

August 9, 2005

NG-05-0436

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Duane Arnold Energy Center
Docket 50-331
License No. DPR-49

Supplement to the Response to a Notice of Violation Contained in Inspection Report 5000331/2005011

Reference: Letter (NG-05-0418) from Van Middlesworth (NMC) to USNRC, "Response to a Notice of Violation Contained in Inspection Report 5000331/2005011," Dated August 1, 2005

Based on discussions with members of your staff, we have concluded that a supplement to our previous response (Referenced above) to the Notice of Violation (NOV) contained in Inspection Report 5000331/2005011 is appropriate in order to clarify the fact that we do not contest either of the violations. Nuclear Management Company (NMC) has concluded that maintaining the conditions for performance of Scram Time Testing under Technical Specification (TS) 3.10.1 after completion of the vessel hydro leak test was contrary to our TS's. As stated in our August 1, 2005 response to the NOV, the procedures directing Scram Time Testing under vessel hydro conditions have been quarantined. Further, we have reviewed the 10 CFR 50.59 screen that was conducted to support the 1999 procedure changes that allowed the Scram Time Testing under vessel hydro conditions and concluded that it too was inappropriate. Specifically, the 10 CFR 50.59 screen should have concluded that a TS amendment was needed if the testing was performed in extended vessel hydro conditions (i.e., after completion of the leak testing), without exiting TS 3.10.1.

We had previously concluded that the reason for the two violations was the same: in 1999 a cross-functional group of our staff reviewed benchmark information and concluded that the TS for vessel hydro and Scram Time Testing could be used in that manner. Additionally, it should be noted that those same individuals were the ones who performed the procedure revisions and supporting 10 CFR 50.59 screen. Therefore, the reason for the violations remains the same: the individuals involved failed to conclude that the changes made to allow for Scram Time Testing under extended vessel hydro conditions was contrary to TS 3.10.1.

Jed

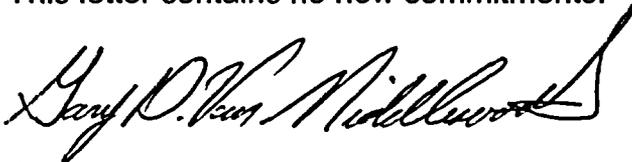
In addition to quarantining the inappropriate procedures, we have reviewed all revisions made to similar procedures (surveillance test procedures for TS section 3.10) from 1999 to present and concluded that no similar errors were made.

Regarding corrective actions taken to prevent further violations, we have concluded that similar errors will not happen again for the following reason: as a result of the 2000 rule change to 10 CFR 50.59, the screening process was made much more rigorous and we performed extensive retraining of plant staff for the revisions to 10 CFR 50.59. This training covered the need to carefully review the affected licensing bases such as TS to determine whether prior NRC approval would be required.

As stated in the referenced letter, NMC will not conduct scram time testing in that same manner unless the TS are changed.

If you have any further questions regarding this topic, please call Steve Catron, Nuclear Safety Assurance Manager at (319) 851-7234.

This letter contains no new commitments.



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Nuclear Management Company, LLC

cc: Region III
D. Spalding (NRC-NRR)
NRC Resident Office
