

May 6, 2002

EA-02-010

Mr. A. C. Bakken III
Senior Vice President
Nuclear Generation Group
American Electric Power Company
500 Circle Drive
Buchanan MI 49107

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING AND
NOTICE OF VIOLATION (NRC INSPECTION REPORT 50-315/02-02;
50-316/02-02) (D.C. COOK NUCLEAR POWER PLANT)

Dear Mr. Bakken:

The purpose of this letter is to provide you with the final results of our significance determination of the preliminary White finding identified in the subject inspection report. The inspection finding was assessed using the significance determination process and was preliminarily characterized as White, an issue with low to moderate importance to safety, which may require additional NRC inspections. This White finding involved your staff's failure to take corrective action to preclude a repetitive failure of the Unit 2 Turbine Driven Auxiliary Feedwater Pump, a significant condition adverse to quality.

During a meeting with Anton Vegel of NRC, Region III, on April 23, 2002, Joseph E. Pollock, Site Vice President for D.C. Cook, confirmed that American Electric Power did not contest the characterization of the risk significance of this finding and that you declined your opportunity to discuss this issue in a Regulatory Conference.

After considering the information developed during our inspections, the NRC has concluded that the inspection finding is appropriately characterized as White.

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified White finding. Such appeals will be considered to have merit only if they meet the criteria given in NRC Inspection Manual Chapter 0609, Attachment 2.

The NRC has also determined that the failure to take corrective action to preclude repetition of the August 10, 2001, failure of the Unit 2 Turbine Driven Auxiliary Feedwater Pump is a violation of 10 CFR Part 50, Appendix B, Criterion XVI, as cited in the enclosed Notice of Violation (Notice). The circumstances surrounding the violation are described in detail in the subject inspection report. In accordance with the NRC Enforcement Policy, NUREG-1600, the Notice of Violation is considered escalated enforcement action because it is associated with a White finding.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response.

Because plant performance for this issue has been determined to be in the regulatory response band, we will use the NRC Action Matrix, to determine the most appropriate NRC response for this issue. We will notify you, by separate correspondence, of that determination.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you provide one, will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Geoffrey E. Grant, Director
Division of Reactor Projects

Docket No. 50-316
License No. DPR-74

Enclosure: Notice of Violation

cc w/encl: J. Pollock, Site Vice President
M. Finissi, Plant Manager
R. Whale, Michigan Public Service Commission
Michigan Department of Environmental Quality
Emergency Management Division
MI Department of State Police
D. Lochbaum, Union of Concerned Scientists

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NOTICE OF VIOLATION

Indiana and Michigan Electric Company
D. C. Cook Nuclear Power Plant, Unit 2

Docket No. 50-316
License No. DPR-74
EA-02-010

During NRC inspections conducted from November 21, 2001, through March 31, 2002, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 50 Appendix B, Criterion XVI, "Corrective Action," requires, in part, that measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition.

Contrary to the above, the licensee failed to take corrective action to preclude repetition of the August 10, 2001, failure of the Unit 2 Turbine Driven Auxiliary Feedwater Pump (TDAFWP), a significant condition adverse to quality. Specifically, the Unit 2 TDAFWP failed to start on August 10, 2001, because the trip throttle valve latch mechanism failed to remain engaged during pump start. On December 13, 2001, the licensee obtained information from the trip throttle valve vendor identifying critical parameters for the trip hook mechanism geometry and alignment. The licensee failed to promptly perform corrective actions to verify that the Unit 2 TDAFWP trip hook conformed to these critical parameters. Consequently, a second failure of the Unit 2 TDAFWP occurred on January 18, 2002, because the trip throttle valve latch mechanism failed to remain engaged during pump start. Subsequent investigation determined that the cause of the August 10, 2001 and January 18, 2002 failures was due to incorrect trip hook geometry and alignment.

This violation is associated with a White SDP finding.

Pursuant to the provisions of 10 CFR 2.201, Indiana Michigan Electric Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified,

suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this ____ day of May 2002