



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, IL 60532-4352

March 6, 2012

EA-12-005

Mr. Larry Weber
Senior Vice President and
Chief Nuclear Officer
Indiana Michigan Power Company
Nuclear Generation Group
One Cook Place
Bridgman, MI 49106

**SUBJECT: D.C. COOK NUCLEAR POWER PLANT, UNITS 1 AND 2; RESULTS OF NRC
INVESTIGATION REPORT NO. 3-2011-011**

Dear Mr. Weber:

On May 20, 2011, the U.S. Nuclear Regulatory Commission (NRC) completed a security baseline inspection at your D.C. Cook Nuclear Power Plant. This inspection was documented in NRC Inspection Report No. 05000315/2011404(DRS); 05000316/2011404(DRS), issued on June 27, 2011. During the inspection, an unresolved item was identified, pending further NRC inspection. The issue was referred to the NRC Office of Investigations (OI), who began an investigation on June 1, 2011. The NRC's investigation was completed on December 28, 2011. A summary of the NRC investigation results is enclosed.

Based on the results of the NRC investigation, an apparent violation was identified and is being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The circumstances surrounding the apparent violation, the significance of the issue, and the need for lasting and effective corrective action were discussed with you and members of your staff during a telephonic exit meeting on March 5, 2012. The apparent violation involves an apparent willful failure by two individuals to perform a fitness-for-duty test as required by Title 10 of the Code of Federal Regulations (10 CFR) 26.31(d)(2)(v).

Before the NRC makes its enforcement decision, we are providing you an opportunity to: (1) respond to the apparent violation within 30 days of the date of this letter; (2) request a Predecisional Enforcement Conference (PEC); or (3) request Alternative Dispute Resolution (ADR). A PEC should be held within 30 days and an ADR session within 45 days of the date of

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this letter. Please contact Richard Skokowski at (630) 829-9757 within ten days of the date of this letter to notify the NRC of your intended response.

If you choose to provide a written response, it should be clearly marked as a "Response to an Apparent Violation; EA-12-005," and should include: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation; (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 previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on the apparent violation and any other information that you believe the NRC should take into consideration before making an enforcement decision. The topics discussed during the conference may include the following: (1) information to determine whether a violation occurred; (2) information to determine the significance of a violation; (3) information related to the identification of a violation; and (4) information related to any corrective actions taken or planned to be taken. In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violation. If a PEC is held, the NRC will issue a press release to announce the time and date of the conference; however, it will be closed to public observation because the apparent violation is based on an NRC OI Report that has not been publicly disclosed and pertains to whether an individual has committed wrongdoing.

In lieu of a PEC, you may request ADR with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts using a third party neutral. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral (the "mediator") works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC's program can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. Please contact ICR at (877) 733-9415 within ten days of the date of this letter if you are interested in pursuing resolution of this issue through ADR.

In addition, please be advised that the number and characterization of apparent violations may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. However, because of the

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security-related information contained in the enclosure, and in accordance with 10 CFR 2.390, a copy of this letter's enclosure will not be available for public inspection.

In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response, if any. This practice will ensure that your response will not be made available electronically for public inspection in the NRC Public Document Room or from ADAMS. If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21. Otherwise, mark your entire response "Security-Related Information - Withhold Under 10 CFR 2.390" and follow the instructions for withholding in 10 CFR 2.390(b)(1).

Should you have any questions concerning this inspection, we will be pleased to discuss them with you.

Sincerely,

/RA/

Steven A. Reynolds, Director
Division of Reactor Safety

Docket Nos. 50-315; 50-316
License Nos. DPR-58; DPR-74

Enclosure:
As Stated

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*See previous concurrence

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NAME	Lougheed*	Maynen* for Skokowski	Heck*	Kryk* for Goetz
DATE	03/02 /12	03/02/12	03/02/12	03/02/12
OFFICE	OGC	OE	RIII	RIII
NAME	Safford for Scott ¹	Furst for Zimmerman ²	Orth	Reynolds
DATE	03/5/12	03/6/12	03/6/12	03/6/12

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¹ OGC "No Legal Objection received via e-mail from C. Safford on March 5, 2012.

² OE concurrence received via e-mail from D. Furst on March 6, 2012.

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Letter to Larry Weber from Steven A. Reynolds dated March 6, 2012

SUBJECT: D. C. COOK NUCLEAR POWER PLANT, UNITS 1 AND 2; RESULTS OF NRC INVESTIGATION REPORT NO. 3-2011-011

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