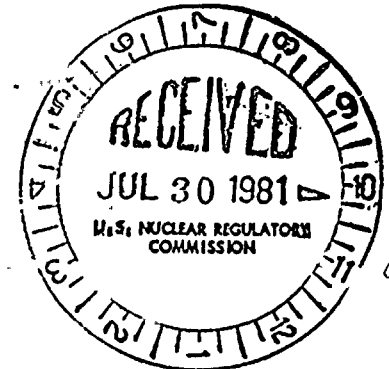


INDIANA & MICHIGAN ELECTRIC COMPANY

P. O. BOX 18
BOWLING GREEN STATION
NEW YORK, N. Y. 10004

IE FILE COPY

July 24, 1981
AEP:NRC:00587



Donald C. Cook Nuclear Plant Unit Nos. 1 and 2
Docket Nos. 50-315 and 50-316
License Nos. DPR-58 and DPR-74
RESPONSE TO THE NOTICE OF VIOLATION ON RADIOACTIVE WASTE SHIPMENT

Mr. V. Stello, Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Stello:

American Electric Power Service Corporation (AEPSC) for itself and for Indiana & Michigan Electric Company, (IMECo) owner, operator, and licensee of the Donald C. Cook Nuclear Power Plant, hereby responds to the NOTICE OF VIOLATION, attached as Appendix A to a letter dated June 9, 1981, from Mr. Dudley Thompson, Director-Division of Enforcement and Investigation, as follows:

- A. As to the alleged violation in paragraph A, in response to question (1) AEPSC admits that the violation occurred. In response to questions (2), (3), and (4), attached hereto and made a part hereof as Exhibit A is a copy of a letter from Indiana & Michigan Electric Company to the State of Nevada completely explaining the incident and the corrective steps which have been taken. In response to question (5), full compliance has been achieved. As Mr. Thompson's June 9 letter states, our Nevada permit was reissued on April 15, 1981.

However, despite this admission of violation, AEPSC does not believe it merits classification as a Severity III violation nor any further enforcement action by the NRC. Specifically, we do not believe it justified to include this particular violation in IMECo's license enforcement history in light of the policy on escalated enforcement sanctions as contained in Table 2, 45 Fed. Reg. 66757.

8107310241 810724
PDR ADDCK 05000315
Q PDR

IE08
5/11
IE-08

THE UNITED STATES OF AMERICA

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

B. As to the alleged violation in paragraph B, in response to question (1) AEPSC does not have sufficient information to form an opinion as to whether the alleged violation occurred. Reference is again made to Exhibit A for a complete explanation of this incident. As far as we know, the radioactive waste had been dried before it was shipped. AEPSC believes that approximately 100 milliliters of liquid were drained from the 1,000-gallon tank, which represents approximately 0.0026% of the tank's capacity. Whether the presence of this miniscule amount of moisture resulted in a violation of the State of Nevada license is not known by us. Nor is it known how the liquid accumulated in the first place since, as Exhibit A states, our final inspection of the tank before shipment revealed no liquid. Indeed, the State of Nevada's letter of February 24, 1981, which suspended our permit, did not specifically state that liquid had been found. We thus are not in a position to admit or deny the allegation. However, we do believe that the State of Nevada's enforcement action and our response thereto should satisfy NRC's concerns in this matter.

In any event, AEPSC does not believe it merits classification as a Severity Level III violation nor any further enforcement action by the NRC. Specifically, we do not believe it justified to include this particular violation in IMECO's license enforcement history in light of the policy on escalated enforcement sanctions as contained in Table 2, 45 Fed. Reg. 66757.

A two week extension for submitting this response was granted by Mr. Thompson on July 2, 1981.

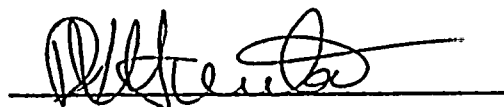
Very truly yours,


R. S. Hunter
Vice President

cc: John E. Dolan - Columbus
R. C. Callen
G. Charnoff
R. W. Jurgensen
D. V. Shaller - Bridgman
Joe Williams, Jr.
D. Thompson - NRC
Region III Resident Inspector - Bridgman


STATE OF NEW YORK)
COUNTY OF NEW YORK)

R. S. Hunter, being duly sworn, deposes and says that he is the Vice President of Licensee Indiana & Michigan Electric Company, that he has read the foregoing response to the Notice of Violation contained in Appendix A to Mr. Dudley Thompson's letter dated June 9, 1981 and knows the contents thereof; and that said contents are true to the best of his knowledge and belief.



A handwritten signature, likely of R. S. Hunter, written in dark ink on a horizontal line.

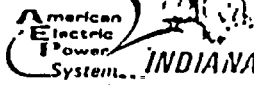
Subscribed and sworn to before me this 27th day of July, 1981.



A handwritten signature, likely of Kathleen Barry, written in dark ink on a horizontal line.

KATHLEEN BARRY
NOTARY PUBLIC, State of New York
No. 41-4606792
Qualified in Queens County
Certificate filed in New York County
Commission Expires March 30, 1983

MAR 19 1981



INDIANA & MICHIGAN ELECTRIC COMPANY

2101 Spy Run Avenue, P. O. Box 60, Fort Wayne, Indiana 46801

Telephone: (219) 422-3456

WILLIAM A. BLACK

President

March 16, 1981

EXHIBIT A TO IAE:NR:587

Mr. John Vaden
Supervisor, Radiological Health
Division of Health
State of Nevada
505 East King Street
Carson City, Nevada 89710

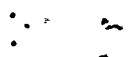
Dear Mr. Vaden:

This letter is in response to your letter of February 24, 1981. You requested information concerning the actions which the Donald C. Cook Nuclear Plant would institute to prevent any recurrence of the problem which occurred on our last shipment of low level radwaste to the Beatty disposal site. In that letter you outlined four (4) actions which will be necessary in order to have our Permit Number 249 reinstated.

Before discussing the changes which we have made as a result of this occurrence, it would be helpful to review the history of the tanks involved. These tanks were originally purchased to be used in our urea-formaldehyde (UF) solidification system. In 1980 we made a decision to change our solidification system from a UF media to cement because of the changing regulatory climate regarding the amount of free standing liquid.

This change was effected in September of 1980, but we found ourselves with several of these UF tanks remaining. In particular, the tank which caused the problem was used as a holding tank for the last of the dewatering liquids from our UF operation. In preparing the tank for shipment, the dewatering liquid which it contained was removed. It should be noted that some small leakage was noticed at the weld which held the low point drain in place. The weld was dried and cleaned, and then covered with epoxy to seal it.

The tank was then tilted so that any remaining liquid would drain out; it was left open to allow it to dry; it was further dried by blowing air into it. Lastly, it was inspected by having a man physically enter the tank and check specifically for any liquid. That inspection only reported the presence of moist crystalline boric acid in the bottom of the tank. Having prepared the tank for shipment it was then filled with bagged dry active waste. We believed that the extra precautions taken were sufficient to assure a strong tight shipping container.



As described above, the way in which these tanks were used is not typical of the manner in which we ship and dispose of radwaste. From the experience which resulted, we have made the following changes to our radwaste procedures:

1. We will not use the remaining UF tanks as shipping containers. They will be cut up and placed in boxes prior to shipment.
2. Our procedures have been revised to prohibit the use of any epoxy material on any tank.
3. Our procedures required a visual inspection prior to shipment. They have now been modified to state specific requirements concerning the inspection of packages to see that they are visually leak tight and have no indication of weak areas, paying specific attention to welds.
4. Should this more thorough inspection result in identifying any leaks or weak areas on any tank or shipping package, it will not be shipped. It may be either repacked or placed in an overpack prior to shipment.

These are the changes which we have made to our radwaste program to assure that this incident will not occur again. A discussion of our radwaste program follows:

The plant currently has in place procedures which insure compliance with all current regulations, burial site licenses, and transport permits. These procedures include:

PMI 3150 "Receipt, Packaging, and Shipment of Radioactive and Fissile Material"

PMI 3150 PCP.001 "Radioactive Waste Process Control Manual"

12 THP 6010 RAD.303 "Solid Waste Handling and Drumming"

12 THP 6010 RAD.304 "Shipment of Radioactive Materials"

The above procedures pertain to all aspects of the packaging and shipping of compressibles, noncompressibles, resins and evaporator bottom radwastes. These procedures also identify the personnel responsible for verification of acceptance criteria. Verifications are performed using several methods at different stages of packaging to insure compliance prior to shipment.

In addition to these verifications, the Plant Quality Assurance Department performs in-depth inspections and audits of the radwaste handling operation. Further, as required by our operating license, the American Electric Power Service Corporation maintains a Nuclear Safety and Design Review Committee which performs an annual audit of the plant's radioactive

Page 3
March 16, 1981
Mr. John Vaden

waste handling operations. Further, the plant currently has two on-site NRC inspectors who periodically review radwaste handling in addition to the annual audit performed by the NRC's Inspection and Enforcement Division of Region III. Each of these inspections and audits are intended to identify any inadequacies which might lead to possible regulatory violations.

All plant and contract personnel who handle radwaste packaging and shipping are trained in the applicable procedures and regulations, including the state's requirements and burial site criteria. This training is given to insure that each phase in the preparation of a package for burial is performed by personnel who are knowledgeable of the requirements placed on the final package. In addition, the plant supervisors responsible for certification of radioactive waste shipments are receiving 10 CFR and 49 CFR rules changes bimonthly and are required to review them for applicability to our radwaste program and to document the results of each review.

Enclosed is a copy of our letter to Nevada Inspection Services, Inc. (NIS) to perform a plant inspection of our radwaste program. The procedures described above are also enclosed. It is presently a condition of our license that approved procedures be established, implemented and maintained for our radwaste program. These procedures have been evaluated by the NRC, have been found to be acceptable, and are reviewed periodically during their audits. The changes discussed above will further enhance these procedures and improve our handling of radwaste. To the best of our knowledge, the NRC will not make these procedures a part of our operating license. However, as approved plant procedures, they must be followed under our operating license. Any non-compliance involving any approved plant procedure may result in an enforcement action by the NRC.

In summary, this incident has been discussed with personnel who are responsible for radwaste packaging, including the procedure changes discussed above. All plant procedures are periodically reviewed and updated to address changes as required. Personnel are trained and retrained at least annually. Audits are being conducted and packages are being inspected and verified. Management personnel are keeping abreast of regulations and assuring compliance. These items combined with the most recent changes to our procedures as a result of this incident and a knowledge of burial site operations and criteria should eliminate any further violations.

Please be assured that it is our intent to comply with all applicable federal, state and local regulations concerning radwaste. It is our understanding that with the new regulations taking effect April 1, 1981, it may be several weeks before NIS can audit the plant. In the interim, we would like to meet with you to supply any clarifications or details which you request.

Page 4
March 16, 1981
Mr. John Vaden

Please contact Mr. R. W. Jurgensen who is an Assistant Vice President and Chief Nuclear Engineer of our Service Corporation with any questions you have in regard to this letter and setting up a meeting. You can reach him at 212/440-9280.

We are eager to demonstrate to you that we are a responsible NRC licensee and have to your satisfaction, sufficiently and adequately addressed the causes of the problem which recently occurred.

Very truly yours,

William A. Black

William A. Black
President

WAB/sb

Enclosures

cc: R. S. Hunger
R. W. Jurgensen
D. V. Shaller

Page 5
March 16, 1981
Mr. John Vaden

bcc: E. L. Townley
E. A. Smarrella/T. A. Kriesel
H. L. Sobel
G. E. LeMasters