

June 19, 2012
EN 12-027

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Indiana Michigan Power Company
D.C. Cook Nuclear Power Plant
Docket Nos.: 50-315, 50-316

EA-12-005

Subject: CONFIRMATORY ORDER (EFFECTIVE IMMEDIATELY) TO INDIANA
MICHIGAN POWER COMPANY

This is to inform the Commission that a Confirmatory Order will be issued on or about June 28, 2012, to Indiana Michigan Power Company confirming commitments reached as part of an alternative dispute resolution (ADR) mediation settlement agreement between Indiana Michigan Power Company and the Nuclear Regulatory Commission (NRC).

In a letter dated March 6, 2012, the NRC provided Indiana Michigan Power Company with the results of an investigation completed by the NRC's Office of Investigations. The NRC's letter concluded that on or about May 3, 2011, two D. C. Cook supervisory-level individuals failed to ensure that an individual, who was offsite when selected for fitness-for-duty testing, was tested at the earliest reasonable and practical opportunity when both the donor and collectors were available. These actions caused Indiana Michigan Power Company to be in violation of 10 CFR Part 26, Sections 4(b) and 31(d)(2)(v) of the Fitness-for-Duty (FFD) program.

As part of the NRC's normal enforcement process, Indiana Michigan Power Company elected ADR to resolve the matter through mediation. The mediation session was held on May 23, 2012 and a settlement agreement was reached. As part of the ADR settlement agreement, Indiana Michigan Power Company has completed a number of corrective actions and agreed to implement additional corrective actions and enhancements. These actions included benchmarking other utilities FFD programs regarding random drug testing, revising site procedures as it relates to the FFD, perform a gap analysis and revise/conduct training with the FFD staff, develop a lessons learned presentation and provide it to all first-line supervisors and above at D.C. Cook, and develop a presentation on the facts and lessons learned from this event and present it at an industry FFD forum with a broader industry audience. In consideration of the corrective actions and commitments outlined in the order, the NRC agreed to refrain from proposing a civil penalty and issuing a Notice of Violation for this matter.

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

Telephone notification of the licensee
Mailing of Orders

June 28, 2012
June 28, 2012

The State of Michigan will be notified.

CONTACTS: David Furst, OE, (301) 415-7634

John Wray, OE, (301) 415-1288

Distribution: EN-12-027, June 19, 2012

<u>OWFN</u> Chairman Jaczko Comm. Svinicki Comm. Apostolakis Comm. Magwood Comm. Ostendorff SECY OCA PA IP	<u>OWFN</u> EDO DEDR DEDMRS OE OGC NRR NSIR OI OIG	<u>TWFN</u> OCFO OP CENTER FSME OCIO RES ACRS	<u>EBB</u> NMSS	<u>Regional Offices</u> RI RII RIII RIV <u>MAIL</u> ADAMS OE staff
---	---	---	--------------------	--

DISTRIBUTION:

OE R/F	RZimmerman
PHolahan	BWestreich
GWest	SCoker
EN Binder	NHilton

ADAMS ACCESSION NO. : ML12172A402

OFFICE	OE:ES	OE:BC
NAME	D. Furst	J. Wray
DATE	06/19/12	06/19/12

OFFICIAL RECORD COPY