

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



May 30, 2003

AEP:NRC:2073-07  
10 CFR 2.202  
10 CFR 50.4

Docket Nos. 50-315  
50-316

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

**SUBJECT:** Donald C. Cook Nuclear Plant Unit 1 and Unit 2  
Response to Nuclear Regulatory Commission Order  
Regarding Compensatory Measures Related to Training  
Enhancements on Tactical and Firearms Proficiency and  
Physical Fitness Applicable to Armed Nuclear Power Plant  
Security Force Personnel

**REFERENCES:** U. S. Nuclear Regulatory Commission Order EA-03-039,  
"Issuance of Order for Compensatory Measures Related to  
Training Enhancements on Tactical and Firearms  
Proficiency and Physical Fitness Applicable to Armed  
Nuclear Power Plant Security Force Personnel" dated  
April 29, 2003

Dear Sir or Madam:

Section IV of the Nuclear Regulatory Commission's (NRC's) April 29, 2003, Order for Compensatory Measures Related to Training Enhancements on Tactical and Firearms Proficiency and Physical Fitness Applicable to Armed Nuclear Power Plant Security Force Personnel (EA-03-039) ("Order") states that, in accordance with 10 CFR 2.202, a licensee must submit an answer to the Order and may request a hearing on the Order within 35 days of the date of the Order.

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This letter constitutes Indiana Michigan Power Company's (I&M), the licensee for Donald C. Cook Nuclear Plant (CNP) Units 1 and 2, Facility Operating Licenses DPR-58 and DPR-74, answer (pursuant to 10 CFR 2.202 and Section IV of the Order) and response (pursuant to 10 CFR 50.4 and Sections III B.1, B.2, C.1, and C.2 of the Order). I&M consents to the Order and does not request a hearing. I&M will implement each element of the requirements set forth in Attachment 2 to the Order into the security program by October 1, 2003. All affected security personnel will be qualified to these new requirements by October 29, 2004.

Because the NRC has used force-on-force testing as a standard by which compliance with the Design Basis Threat (DBT) was evaluated and because the tactics and capabilities associated with the DBT influence the training prescribed in the Order, I&M requests that the NRC provide a clear definition of the objectives and criteria for force-on-force exercises so that appropriate revisions can be made to safeguards contingency plans, security plans, and security officer training and qualification plans.

Specifically, I&M needs a clear explanation of the purpose of the force-on-force exercise (e.g., is the purpose of force-on-force exercises for security officer training, or to evaluate licensee compliance with the DBT?). Similarly, the success criteria for the force-on-force exercise needs to be established (e.g., is the criterion prevention of a large offsite release which would be consistent with the basis for risk-informing NRC regulations, or some other criteria?). Finally, if a force-on-force exercise is going to be used as a performance test of the licensee's ability to protect against the DBT, a clear definition of adversary rules of engagement and adversary tactics is needed to provide appropriate predictability and stability in the regulatory program. Absent these clarifications, the standard by which licensee performance will be measured will continue to be a constantly moving target which is counter to the NRC's Principles of Good Regulation.

To enable I&M to meet the compliance dates specified in the Order, the requested clarifications are needed as soon as possible. If the clarifications cannot be provided by October 1, 2003, we respectfully request that the Director, Nuclear Reactor Regulation, extend the dates for submitting the revision to the security plan and training and qualification plan and for full implementation of the Order on a day-for-day basis until such clarifications are provided.

I&M also confirms its understanding that the NRC intends to exercise enforcement discretion to accommodate issues which may arise as licensees, in good faith, take reasonable actions to implement the specific requirements of this

Order. We further understand that the NRC will exercise enforcement discretion for the period necessary to resolve such issues and to integrate the requirements of this Order with the orders issued February 25, 2002, as well as with other pertinent regulatory requirements, and our safeguards contingency plans, security plans and security officer training and qualification plans.

Should you have any questions, please contact Mr. Brian A. McIntyre, Manager of Regulatory Affairs, at (269) 697-5806.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. C. Bakken, III', with a large, stylized circular flourish at the end.

A. C. Bakken, III  
Senior Vice President, Nuclear Operations

HLE/jen

Enclosure:  
Notarized Affirmation

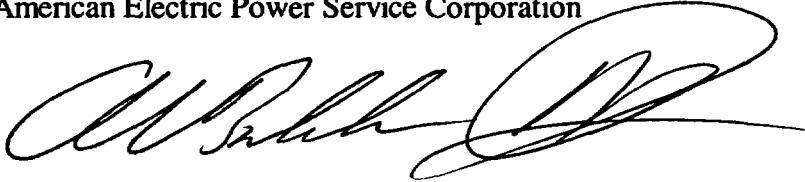
Attachment:  
Summary of Regulatory Commitments

c: H. K. Chernoff – NRC Washington DC  
K. D. Curry – AEP Ft. Wayne  
J. E. Dyer – NRC Region III  
J. T. King - MPSC  
MDEQ - DW & RPD  
NRC Resident Inspector  
J. F. Stang, Jr. – NRC Washington DC

**AFFIRMATION**

I, A. Christopher Bakken, III, being duly sworn, state that I am Senior Vice President, Nuclear Operations, of American Electric Power Service Corporation and 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.

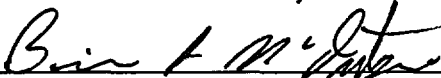
American Electric Power Service Corporation



A. C. Bakken, III  
Senior Vice President, Nuclear Operations

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 30<sup>th</sup> DAY OF May, 2003

  
\_\_\_\_\_  
Notary Public

**BRIAN A. McINTYRE**  
Notary Public, Berrien County, MI  
My Commission Expires Apr. 25, 2007

My Commission Expires 4.25.2007

**REGULATORY COMMITMENTS**

The following table identifies those actions committed to by Indiana Michigan Power Company (I&M) in this document. Any other actions discussed in this submittal represent intended or planned actions by I&M. They are described to the Nuclear Regulatory Commission (NRC) for the NRC's information and are not regulatory commitments.

<b>Commitment</b>	<b>Date</b>
I&M will implement each element, of the requirements set forth in Attachment 2 to the Order, into the security program.	October 1, 2003
All affected security personnel will be qualified to these new requirements.	October 29, 2004