

October 4, 2006

Mr. Mano K. Nazar
Senior Vice President and
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One Cook Place
Bridgman, MI 49106

SUBJECT D. C. COOK NUCLEAR PLANT, UNITS 1 AND 2 - AUDIT OF THE LICENSEE'S
MANAGEMENT OF REGULATORY COMMITMENTS (TAC NOS. MD1359 AND
MD1360)

Dear Mr. Nazar:

On September 7, 2004, the Office of Nuclear Reactor Regulation Office Instruction LIC-105, "Managing Regulatory Commitments Made by Licensees to the NRC [Nuclear Regulatory Commission]," Revision 1, was published. LIC-105, which is publicly available electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site (Accession Number ML042320463), provides the NRC staff and its stakeholders with a common reference for handling regulatory commitments made by commercial nuclear reactor licensees to the NRC staff. The guidance is consistent with the industry guidance prepared by the Nuclear Energy Institute (NEI), NEI 99-04, "Guidance for Managing NRC Commitment Changes." LIC-105 specifies that once every 3 years, the NRC staff will audit a licensee's commitment management program.

An audit of D.C. Cook's commitment management program was performed on site on September 11, 2006. Based on this audit, the NRC staff concludes that (1) the licensee had implemented NRC commitments on a timely basis; and (2) the licensee had implemented an effective program for managing regulatory commitments and commitment changes. Details of the audit are set forth in the enclosed audit report.

Sincerely,

/RA/

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

cc w/encl: See next page

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| DATE | 10/3/06 | 09/20/06 | 10/4/06 |

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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION (NRR)

REGULATORY COMMITMENTS MADE BY THE LICENSEE TO

THE NUCLEAR REGULATORY COMMISSION (NRC)

DONALD C. COOK NUCLEAR PLANT (DCCNP), UNITS 1 AND 2

DOCKET NOS. 50-315 AND 50-316

1.0 INTRODUCTION AND BACKGROUND

On September 7, 2004, the Office of Nuclear Reactor Regulation Office Instruction LIC-105, "Managing Regulatory Commitments Made by Licensees to the NRC," Revision 1, was published. LIC-105, Rev. 1, which is publicly available electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site (Accession Number ML042320463), provides the NRC staff and its stakeholders with a common reference for handling regulatory commitments made by commercial nuclear reactor licensees to the NRC staff. The guidance is consistent with the industry guidance prepared by the Nuclear Energy Institute (NEI), NEI 99-04, "Guidance for Managing NRC Commitment Changes."

According to LIC-105, Rev. 1, which cites the definition from NEI-99-04, a "regulatory commitment" is 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. LIC-105, Rev 1, further 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

Since no such audit was performed before the date of the subject audit, the NRC staff defined the period covered by this audit to go back approximately 3 years from the date of the audit. The audit was performed onsite at DCCNP on September 11, 2006.

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 implemented those commitments made to the NRC as part of past licensing actions/activities. For commitments that had not yet been implemented, the NRC staff aimed to ascertain that they have been captured in an effective program for future implementation.

ENCLOSURE

2.1.1 Audit Scope

Before the audit, the NRC staff searched ADAMS for the licensee's licensing action and licensing activity submittals dated in the last 3 years. Some of these submittals contain regulatory commitments, but the NRC staff found that commitments meeting the definition in LIC-105, Rev. 1, are few in number. Table 1 lists most of the licensee's commitments made in the subject period. Table 1 deliberately omitted the licensee's commitments conveyed via submittals that are non-public, even though the NRC did audit those commitments.

LIC-105, Rev 1, limits the audit of commitments to those made in writing to the NRC as a result of past licensing actions (amendments, exemptions, etc.) or licensing activities (bulletins, generic letters, etc.). Accordingly, the audit excluded the following types of commitments:

- (1) Commitments made as a result of Licensee Event Reports (LER)s - These commitments are controlled by the licensee's LER process, which is imposed by Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.73.
- (2) Commitments made on the licensee's own initiative among internal organizational components.
- (3) 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.
- (4) Commitments made as an internal reminder to take actions to comply with existing regulatory requirements such as regulations, Technical Specifications, 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 reports generated 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. Table 1 summarizes what the NRC staff observed as the current status of licensee commitments.

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

The NRC staff reviewed the licensee's procedure entitled "Commitment Management," PMP-2350-CMS-001, Revision 1, against NEI 99-04. In particular, in regards to managing a change or deviation from a previously completed commitment, this procedure specifically refers to the guidance of NEI-99-04. In general, the licensee's procedure follows closely the guidance of NEI-99-04: 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 above, 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, as well as information from other sources, 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 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

Randy Crane
Julie Newmiller

4.0 CONCLUSION

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

Principal Contributor: P.S. Tam

Date: October 4, 2006

TABLE 1

D.C. COOK NUCLEAR PLANT
AUDIT OF WRITTEN LICENSEE COMMITMENTS
(2003 THROUGH 2006)

| DCCNP Submittal | NRC TAC No. | NRC Issuance | Summary of Commitment | Licensee Implementation Status |
|--|--------------------|------------------------------------|--|---------------------------------------|
| 3/27/03 AEP:NRC: 3591-01 ML033460380 | MC1498 | Amend. No. 264, 12/10/03 | Within 60 days of issuance of the amendment, will conduct a comprehensive root cause analysis evaluation of the 12/7/03 emergency diesel failure with a multi-discipline team, including external component experts. | 2/19/04 Commitment No. 8278 |
| 8/27/03 AEP:NRC-3304 ML032471660 | MC0600 MC0601 | Amend. Nos. 281, 265 6/25/04 | Within 45 days after issuance of amendment, will implement a Tech. Spec. Bases Control program. | 2/23/04 Commitment No. 8242 |
| 7/26/04 AEP:NRC:4054 -07 ML042160342 | MC3473 MC3474 | (pending) | Within 60 days of plant start following the next scheduled inspections, the licensee will submit the information requested in Bulletin 2004-01, Item (2). | 6/24/05 Commitment No. 8289 |
| 10/28/04 AEP:NRC:4054 -10 ML043090409 | MC3473 MC3474 | (pending) | If circumferential cracking is observed in either the pressure boundary or non-pressure boundary portions of any location covered under the scope of Bulletin 2004-01, the licensee will develop plans to perform an adequate extent-of-condition evaluation, and will discuss those plans with cognizant NRC staff prior to restarting the affected unit. | Ongoing Commitment No. 8308 |
| 9/21/04 AEP:NRC:4811 ML042780478 | MC4525 MC4526 | Amend. Nos. 289, 271 9/9/05 | Prior to the first time the extended allowed outage time is entered for the emergency diesel generators, the emergency service water system, or the closed cooling water system, develop procedures to support use of the supplemental diesel generators. | 11/4/05 Commitment No. 8307 |
| 9/21/04 AEP:NRC:4811 ML042780478 | MC4525 MC4526 | Amend. Nos. 291, 273 9/30/05 | Prior to the first time the extended allowed outage time is entered for the emergency diesel generators, the emergency service water system, or the closed cooling water system, develop procedures to support use of the supplemental diesel generators. | 11/4/05 Commitment No. 8307 |

| DCCNP Submittal | NRC TAC No. | NRC Issuance | Summary of Commitment | Licensee Implementation Status |
|--|--------------------|------------------------------------|--|---|
| 7/29/05 AEP:NRC:5090 ML052220266 | MC8166 MC8167 | Amend. Nos. 292, 274 1/12/06 | Using an industry database, the licensee will provide the NRC the operating date (for each calendar month) that is described in GL 97-02, "Revised Contents of the Monthly Operating Report," by the last day of the month following the end of each calendar quarter. The commitment will be based on the use of an industry database (e.g., the industry's Consolidated Data Entry (CDE) program, currently being developed by the Institute of Nuclear Power Operations). This regulatory commitment will be implemented to prevent any gaps in the monthly statistics and shutdown experience provided to the NRC (i.e., data for all months will be provided using one or both systems (month operating reports and CDE). | Ongoing (to be considered complete when procedure is written). Commitment No. 8376 |
| 8/10/05 AEP:NRC:5331 ML052300238 | MC8805 MC8806 | Amend Nos. 293, 275 2/10/06 | Will formalize in the nuclear fuel administrative procedure for core designs performance of the dropped rod cluster control assembly analysis for future fuel cycles. The analysis will be done prior to the start of each fuel cycle | 3/6/06 Commitment No. 8358 |
| 4/13/06 AEP:NRC:6381-03 ML061150354 | MD1131 | Amend. No. 276 4/13/06 | Prior to Unit 2 entering Mode 3 during the current refueling outage, will perform all Technical Specification surveillance requirements that challenge operation of the AB emergency diesel generator voltage regulator. | 4/22/06 Commitment No. 8406 |
| 9/22/05 AEP:NRC:5055-10 ML052780450 | MC8569 MC8570 | Relief, 5/31/06 | By 12/31/05, will develop and submit a risk-informed inservice inspection program for NRC review. This target date was revised to 9/30/06 by the licensee's letter of 7/28/06 (AEP:NRC:6055-13). | Ongoing Commitment No. 8356 |
| 12/21/05 AEP:NRC:5054-15 ML060040237 | MB9794 MB9795 | Relief, 5/31/06 | By 3/31/06, the licensee will update the evaluation of offsite sources of toxic gas. If it is necessary to quantify the potential chemical concentrations in the control room, the update will include the assumption that the toxic gases enter the control room via the normal makeup flow. | 3/23/06 Commitment No. 8273 |

| DCCNP Submittal | NRC TAC No. | NRC Issuance | Summary of Commitment | Licensee Implementation Status |
|---|--------------------|---------------------|---|--|
| 3/4/05 AEP:NRC:5054-04 ML050750069 | MC4679 MC4680 | (pending) | The licensee has established a contract with Westinghouse to provide a plant-specific evaluation of debris generation, and develop a computational fluid dynamics model of the containment to determine sump fluid velocity profiles, debris transport to the ECCS recirculation sump screens, head loss associated with debris accumulation, and the effect of head loss on available NPSH. The final Westinghouse report and licensee's acceptance will be completed in time to support submittal of the response to Requested Information Item 2 of GL 2004-02 no later than 9/1/05. | 3/17/06 Commitment No. 8309 |
| 3/4/05 AEP:NRC:5054-04 ML050750069 | MC4679 MC4680 | (pending) | During the next refueling outages, the licensee will perform additional containment walkdowns using guidance provided in NEI 04-07 and NEI 02-02. | 4/15/05 Commitment Nos. 8312 and 8313 |
| 8/31/05 AEP:NRC:5054-11 ML052510512 | MC4679 MC4680 | (pending) | By 12/31/05, the licensee will complete the final acceptance review of the Westinghouse summary report, and will complete evaluations and submit any required license amendment requests. The target date was changed to 12/31/07 per the licensee's commitment change procedure. | Ongoing Commitment No. 8362 |
| | | | | |

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