

February 14, 2006

Mr. Mano K. Nazar
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 - RESPONSE TO
LETTER OF INTENT TO ADOPT 10 CFR 50.48(C), NATIONAL FIRE
PROTECTION ASSOCIATION STANDARD 805 (TAC NOS. MC9496 AND
MC9497)

Dear Mr. Nazar:

This letter responds to your letter dated December 28, 2005, in which you informed us that Indiana Michigan Power Company (I&M) intends to adopt National Fire Protection Association (NFPA) 805, "NFPA 805, Performance-Based Standard for Fire Protection for Light-Water Reactor Electric Generating Plants," 2001 Edition, in accordance with the requirements in Title 10 of the *Code of Federal Regulations* Part 50.48(c) (10 CFR 50.48(c), the NFPA 805 rule) for D. C. Cook Nuclear Plant, Units 1 and 2 (DCCNP-1 and DCCNP-2).

Your letter requests enforcement discretion for existing identified incidents of noncompliance in accordance with the U.S. Nuclear Regulatory Commission's (NRC's) Interim Enforcement Policy (69 FR 33684 and 70 FR 2662). Since you have met the deadline to receive discretion for existing identified incidents of noncompliance, the NRC approves your request.

In your letter, you informed us that your transition to the performance-based standard for fire protection is expected to commence in January of 2006, and will take approximately 24 months to fully implement. You indicated that the schedule is subject to change depending on the extent of which I&M determines the need to make either physical modifications or changes to the fire protection program to comply with NFPA 805. You indicated that the transition process will proceed in three phases, which include the following:

- Phase I - Preliminary assessment of the fire protection program;
- Phase II - Reviews and engineering analysis; and
- Phase III - Implementation

Your letter indicates that it is your understanding that the letter of intent initiates a window of enforcement discretion for DCCNP-1 and DCCNP-2, no enforcement action will be taken by the NRC for non-safety-significant incidents of noncompliance, subject to the guidance provided in the Interim Enforcement Policy. Your understanding is accurate. Under the enforcement discretion policy currently in place, the discretion period for DCCNP-1 and DCCNP-2 began on December 31, 2005, and will expire on December 31, 2007.

Please note that in order to receive enforcement discretion, you must: (a) evaluate the risk significance of all incidents of noncompliance to assure that they do not constitute "Red" findings under the Reactor Oversight Program or would be characterized as a Severity Level I; (b) enter them into your corrective action program; and (c) implement and maintain appropriate compensatory measures, until the NRC staff issues the requested license amendment with associated safety evaluation. You should refer to NRC Regulatory Issue Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements," to determine appropriate compensatory measures.

A number of licensees who are not pilots for NFPA 805 have requested meetings with the NRC staff to review issues specific to their plants and discuss transition issues. We recognize the benefits of communication among licensees undergoing NFPA 805 transition, the Office of Nuclear Reactor Regulation, and the regional staff. Therefore, we plan to hold periodic workshops at the regional offices on NFPA 805 implementation issues.

If you have any questions regarding this matter, please contact the D.C. Cook project manager, Mr. Peter Tam at (301) 415-1451.

Sincerely,

/RA/

Catherine Haney, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-315 and 50-316

cc. See next page

Please note that in order to receive enforcement discretion, you must: (a) evaluate the risk significance of all incidents of noncompliance to assure that they do not constitute "Red" findings under the Reactor Oversight Program or would be characterized as a Severity Level I; (b) enter them into your corrective action program; and (c) implement and maintain appropriate compensatory measures, until the NRC staff issues the requested license amendment with associated safety evaluation. You should refer to NRC Regulatory Issue Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements," to determine appropriate compensatory measures.

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Sincerely,

/RA/

Catherine Haney, Director
 Division of Operating Reactor Licensing
 Office of Nuclear Reactor Regulation

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*Concurred by e-mail.

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