

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



May 30, 2003

AEP:NRC:2073-08

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 Compliance with Revised Design Basis Threat
(DBT) for Operating Power Reactors

REFERENCES: U. S. Nuclear Regulatory Commission Order EA-03-038,
"Issuance of Order Requiring Compliance with Revised
Design Basis Threat for Operating Power Reactors,"
dated April 29, 2003

Dear Sir or Madam:

Section IV of the Nuclear Regulatory Commission's (NRC's) April 29, 2003, Order Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors (EA-03-086) ("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.

This letter constitutes the answer (pursuant to 10 CFR 2.202 and Section IV) and response (pursuant to 10 CFR 50.4 and Sections III A.1, B.1 and B.2) of Indiana Michigan Power Company (I&M), the licensee for Donald C. Cook Nuclear Plant (CNP) Units 1 and 2, Facility Operating Licenses DPR-58 and DPR-74, to the Order.

Section II of the Order states that "[i]n order to provide assurance that licensees are implementing prudent measures to protect against the revised DBT, all

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licenses identified in Attachment 1 to this Order shall be modified to require that the physical security plans, safeguards contingency plans, and the guard training and qualification plans required by 10 C.F.R. §§ 50.34(c), 50.34(d), and 73.55(b)(4)(ii) be revised to provide protection against this revised DBT."

I&M consents to the Order, and does not request a hearing. I&M notes the request for clarification of five DBT issues provided in the safeguards attachment to the letter from Mr. Joseph Colvin, President and CEO of the Nuclear Energy Institute, to Chairman Nils Diaz dated May 16, 2003. We encourage the NRC to respond to this request as soon as possible, as the NRC's clarifications may affect the manner of I&M's compliance with the Order.

Because the NRC has used force-on-force testing as a standard by which compliance with the DBT was evaluated, I&M also requests that the NRC provide a clear definition of the objectives and criteria for force-on-force exercises so that, if required, appropriate revisions can be made to I&M's 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 Design Basis Threat?). 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 Commission'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 safeguards contingency 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 loop 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

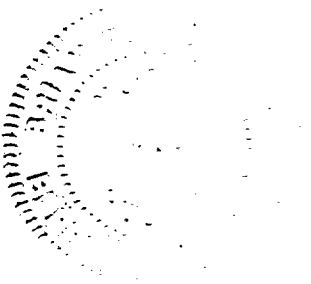
SWORN TO AND SUBSCRIBED BEFORE ME

THIS 30th DAY OF May, 2003


Notary Public

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

My Commission Expires 4-25-07



Attachment to AEP:NRC:2073-08

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.

Commitment	Date
I&M will comply with the Order.	October 29, 2004