

**From:** Tam, Peter  
**Sent:** Tuesday, June 26, 2012 1:28 PM  
**To:** 'hletheridge@aep.com'; mkscarpello@aep.com  
**Cc:** Frankl, Istvan; Mendiola, Anthony; Wu, Shih-Liang; Smith, Maxwell  
**Subject:** D. C. Cook Unit 2 - Draft RAI re. Proposed Amendment to Use Optimized ZIRLO Fuel (TAC ME7323)

Helen:

We have completed our technical review of your September 29, 2011, application for amendment and exemption to use Optimized ZIRLO clad fuel in D. C. Cook Unit 2. As we are preparing the licensing documents, we noted that some gaps exist in terms of the licensee's fulfilling some of the 10 conditions that the NRC staff previously stated must be fulfilled by a licensee who proposes to use Optimized ZIRLO fuel. Accordingly, we have the following questions that we request you to address and provide your formal response for the docket:

(1) Regarding compliance with Condition 2, your application stated that *"For any fuel using Optimized ZIRLO™ fuel cladding, the maximum fuel rod burnup limit for Westinghouse fuel designs will continue to be 62 GWd/MTU until such time that a new fuel rod burnup limit is approved for use."* Please state where and how a regulatory limit of 62 GWd/MTU was imposed for Westinghouse fuel design such that it is applicable to D. C. Cook Unit 2.

(2) Both conditions 6 and 7 set forth by the NRC staff's safety evaluation on Optimized ZIRLO™ fuel say that *"[t]he licensee is required to ensure that Westinghouse has fulfilled the following commitment..."* Condition 8 does not have such a sentence but fulfillment is clearly dependent upon Westinghouse providing information on material strengths in the future. Thus, fulfillment of these three conditions would depend on an entity that is not regulated by the D. C. Cook Unit 2 operating license and amendments thereof. In order for the NRC staff to ensure that Westinghouse will perform certain duties such that D. C. Cook Unit 2 will meet the provisions of these 3 conditions, please describe the contractual agreements that the licensee and Westinghouse have made in this regard.

If you would like to discuss these questions, please contact me. Otherwise, we request that you formally respond to these questions on an expedited basis. Thank you for your attention.

*Peter S. Tam*

Senior Project Manager  
(for *D. C. Cook and Monticello*)  
Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Tel. 301-415-1451