

DCP/DCB

May 7, 1998

EAs 98-150, 98-151, 98-152, 98-186

Mr. E. E. Fitzpatrick  
Executive Vice President  
Nuclear Generation Group  
American Electric Power Company  
500 Circle Drive  
Buchanan, MI 49107-1395

SUBJECT: NOTICE OF PREDECISIONAL ENFORCEMENT CONFERENCE

Dear Mr. Fitzpatrick:

The purpose of this letter is to notify you of our plans to conduct a predecisional enforcement conference with D. C. Cook, Units 1 and 2 management and staff to discuss the findings of several recent inspections of activities conducted under your NRC license. Numerous apparent violations of NRC regulations were identified during NRC Inspection Nos. 97017(DRP); 98004(DRS); 98005(DRS) and 98009(DRS) for Docket Nos. 50-315 and 50-316. Reports of those inspections have been provided to you under separate cover. We plan to conduct a predecisional enforcement conference on May 20, 1998, in the NRC Region III office, Lisle, Illinois at 9:00 a.m. (CDT) to discuss the apparent violations. The conference will be open to public observation in the Region III office and in the NRC offices in Rockville, Maryland, through video teleconferencing.

As discussed between me and Mr. John Sampson, Cook Plant Site Vice President, the NRC believes the apparent violations described in those reports can be grouped into and represent programmatic breakdowns in four areas: control and maintenance of the facility design basis; conduct of safety evaluations to assure facility and procedure changes do not create unreviewed safety questions; performance of test activities to assure continued availability and operability of safety systems and equipment; and implementation of a corrective action program to assure conditions adverse to quality are effectively corrected. The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that violations occurred or that enforcement action will be taken.

The purpose of this conference is to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violations sooner, corrective actions, significance of the issues, and the need for lasting and effective corrective action. It is important that the facts surrounding the apparent violations be clearly understood. Should the apparent violations not be correctly described in our inspection reports, you should clarify those issues. However, given the large number of apparent violations and to facilitate an efficient and effective conference, you may choose to not address the root cause, corrective action and collective significance for each apparent violation individually, but address the broad programmatic concerns described above. You should also address any violations which you determine are not encompassed by the root cause and corrective actions for these programmatic issues.

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In addition, this predecisional enforcement conference is an opportunity for you to provide any information concerning your perspectives on: the severity of the apparent violations and programmatic concerns; the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B. 2 of the Enforcement Policy; and any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII of the Policy.

You will be advised by separate correspondence of the results of our deliberations on these matters. No response regarding these apparent violations and programmatic concerns is required at this time.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC Public Document Room.

We will gladly discuss any questions you have concerning this matter.

Sincerely,

original /s/ J. A. Grobe

John A. Grobe, Director  
Division of Reactor Safety

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

cc: John Sampson, Site Vice President  
A. A. Blind, Vice President Nuclear Engineering  
Douglas Cooper, Plant Manager  
Richard Whale, Michigan Public Service Commission  
Michigan Department of Environmental Quality  
Emergency Management Division, MI Department of State Police  
David A. Lochbaum, Union of Concerned Scientists

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*concur with change*

E. Fitzpatrick

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