are confined to the on-site areas previously disturbed during site preparation and plant construction." The purpose of this sentence is to clarify that the activities or actions that fall under this section of Appendix B are contained within the site property lines, do not affect the public, and do not have an environmental impact that significantly differs from previously evaluated conditions or actions. The licensee identified an example of an activity that would fit this description in the October 30, 2009, RAI response (Reference 2). Because the State of Michigan has issued a blanket permit related to the Natural Resources and Environmental Protection Act, Part 353,

Sand Dune Protection and Management, and Part 91, Soil Erosion and Sedimentation Control, certain activities, such as vegetative maintenance, sand removal, and clean-up of vehicle fluid spills, can be carried out without further permitting requirements. Such activities would continue to be reviewed by environmental personnel for environmental plan and permit compliance, but would not require the preparation of an environmental evaluation. In contrast, the licensee shall continue to prepare and record an environmental evaluation for onsite construction or operational activities that could have significant, non-radiological, offsite environmental impacts.

Additionally, the licensee proposes to delete the reference to the Annual Environmental Operating Report because the licensee proposes to delete the Annual Environmental Operating Report requirement from Section 5.4.1; thus, this reference would no longer be required.

The NRC staff finds the proposed changes acceptable because any activity that has the potential to significantly affect the environment would continue to require NRC approval. Additionally, all activities deemed either significant or not significant would continue to be reviewed and documented by qualified CNP environmental personnel through a procedure-controlled review process.

3.6 Section 3.2: "Reporting Related to the NPDES Permit and State Certifications"

This section currently addresses the requirements of the licensee to report or provide copies to the NRC of any violations, approved changes, proposed changes, additions, or renewal applications for the NPDES permit or State certifications.

The licensee has requested the following first paragraph of Section 3.2 of the current ETS be deleted:

"Violations of the NPDES Permit or the State certification (pursuant to Section 401 of the Clean Water Act) shall be reported to the NRC by submittal of copies of the reports required by the NPDES Permit or certification."

As stated in the licensee's January 14, 2009, license amendment request, this reporting requirement is currently addressed in detail under 10 CFR 50.72(b)(2)(xi) for the licensee to notify the NRC of any event or situation related to the health and safety of the public or personnel, or to the protection of the environment, including violations to the NPDES permit or State certificates. In addition, Section 4.4.2 of the ETS also covers the reporting of non-routine events, which would include violations to the NPDES permit or State certificates. Therefore, the licensee proposes that removing the requirement for reporting violations from Section 3.2 will relieve them of the administrative burden of providing duplicate reports to the NRC.

The NRC staff finds this proposed change acceptable because notification of any event or situation, or environmentally-related issues, is addressed in the current NRC Federal regulations as stated above, and Section 4.4.2 of the ETS will also cover non-routine events and violations of the NPDES permit and State certificates.

The licensee proposes to replace Section 3.2 with the following new paragraph:

"The NRC shall be provided with a copy of the current NPDES permit or state

certification within 30 days of approval. Changes to the NPDES permit or state certification shall be reported to the NRC within 30 days of the date the change is approved.”

The licensee has also request that the following second paragraph of Section 3.2 of the current ETS be deleted:

“Changes and additions to the NPDES Permit or the State certification shall be reported to the NRC within 30 days following the date the change is approved. If a permit or certification, in part or its entirety, is appealed and stayed, the NRC shall be notified within 30 days following the date the stay is granted.”

The new paragraph proposed by the licensee for Section 3.2 addresses Paragraph 2 above of the current ETS.

The licensee has also requested that the third and final following paragraph of Section 3.2 of the current ETS be deleted:

“The NRC shall be notified of changes to the effective NPDES Permit proposed by the licensee providing NRC with a copy of the proposed change at the same time it is submitted to the permitting agency. The licensee shall provide the NRC a copy of the application for renewal of the NPDES permit at the same time the application is submitted to the permitting agency.”

Paragraph 3 of the current Section 3.2 requires that proposed changes to the NPDES permit or State certification be sent to the NRC at the time proposed changes are submitted. The licensee proposes to provide copies of approved changes only, which will continue to be provided to the NRC within 30 days of approval by the regulating agency. This is in keeping with NRC-approved industry practices, as documented in the revisions to Appendix B for the Waterford Steam Electric Station, Unit 3 (ADAMS Accession No. ML041040181) and the Oyster Creek Nuclear Generating Station (ADAMS Accession No. ML053060367). The licensee proposes to continue to make available on-site any additional environmental permit information for NRC review.

Based on the evaluation above, the NRC staff finds the proposed changes acceptable because it would reduce unnecessary duplication of reports and is consistent with industry practices. All reporting requirements discussed in this section are specified in NRC regulations (e.g., 10 CFR 50.72(b)(2)(xi)) or other sections of the ETS. Accordingly, removing the requirements of reporting violations per Section 3.2 will lead to no substantive impact on reporting requirements incumbent upon the licensee

3.7 Section 3.3: “Changes Required for Compliance with Other Environmental Regulations”

This section specifies that changes in plant design or operation, and performance of tests or experiments, conducted to achieve compliance with Federal, State, or local environmental regulations are not subject to the requirements of Section 3.1.

The licensee proposes to change the wording of the sentence, "Changes in plant design or operation and performance of tests or experiments which are required to achieve compliance with other federal, state, or local environmental regulations..." to "Changes in plant design or operation and performance of tests or experiments that are either regulated or mandated by other federal, state, or local environmental regulations..." This change clarifies the intent of the sentence. Additionally, the licensee proposes to add the following sentence to this section: "However, if any environmental impacts of a change are not evaluated under other federal, state, or local environmental regulations, then those impacts are subject to the requirements of Section 3.1." This change assures that environmental impacts of an activity or action will be evaluated under Section 3.1 if they are not evaluated under other regulations. This change does not alter the objective of the section.

The NRC staff agrees that the proposed changes to Section 3.3 provide clarification and do not alter the overall intent of the section. Additionally, the staff agrees that the environmental impacts of an activity or action will be evaluated as discussed in Section 3.1 if they are not evaluated under other regulations and, therefore, this change is consistent with the objective of the section. The NRC staff, therefore, finds the proposed changes to be acceptable.

3.8 Section 4.1: "Unusual or Important Environmental Events"

This section requires the licensee to record or report any unusual or important environmental event to the NRC within 24 hours of occurrence. The section also requires the licensee to follow-up with a written report of the occurrence per Subsection 5.4.2.

The licensee proposes to add the words "Operations Center" in order to clarify specifically to whom the report is made within the NRC. The licensee proposes to delete the phrase "by telephone, telegraph, or facsimile transmissions..." so that the mode of communication is not specified and any outdated modes of communication are removed. The licensee proposes to add the following sentences to the end of the section: "If an event is reportable under 10 CFR 50.72, then a duplicate immediate report under this Subsection is not required. However, a written report is required in accordance with Section 5.4.2." The regulation at 10 CFR 50.72(b)(2)(xi) requires the licensee to notify the NRC as soon as practical and in all cases, within 4 hours, of the occurrence of "...any event or situation related to the health and safety of the public or onsite personnel, or protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made." Specifying that duplicative copies are not required if an occurrence falls under this regulation relieves the administrative burden of providing duplicate copies to the NRC. However, written reports in accordance with Section 5.4.2 of Appendix B will remain a requirement.

The NRC staff finds the proposed changes acceptable because the changes do not substantially alter the existing requirements. The licensee will continue to report unusual or important environmental events to the NRC as soon as practical and in all cases within 4 hours of the occurrence, and to follow up with a written report.

3.9 Section 5.2: "Records Retention"

This section requires that records related to the ETS be retained and made available, upon request, for NRC review and inspection.

The licensee proposes to change the first sentence of this section from, "Records and logs relative to the environmental aspects of plant operation shall be made and retained..." to "Records associated with this EPP shall be made and retained..." This change clarifies that no dedicated environmental logs are kept at the site. Rather, environmental information is maintained as part of operating logs and as required by State permits, such as the NPDES permit. This change also specifies the scope of records that will be retained – those that specifically pertain to Appendix B. This change does not alter the objective of the section.

The licensee proposes to change the first sentence of the second paragraph from, records shall be retained for the life of the plant to records shall be retained until the date of the termination of the Operating License. This change would make the record retention requirement consistent with requirements of other regulations, such as those in 10 CFR 50.59(d)(3) for records retention regarding changes to facilities and procedures. This change does not alter the objective of the section.

The NRC staff finds the proposed changes acceptable because the changes more clearly specify the type of records to be retained and the time period for retention, and do not alter the objectives of the section. The licensee will continue to be required to maintain records associated with the EPP for the time period in which the OL is valid.

3.10 Section 5.4.1: "Routine Reports"

This section requires the licensee to submit an Annual Environmental Operating Report prior to May 1st of each year that describes the implementation of the ETS during the previous year. The report includes (1) non-routine reports, (2) an Herbicide Application Report, (3) a Molluscs Biofouling Monitoring Program Report, (4) NPDES Applications, and (5) Special Reports (when applicable). The licensee proposes to remove this section in its entirety.

Non-routine reports and NPDES Applications would continue to be submitted to the NRC if Subsection 5.4.1, "Routine Reports," were removed from the ETS. Non-routine reports would continue to be submitted to the NRC within 30 days of the occurrence under Subsection 5.4.2, "Non-routine Reports," of the ETS. Deleting the Annual Environmental Operating Report requirement would not alter how the reports are submitted. Non-routine reports would continue to be submitted via letter to the NRC Document Control Desk (DCD) per 10 CFR 50.4. As noted above, NPDES violations, approved changes, renewals, or other NPDES-related notices would continue to be submitted to the NRC under Section 3.2 of the ETS. Per the proposed amendment to Section 3.2, these documents would be submitted via letter to the NRC DCD within 30 days of permit or State certification approval or change.

The Herbicide Application Report, Molluscs Biofouling Monitoring Program Report, and Special Reports (when applicable) are only submitted in the Annual Environmental Operating Report and would not be required to be submitted to the NRC under that proposed deletion of Subsection 5.4.1, "Routine Reports." These reports would continue to be compiled and filed in the CNP Nuclear Document Management electronic document retrieval system. These documents would be available to the NRC Resident Inspector and applicable NRC office(s) upon request.

The NRC staff finds the proposed changes acceptable because the information contained in the Annual Environmental Operating Report will continue to be gathered and available through other

reporting mechanisms or upon request. Information pertinent to compliance with State and Federal laws, such as compliance with NPDES requirements under the Clean Water Act, would continue to be submitted to the NRC within 30 days under Subsection 5.4.2, "Non-routine Reports." The Herbicide Application Report, Molluscs Biofouling Monitoring Program Report, and Special Reports would be available upon request. These documents are currently submitted to document or fulfill the reporting requirements of State or Federal law. The licensee would continue to be required to use the herbicides approved by the Environmental Protection Agency or State of Michigan regardless of submission on an Herbicide Application Report.

4.0 STATE CONSULTATION

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

5.0 ENVIRONMENTAL CONSIDERATION

The amendments relate to changes in recordkeeping, reporting, or administrative procedures or requirements associated with the CNP ETS. Accordingly, the 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.

The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration and there has been no public comment on such finding (74 FR 20749).

6.0 CONCLUSION

The Commission 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.

7.0 REFERENCES

1. Letter from Mr. Lawrence J. Weber, Site Vice President, Indian Michigan Power Company, to the U.S. NRC Document Control Desk, re: "Donald C. Cook Nuclear Plant Units 1 and 2, Docket Nos. 50-315 and 50-316, License Amendment Request to Revise Operating Licenses DPR-58 and DPR-74, Appendix B, Environmental Technical Specifications, Part II, Non-Radiological Environmental Protection Plan," dated January 14, 2009 (ADAMS Accession No. ML090350210).
2. Letter from Mr. Lawrence J. Weber, Site Vice President, Indiana Michigan Power Company, to the U.S. NRC Document Control Desk, re: "Donald C. Cook Nuclear Plant Units 1 and 2, Docket Nos. 50-315 and 50-316, Response to Request for Additional Information Regarding License Amendment Request to Revise Operating Licenses DPR-58 and DPR-74,

Appendix B, Environmental Technical Specifications, Part II, Non-Radiological Environmental Protection Plan," dated October 30, 2009 (ADAMS Accession No. ML093140255).

3. Letter from Mr. Lawrence J. Weber, Site Vice President, Indiana Michigan Power Company, to the U.S. NRC Document Control Desk, re: "Donald C. Cook Nuclear Plant Units 1 and 2, Docket Nos. 50-315 and 50-316, Response to Second Request for Additional Information Regarding License Amendment Request to Revise Operating Licenses DPR-58 and DPR-74, Appendix B, Environmental Technical Specifications, Part II, Non-Radiological Environmental Protection Plan," dated March 19, 2010 (ADAMS Accession No. ML100820078).

Principal Contributors: Briana Balsam, NRR
Richard Bulavinetz, NRR

Date: June 24, 2010

Mr. Lawrence J. Weber
Senior Vice President and
Chief Nuclear Officer
Indiana Michigan Power Company
Nuclear Generation Group
One Cook Place
Bridgman, MI 49106

June 24, 2010

SUBJECT: DONALD C. COOK NUCLEAR PLANT, UNITS 1 AND 2 - ISSUANCE OF AMENDMENT TO REVISE OPERATING LICENSES DPR-58 AND DPR-74, APPENDIX B, ENVIRONMENTAL TECHNICAL SPECIFICATIONS, PART II, NON-RADIOLOGICAL ENVIRONMENTAL PROTECTION PLAN (TAC NOS. ME0483 AND ME0484)

Dear Mr. Weber:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment Nos. 312 and 295 to Renewed Facility Operating License (OL) Nos. DPR-58 and DPR-74 for the Donald C. Cook Nuclear Plant, Units 1 and 2, respectively. The amendments consist of changes to the Technical Specifications in response to your application dated January 14, 2009, as supplemented by letters dated October 30, 2009, and March 19, 2010.

The amendment modifies the OL, Condition 2.C.(2), and Appendix B, Environmental Technical Specifications, Part II, "Non-Radiological Environmental Protection Plan," by deleting outdated program information. The amendment relieves the licensee of the burden of preparing and submitting unnecessary environmental reports.

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

Sincerely,
/RA/

Terry A. Beltz, Senior Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-315 and 50-316

Enclosures:

1. Amendment No. 312 to DPR-58
2. Amendment No. 295 to DPR-74
3. Safety Evaluation

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OFFICE	LPL3-1/PM	LPL3-1/LA	DLR/RERB/BC	OGC /NLO W/Comments	LPL3-1/BC
NAME	TBeltz	BTully	Almboden	LSubin	RPascarelli
DATE	04/07/10	04/08/10	06/15/10	06/22/10	06/24/10

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