



**INDIANA
MICHIGAN
POWER**

A unit of American Electric Power

Indiana Michigan Power
Cook Nuclear Plant
One Cook Place
Bridgman, MI 49106
AEP.com

November 2, 2006

AEP:NRC:2201-07

10 CFR 2.205

EA-06-177

Docket No.: 50-315
50-316

U. S. Nuclear Regulatory Commission
ATTN: Cynthia A. Carpenter, Director
Office of Enforcement
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Donald C. Cook Nuclear Plant Units 1 and 2
RESPONSE TO NOTICE OF VIOLATION EA-06-177
AND STATEMENT OF PAYMENT OF CIVIL PENALTY

By letter dated October 6, 2006, to Indiana Michigan Power Company (I&M), the Nuclear Regulatory Commission (NRC) identified that a Severity Level III Violation occurred at Donald C. Cook Nuclear Plant (CNP), and imposed a civil penalty of \$60,000. In particular, the NRC identified that on April 16, 2003, I&M made changes, without prior NRC approval, to the Fission Product Barrier Matrix Emergency Action Level (EAL) in CNP's Emergency Plan, for a loss of containment barrier due to a steam generator secondary side release, that decreased the effectiveness of the plan and resulted in use of a non-standard scheme of EALs. The EAL was subsequently restored on May 18, 2006.

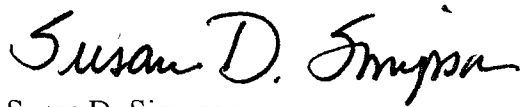
I&M, the licensee for CNP Units 1 and 2, has previously responded to the NRC concerning the violation of NRC requirements in a letter from I&M to the NRC dated September 6, 2006. The NRC has concluded that the information regarding the reasons for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in NRC Inspection Report No. 05000315/2006501(DRS); 05000316/2006501(DRS) and in I&M's September 6, 2006, letter. Therefore, I&M is not required to respond to the provisions of 10 CFR 2.201 unless the Severity Level III Violation described in the NRC's October 6, 2006, letter does not accurately reflect I&M's corrective actions or position.

I&M acknowledges that violation EA-06-177 occurred, and has elected to pay the civil penalty in the amount of \$60,000 in accordance with 10 CFR 2.205, as described in the attachment to this letter.

There are no new commitments in this letter.

If you have any questions or desire additional information, please contact me at (269) 466-2428.

Sincerely,



Susan D. Simpson
Regulatory Affairs Manager

JEN/sss

Attachment

- c: J. L. Caldwell – NRC Region III
K. D. Curry – AEP Ft. Wayne, w/o attachment
J. T. King – MPSC, w/o attachment
MDEQ – WHMD/RPMWS, w/o attachment
NRC Resident Inspector
K. G. O'Brien – NRC Region III
P. S. Tam – NRC Washington DC

ATTACHMENT TO AEP:NRC:2201-07

STATEMENT INDICATING CIVIL PENALTY PAYMENT METHOD
DOCKET NOS. 50-315 AND 50-316
FACILITY OPERATING LICENSES DPR-58 AND DPR-74
EA-06-177

On Friday, October 20, 2006, a payment of \$60,000 for the civil penalty associated with NRC Notice of Violation EA-06-177 was paid to the NRC by electronic funds transfer #3000034505 which specifies invoice #EA06177 and is dated October 20, 2006, specified as payment method 3 in NUREG/BR-0254, Revision 2.