

John Lamm

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James G. Partlow, IE
E/W-S 360



ATC W

June 21, 1984

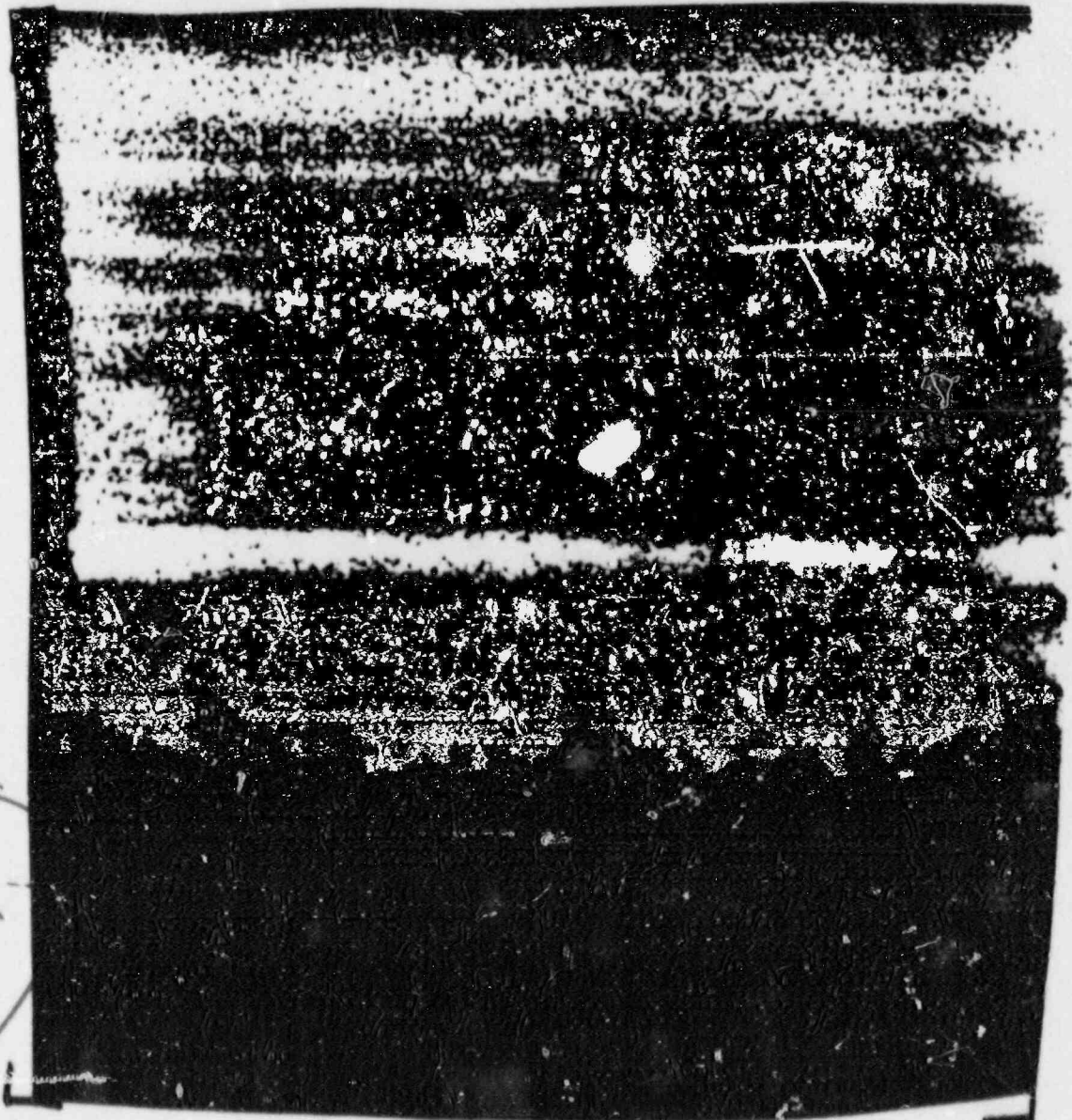
POLICY ISSUE
(Notation Vote)

SECY-84-259

25

For: The Commissioners
From: William J. Dircks, Executive Director
for Operations
Subject: PROPOSED ENFORCEMENT ACTION AGAINST THE INDIANA AND
MICHIGAN ELECTRIC COMPANY FOR THE DONALD C. COOK
NUCLEAR PLANT

Discussion:



8407020578
XA

CONTACT:
J. Axelrad, IE
492-4909

in accordance with the Freedom of Information
Act, exemptions 5
FOIA: 88-92

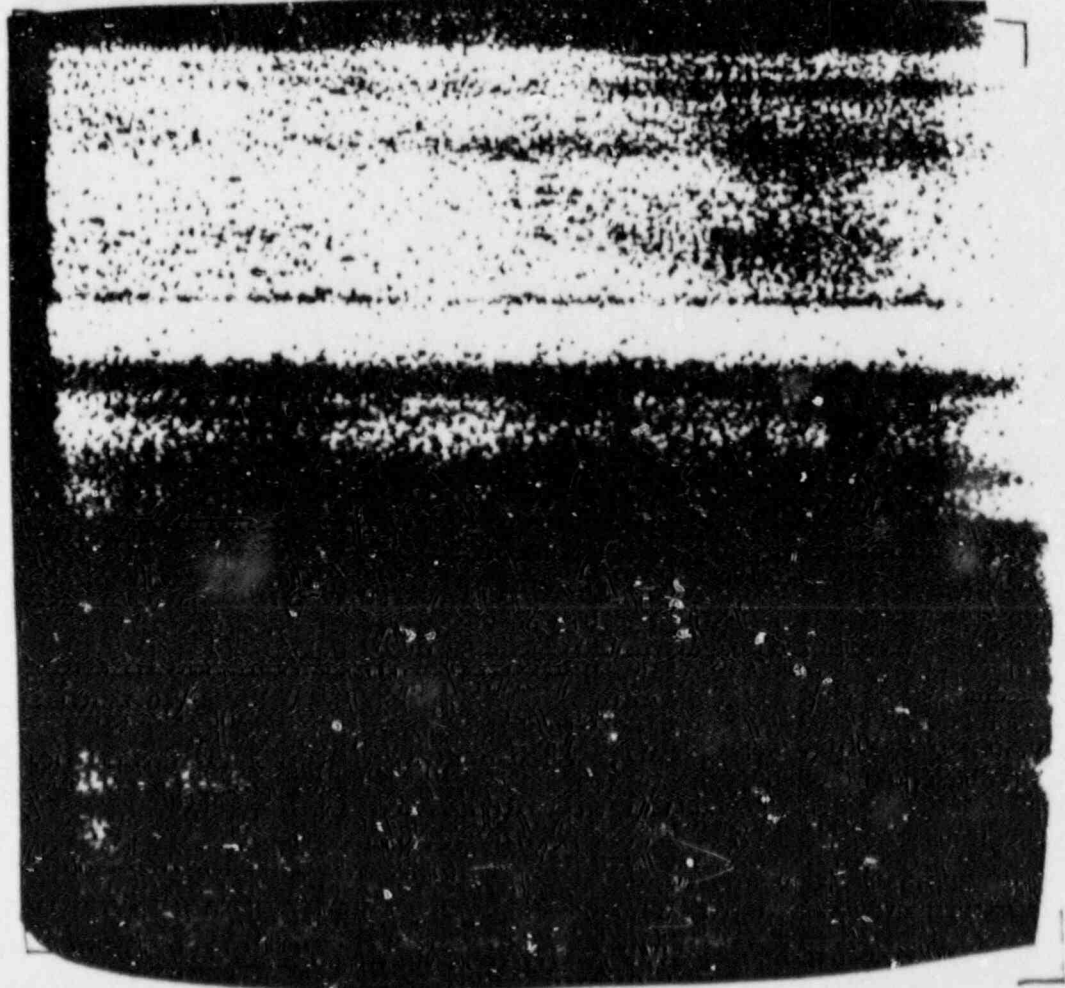
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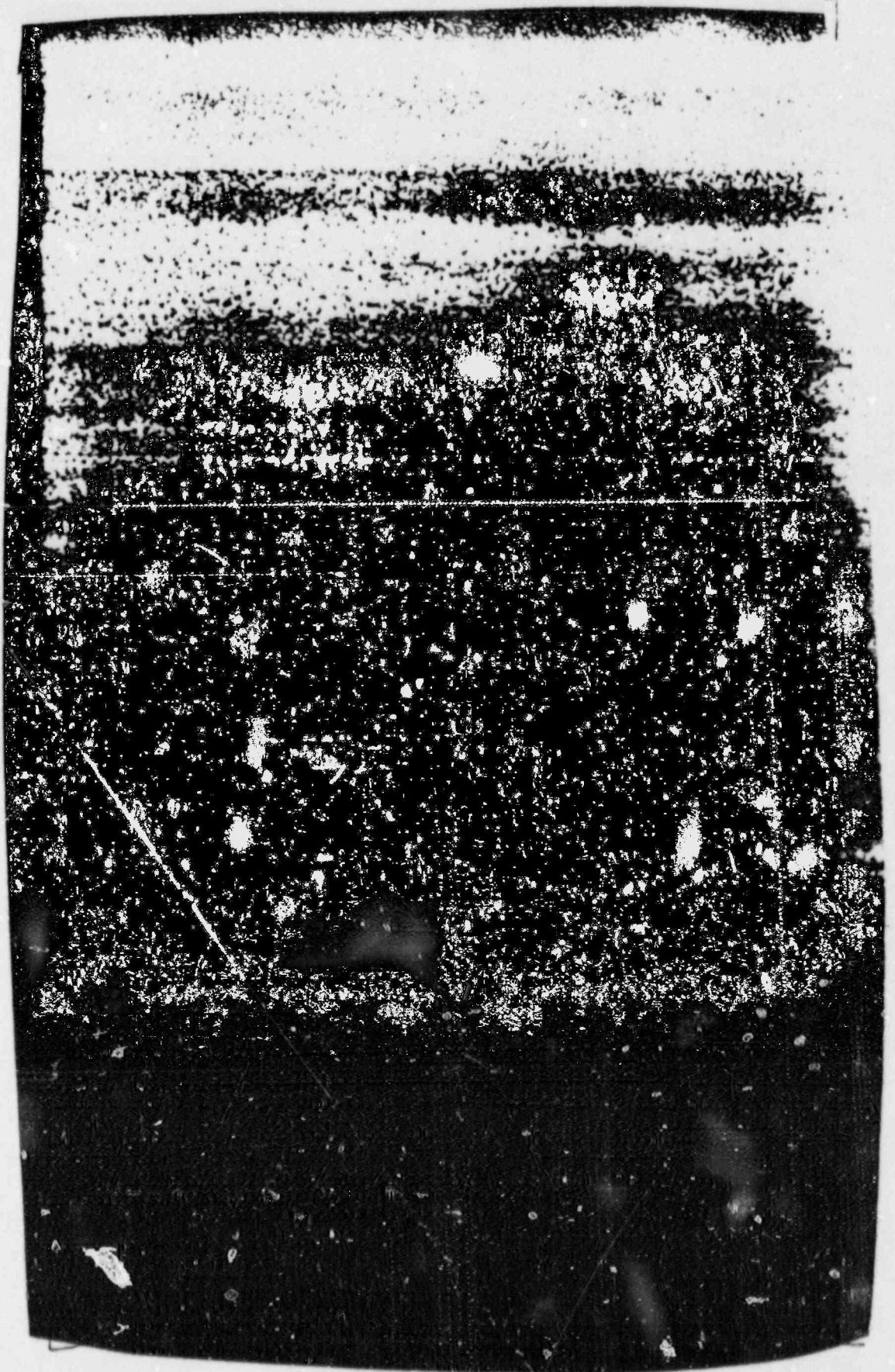
In a letter dated March 27, 1981, the licensee stated, "The attachment to this letter demonstrates that the Cook Plant is already in compliance with the applicable provisions of Appendix R, noted above, which Mr. Eisenhut's letter requires to be backfit." The attachment stated, "This attachment provides our response to Section III.G, III.J, and III.O of Appendix R to 10 CFR 50 as required by 10 CFR 50.48(c)(5). The information and references provided below demonstrate compliance with those sections of Appendix R and, as such, no further plant modifications are necessary."

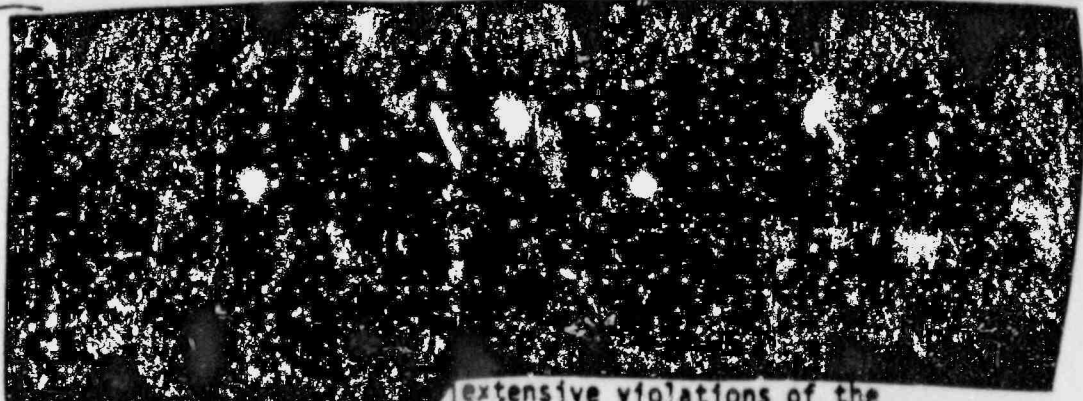
The letter was signed by R.S. Hunter, Vice President, Indiana and Michigan Electric Company.

[REDACTED] (01)
The NRC determined during a Special Team Inspection conducted on April 12 through 16, and further inspections on May 14, and June 10, 1982, that D.C. Cook was not in compliance with Sections III.G, III.J, and III.O of Appendix R in numerous significant respects [REDACTED]

The report documenting the results of that inspection was issued on September 22, 1982 (Enclosure 3).



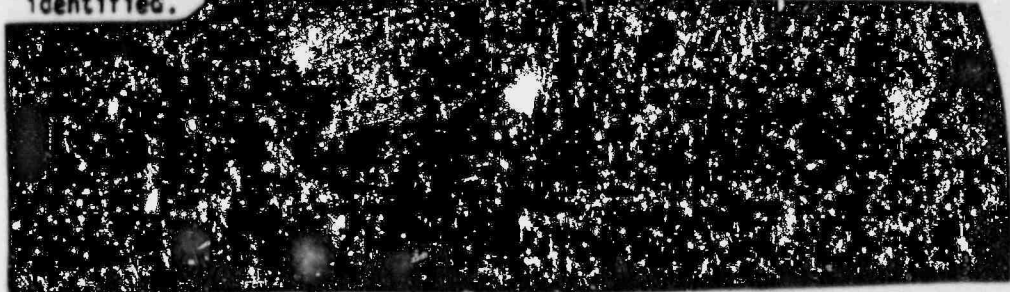




extensive violations of the applicable provisions of Appendix R were identified at the D.C. Cook facility in April of 1982.



Several such violations of Appendix R were identified.

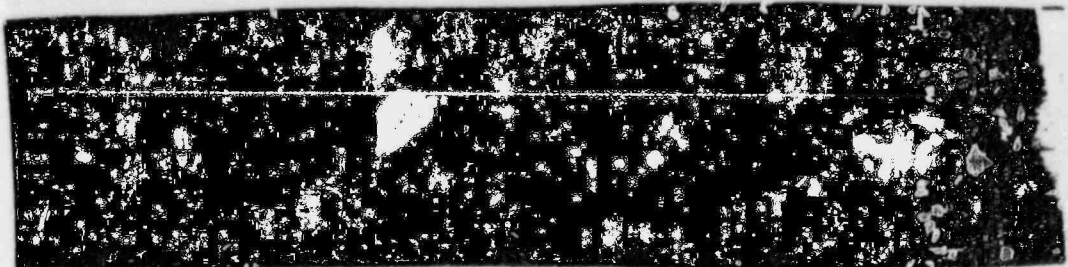


10 CFR 50.54(u) requires each licensee to submit to the NRC plans for coping with emergencies meeting the standards of 10 CFR 50.47(b) and Appendix E of Part 50. On January 26, 1981, the licensee submitted to NRC its Emergency Plan. The Emergency Plan stated that the Emergency Operations Facility is required to provide continuous coordination and evaluation of activities during an emergency having or potentially having environmental consequences. The Plan states, "Once activated and staffed, the function of the EOF shall be to evaluate the magnitude and effects of actual or potential radiological releases from the plant and to recommend appropriate offsite protective measures. To accomplish these functions, facilities shall be provided for appropriate areas of the EOF for the evaluation of all pertinent radiological, meteorological, and plant system data."

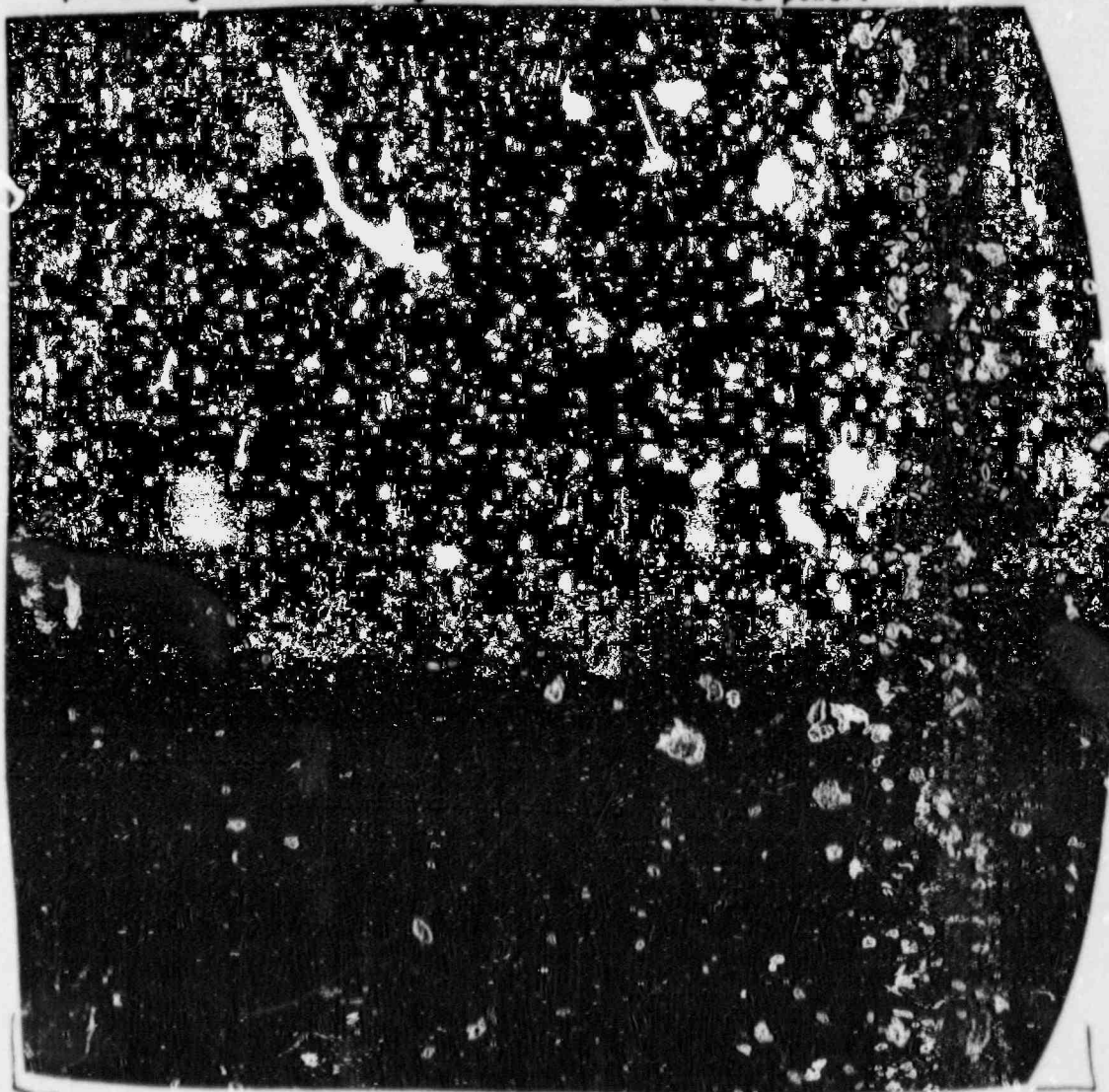
The NRC staff conducted a special appraisal of the licensee's emergency preparedness program on March 15-26, 1982.

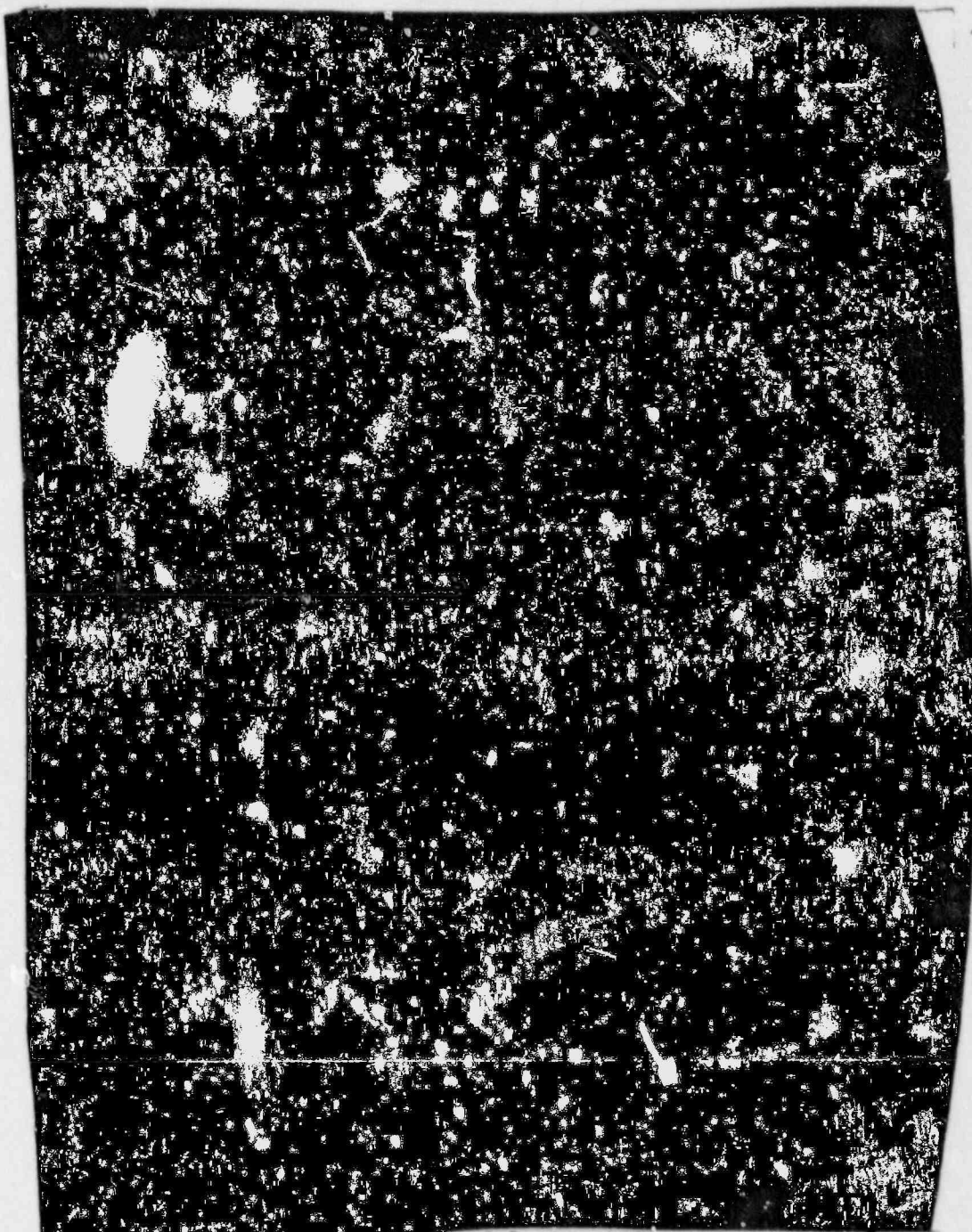


Region III issued an NOV on June 30, 1982 citing the licensee for violations identified during the appraisal. In the cover letter, Mr. Keppler, the Regional Administrator, indicated that the Plan misrepresented the facts relevant to the state of preparedness of the EOF and "appears to be another case of less than candid representations to the NRC staff." The letter indicated that further enforcement action on the matter would be forthcoming. The licensee responded to the NOV on July 30, 1982 and denied that misrepresentations had been made.

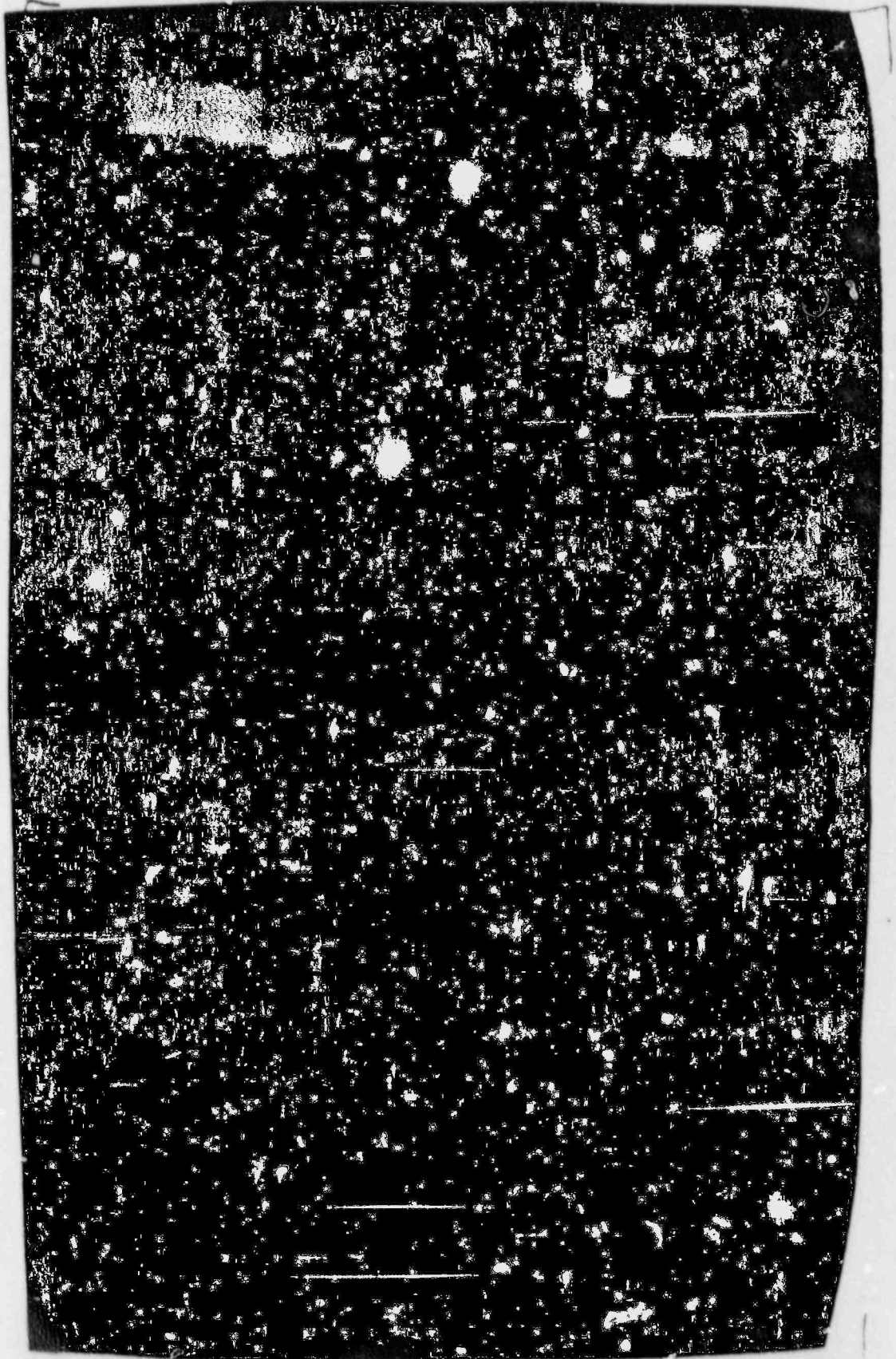


In the attachment to the March 27, 1981 letter, the licensee described its compliance with Appendix A to BTP 9.5-1 to show it was in compliance with Appendix R. In describing its capability to achieve safe shutdown in the event of a loss of offsite power the licensee stated, "we have provided in both Units 1 and 2 local manual control capability of the emergency diesel generators as part of the alternate local shutdown system in accordance with Unit 2 license condition 2.C.2.(o)(c). This provides the local shutdown system with the capability of performing its function given a loss of offsite power."





On July 11, 1977, the staff requested that the licensee provide information concerning unprotected openings in areas protected by gas agent extinguishing systems. The licensee's response dated August 19, 1977 stated, "There are no unprotected openings in the boundaries of any area in Unit 1 protected by a gas agent extinguishing system. . . all ventilation openings are equipped with self-closing rated fire dampers." (Emphasis supplied by licensee).



Recommendation:

Note:



