



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

June 29, 2012

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 - AUDIT OF THE
LICENSEE'S MANAGEMENT OF REGULATORY COMMITMENTS (TAC NOS.
ME7636 AND ME7637)

Dear Mr. Weber:

In Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000, the Nuclear Regulatory Commission (NRC) informed licensees that the Nuclear Energy Institute (NEI) document NEI 99-04, "Guidelines for Managing NRC Commitment Changes," contains acceptable guidance for controlling regulatory commitments and encouraged licensees to use the NEI guidance or similar administrative controls to ensure that regulatory commitments are implemented and that changes to the regulatory commitments are evaluated and, when appropriate, reported to the NRC.

An audit of Donald C. Cook's commitment management program was performed in June 2012, approximately 3 years from the last audit (see letter, T. A. Beltz to J. N. Jensen, August 19, 2009; Accession No. ML092170536). Based on the audit, the NRC staff concludes that (1) the licensee has implemented or is tracking future implementation of regulatory commitments made to the NRC; and (2) the licensee had implemented an effective program to manage regulatory commitment changes. Details of the audit are set forth in the enclosed audit report. This completes the NRC staff's efforts on this issue.

Sincerely,

A handwritten signature in black ink, reading "Peter S. Tam".

Peter S. Tam, 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

Enclosure: As stated

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

REGULATORY COMMITMENTS MADE BY THE LICENSEE TO

THE NUCLEAR REGULATORY COMMISSION

DONALD C. COOK NUCLEAR PLANT, UNITS 1 AND 2

DOCKET NOS. 50-315 AND 50-316

1.0 INTRODUCTION AND BACKGROUND

In Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000, the Nuclear Regulatory Commission (NRC) informed licensees that the Nuclear Energy Institute (NEI) document NEI 99-04, "Guidelines for Managing NRC Commitment Changes," contains acceptable guidance for controlling regulatory commitments and encouraged licensees to use the NEI guidance or similar administrative controls to ensure that regulatory commitments are implemented and that changes to the regulatory commitments are evaluated and, when appropriate, reported to the NRC.

The NRC Office of Nuclear Reactor Regulation (NRR) has instructed its staff to perform an audit of licensees' commitment management programs once every 3 years to determine whether the licensees' programs are consistent with the industry guidance in NEI 99-04, and whether regulatory commitments are being effectively implemented.

NEI-99-04 defines a "regulatory commitment" as an explicit statement to take a specific action agreed to, or volunteered by, a licensee and submitted in writing on the docket to the NRC. NRR guidance directs the NRR Project Manager to audit the licensee's commitment management program by assessing the adequacy of the licensee's implementation of a sample of commitments made to the NRC in past licensing actions (amendments, reliefs, exemptions, etc.) and activities (bulletins, generic letters, etc.). The audit is to be performed every 3 years.

2.0 AUDIT PROCEDURE AND RESULTS

The previous audit was performed 3 years ago (see letter, T. A. Beltz to J. N. Jensen, August 19, 2009; Accession No. ML092170536). Thus this covers the period from approximately mid-2009, to mid-2012. The audit was performed in June 2012.

The audit consisted of two major parts: (1) verification of the licensee's implementation of commitments made to NRC that have been completed; and (2) verification of the licensee's program for managing changes to commitments made to the NRC.

Enclosure

2.1 Verification of Licensee's Implementation of NRC Commitments

The primary focus of this part of the audit is to confirm that the licensee has tracked and implemented commitments made to the NRC as part of past licensing actions/activities. For commitments not yet implemented, the NRC staff determines whether they have been captured in an effective program for future implementation.

2.1.1 Audit Scope

The audit addressed the bulk of commitments made by the licensee during the review period. The audit focused on regulatory commitments (as defined above) made in writing to the NRC as a result of past licensing actions (amendments, exemptions, reliefs, etc.) or licensing activities (response to bulletins, generic letters, etc.). Commitments made in Licensee Event Reports or in response to Notices of Violation were not included in this audit since those are addressed under the NRC's inspection program. Before the audit, the NRC staff searched the Official Agency Record system for licensee correspondence conveying commitments, and have included in the audit all the commitments thus found (see Table 1). The NRC staff recognizes that "all the commitments" does not equate to "a representative sample"; however, the licensee had not made too many commitments in the subject three-year period for a "representative sample" to be selected.

The audit excluded the following types of commitments that are internal to licensee processes:

- (1) Commitments made on the licensee's own initiative among internal organizational components.
- (2) Commitments that pertain to milestones of licensing actions/activities (e.g., respond to an NRC request for additional information by a certain date). Fulfillment of these commitments was indicated by the fact that the subject licensing action/activity was completed.
- (3) Commitments made as an internal reminder to take actions to comply with existing regulatory requirements such as regulations, Technical Specifications (TSs), and Updated Final Safety Analysis Reports. Fulfillment of these commitments was indicated by the licensee having taken timely action in accordance with the subject requirements.

2.1.2 Audit Results

The NRC staff reviewed the licensee's site documents Commitment Implementation/Closure Forms generated by the licensee's tracking program for the commitments listed in Table 1 to evaluate the status of completion. The NRC staff found that the licensee's commitment tracking program had captured all the regulatory commitments that were identified by the NRC staff before the audit, and that the licensee had implemented the commitments on a timely basis. Table 1 summarizes what the NRC staff observed as the current status of licensee commitments made in the period since the previous audit was performed.

2.2 Verification of the Licensee's Program for Managing NRC Commitment Changes

The primary focus of this part of the audit is to verify that the licensee has established administrative controls for modifying or deleting commitments made to the NRC. The NRC staff compared the licensee's process for controlling regulatory commitments to the guidelines in NEI-99-04, which the NRC has found to be an acceptable guide for licensees to follow for managing and changing commitments. The process used at D. C. Cook is set forth in a procedure identified as PMP-2350-CMS-001, "Commitment Management," Revision 4. This procedure makes extensive references to NEI 99-04. In particular, Section 4.4 specifically addresses the process to modify existing commitments. Based on review of this cited document, the NRC staff concludes that the licensee's procedures follow closely the guidance of NEI-99-04 in that it sets forth the need for identifying, tracking, and reporting commitments, and it provides a mechanism for changing commitments.

The effectiveness of a procedure can be indicated by the products that are produced by the procedure. As set forth in Section 2.1.1 and Table 1 of this report, the NRC staff found that the licensee had properly addressed each regulatory commitment selected for this audit. As a result of review of the licensee's information, the NRC staff found no reason to differ from the licensee's reported status of the audited commitments. Thus, the NRC staff surmises that the procedure used by the licensee to manage commitments is appropriate and effective.

3.0 CONCLUSION

Based on the above audit, the NRC staff concludes that (1) the licensee has implemented or is tracking future implementation of regulatory commitments made to the NRC; and (2) the licensee has implemented an effective program to manage regulatory commitment changes.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

Licensee personnel supporting this audit were Helen Etheridge and John Nimtz.

Principal Contributor: Peter S. Tam

Date: June 29, 2012

TABLE 1

**DONALD C. COOK NUCLEAR PLANT, UNITS 1 AND 2
AUDIT OF WRITTEN REGULATORY COMMITMENTS
2009 THROUGH 2012**

NSPM Submittal	NRC TAC No.	NRC Issuance	Summary of commitment	Licensee Implementation Status
Letter 3/29/10 AEP-NRC-2010-30 ML100960423	ME1147	RAI (for Unit 2 only), 9/22/09 ML092610017 (No other NRC issuance needed)	The licensee will submit a revised small-break LOCA analysis resolving the Residual Heat Removal (RHR) flow diversion issue by 8/12/11 [Submitted on 8/11/2011, AEP-NRC-2011-52, Accession No. ML11235A765.] The licensee will submit a revised small-break LOCA analysis for Unit 1 resolving the RHR flow diversion issue by 8/31/2012. After submittal of the Unit 2 revised small-break LOCA analysis, the licensee will coordinate with the NRC staff to establish which of the questions in the 9/22/09 RAI remain applicable and establish a schedule to respond.	Completed on 8/11/2011. Tracked under Commitment No. 8509. Tracked under Commitment No 8511 Eliminated (see publicly available e-mail dated 10/17/2011, Accession No. ML112901387). Tracked under Commitment No 8512.
Letter 7/19/10 AEP-NRC-2010-49 ML102080349	ME4275 ME4276	Amend. 315 (Unit 1) and 299 (Unit 2), 7/28/11	By 6/30/11, train and qualify Cyber Security Assessment Team, identify critical systems and digital assets, develop cyber security defense strategy. By 6/30/12, implement defense-in-depth architecture for isolation boundaries By 6/30/13, implement cyber security defense-in-depth architecture for all other non-isolation boundaries. By 12/31/13, establish cyber security program policies/procedures, perform and document the cyber security assessment described in the Cyber Security Plan. By 48 months after NRC approval of the Cyber Security Plan, implement security controls not requiring plant modification, implement Cyber Security Program and enter into maintenance phase.	Completed 2/7/2011. Tracked under Commitment No. 8516. Tracked under Commitment No. 8519 Tracked under Commitment No. 8520 Tracked under Commitment No. 8521 and 8522 Tracked under Commitment No. 8523 and 8524
Letter 4/8/11 AEP-NRC-2011-18 ML11111A058	ME4275 ME4276	Amendment 215 (Unit 1) and 299 (Unit 2), 7/28/11	By December 31, 2012, the security control "Access Control For Portable And Mobile Devices" described in Appendix D 1.19 of NEI 08-09, Revision 6, will be implemented. By December 31, 2012, implement observation and identification of obvious cyber related tampering to existing insider	Ongoing. Tracked under Commitment No. 8533. Ongoing. Tracked under Commitment 8534.

Attachment

			<p>mitigation rounds by incorporating the appropriate elements in Appendix E Section 4.3 "Personnel Performing Maintenance And Testing Activities."</p> <p>By December 31, 2012, identify, document, and implement cyber security controls in accordance with the Cyber Security Plan Section 3.1.6 "Mitigation of Vulnerabilities and Application of Cyber Security Controls" for critical digital assets that could adversely impact the design function of physical security target set equipment.</p>	Completed. Tracked under Commitment No. 8535.
<p>Letter (for Unit 2 only) 9/29/11</p> <p>AEP-NRC-2011-56</p> <p>ML11286A198</p>	ME7722 ME7323	Amendment and exemption to be issued.	<p>Confirm that Westinghouse will continue to provide additional data from the Optimized ZIRLO™ lead test assembly programs to the NRC after new data for higher burnup/fluence become available. Confirm that as higher burnups/fluences are achieved for Optimized ZIRLO™ clad fuel rods that the requirements of this condition will be met as it applies to Unit 2. This commitment relates to conditions and limitations 6 of the NRC Safety Evaluation for Optimized ZIRLO™. This commitment continues for each cycle-specific core reload safety evaluation until the lead test assembly data up through the fuel burnup limit applicable for Cook Unit 2 has been provided to the NRC.</p>	Ongoing. Tracked under Commitment No. 8527.
<p>Letter (for Unit 2 only) 9/29/11</p> <p>AEP-NRC-2011-56</p> <p>ML11286A198</p>	ME7722 ME7323	Amendment and exemption to be issued.	<p>Confirm that as higher burnups/fluences are achieved for Optimized ZIRLO™ clad fuel rods that the requirements of this condition will be met as it applies to Cook Unit 2. This evaluation relates to conditions and limitations 7 and 8 of the NRC SE for Optimized ZIRLO™. This commitment continues for each cycle-specific core reload safety evaluation until the contingency requirements of the conditions and limitations have been satisfied.</p>	Ongoing. Tracked under Commitment 8528.
<p>Letter, 3/11/11</p> <p>AEP-NRC-2011-21</p> <p>ML110810103</p>	ME1017	Unit 2 Amend. No. 297 (3/31/2011)	<p>The licensee committed to perform an updated analysis of the potential for boric acid precipitation to occur during the recirculation phase of a postulated Large-break loss-of-coolant accident, and transmit a summary of the analysis to the NRC no later than June 30, 2011. The letter was submitted and dated 6/30/2011 (Accession No. ML11193A047)</p>	Complete. Tracked under Commitment No. 8530.
<p>Letter, 3/19/09</p> <p>AEP-NRC-2009-18</p> <p>ML090920411</p>	ME1012 ME1013	Amend. 310 and 292, 7/24/2009 (ML091470163)	<p>Before 10/1/2009, remove plant-specific Technical Specification requirements concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements.</p>	<p>Completed 10/1/2009.</p> <p>Tracked under Commitment No. 8481.</p>

Letter, 9/8/10 AEP-NRC-2010-58 ML102590353	ME4709 ME4710	Amend. 313 (Unit 1) and 296 (Unit 2), 12/14/10	By the date the proposed amendment is implemented (i.e., 120 days after 12/14/10 = 4/13/11), the licensee will maintain a hydrogen monitoring system capable of diagnosing beyond design-basis accidents at Units 1 and 2. The hydrogen monitor system will be included in the units' Technical Requirements Manuals.	Completed 4/6/2011. Tracked under Commitment No. 8525.
Letter 10/8/10 NRC-AEP-2010-61 ML102930151		None.	<p>The following enhancements to the Structures Monitoring Program will be implemented prior to the period of extended operation: Include the following in the Structures Monitoring Program:</p> <ul style="list-style-type: none"> • turbine sump emergency overflow sump, • ramp curbs at the turbine room entrance to passageway between the diesel generator rooms, • the reinforced concrete grade beam wall and tops of the ramps on the west side of the Turbine Building. <p>The following enhancements will be made to the Preventive Maintenance (PM) Program: The Preventive Maintenance Program will manage the aging effects of the following components:</p> <ul style="list-style-type: none"> • flapper valve, flange, and flange bolts in the turbine room sump overflow line, • hatch over the flapper valve and hold down bolts, • rubber flex hoses and fittings in the back up air supply for the Essential Service Water strainer backwash valves. 	<p>Ongoing. Tracked under Commitment No. 8263 (for the commitment under Structures Monitoring Program)</p> <p>Ongoing, tracked under Commitment No. 8257 (for the commitment under Preventive Maintenance Program)</p>
Letter (for Unit 1 only), 12/16/2010 AEP-NRC-2010-51 ML103630358	ME5183 ME5184	Amend. 316, 8/25/2011 (ML111610020) Exemption, 8/24/2011 (ML11209C033)	Confirm that Westinghouse will continue to provide additional data from the Optimized ZIRLO™ lead test assembly programs to the NRC after new data for higher burnup/fluence become available. Confirm that as higher burnups/fluences are achieved for Optimized ZIRLO™ clad fuel rods that the requirements of this condition will be met as it applies to Unit 1. This commitment relates to conditions and limitations 6 of the NRC Safety Evaluation for Optimized ZIRLO™.	Ongoing. Tracked under Commitment No. 8527.
Letter (for Unit 1 only), 12/16/2010 AEP-NRC-2010-51 ML103630358	ME5183 ME5184	Amend. 316, 8/25/2011 (ML111610020) Exemption, 8/24/2011 (ML11209C033)	Confirm that as higher burnups/fluences are achieved for Optimized ZIRLO™ clad fuel rods that the requirements of this condition will be met as it applies to Unit 1. This evaluation relates to conditions and limitations 7 and 8 of the NRC SE for Optimized ZIRLO™.	Ongoing. Tracked under Commitment No. 8528.

June 29, 2012

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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 - AUDIT OF THE
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Sincerely,

/RA/

Peter S. Tam, Senior Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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