

October 3, 2006
EN-06-045

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Indiana Michigan Power Company (EA-06-177)
D. C. Cook Nuclear Plant, Units 1 and 2
Docket Nos. 05000315 and 05000316

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -
\$60,000 DONALD C. COOK NUCLEAR PLANT, UNITS 1 AND 2

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty (NOV/CP) in the amount of \$60,000 will be issued to the Indiana Michigan Power Company (I&M) on or about **October 6, 2006**. The Severity Level III NOV/CP is being issued as a result of changes the licensee made to its D. C. Cook Emergency Plan in April 2003.

In accordance with 10 CFR 50.54(q), a licensee may make changes to emergency plans without Commission approval only if the changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the standards of 10 CFR 50.47(b). In April 2003, I&M made changes, without Commission approval, to the Fission Product Barrier Matrix Emergency Action Level (EAL) in the D. C. Cook Emergency Plan that decreased the effectiveness of the plan and resulted in use of a non-standard scheme of EALs. As a result, D. C. Cook may not have classified events (General Emergency, Site Area Emergency, or Unusual Event) or delayed classification for events with release durations to the environment of 30 minutes or less. A decrease in the General Emergency level of classification could have resulted in decreased protective action recommendations for the off-site authorities, and potentially a reduction in the level of protective action decisions forwarded to the public by off-site authorities. A decrease in the Site Area Emergency and Unusual Event levels of classification could have resulted in a reduced level of response by off-site authorities if their level of response was based to some extent on which of the three emergency classes was associated with the licensee's emergency declaration.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of the Notice
Telephone Notification of Licensee

October 6, 2006
October 6, 2006

The State of Michigan will be notified.

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