

From: Russell Gibbs  
To: Leigh Trocine  
Date: Thu, Feb 24, 2005 8:02 AM  
Subject: Re: ??s EA-04-131 Cooper

NRR/ADFO  
oe

[Redacted]

EX5

oe

>>> Leigh Trocine 02/23/05 11:35AM >>>  
Thanks for the feedback Gary and Russ.

[Redacted]

EX5

I've also attached a draft strategy form update FYI. The changes are highlighted in yellow. They provide clarification and document the process change. Please let me know if you have any questions comments or concerns.

Thanks a gain for all of your patience.

Leigh

>>> Gary Sanborn 02/23/05 08:15AM >>>

Gary

EX5

oe

>>> Leigh Trocine 02/22/2005 5:24:42 PM >>>

[Redacted]

EX5

Section IV.5.a, "Violations Associated with Findings of Very Low Safety Significance," of the Enforcement Policy states:

"Violations associated with findings that the SDP evaluates as having very low safety significance (i.e., green) will normally be described in inspection reports as Non-Cited Violations (NCVs). The finding will be categorized by the assessment process within the licensee response band. However, a Notice of Violation (NOV) will be issued if the issue meets one of the three applicable exceptions in Section VI.A.1. ..."

Section VI (DISPOSITION OF VIOLATIONS).A (Non-Cited Violations).1 (Power Reactor Licensees) of the Enforcement Policy further states in part:

"Severity Level IV violations and violations associated with green SDP findings are normally dispositioned as NCVs. ... Any one of the following circumstances will result in consideration of an NOV requiring a formal written response from a licensee."

a. The licensee failed to restore compliance within a reasonable time after a violation was

DD-21

02 identified.

b. The licensee did not place the violation into a corrective action program to address recurrence.

c. The violation is repetitive as a result of inadequate corrective action, and was identified by the NRC. NOTE: This exception does not apply to violations associated with green SDP findings."



Ex 5

Your help on this matter would be greatly appreciated.

Leigh

>>> Russell Gibbs 02/22/05 03:40PM >>>

Russell

02 >>> Leigh Trocine 02/22/05 03:36PM >>>



Ex 5

SDP/EA REQUEST & STRATEGY FORM

Case Data
Disputed: [ ] Related Cases: [ ]
SDP/EA No.: 04-131 Number: 5 Docket No.: 05000298
Request Date: 02/23/05 Region: IV Case Type: Rx Small Entity: [X] No [ ] Yes
Licensee: Nebraska Public Power District Facility / City: Cooper
License No.: DPR-46 Last Day of Insp.: 07/22/04
Insp. Rpt No.: IR-04-014 Keywords: N/A ES: LL
Facts (EATS): Failure to properly restore the service water to its normal configuration following routine maintenance in that the licensee did not realign the gland water following service water maintenance. The failure to realign the gland water was attributed to inadequate instructions. The inadequate instructions led to the cross connection of gland water resulting in a loss of service water redundancy.

Discussion (if required): One GREEN finding with an associated violation of Criterion V for inadequate written instructions for restoring service water to operable status following maintenance.

SDP [ ] No [X] Yes
Assessment: [X] Green [ ] White [ ] Yellow [ ] Red NOV [ ] Yes [X] No

Wrongdoing [X] No [ ] Yes
OI Ref. Date [ ] OI Rpt. No.: [ ] OI Rpt Date: [ ]
DOJ Referral? [X] No [ ] Yes Ref. Date [ ] Action Date [ ] Decline [ ] Accept [ ]
Additional OI Status [ ] OI Investigating [ ] OI needs to be notified [ ] OI/OE dispute memo needed [ ]
[ ] Additional coordination needed [ ] Awaiting DOJ [ ] Needs coordination with DOJ

Escalated Action
Consequence: [ ] Actual [ ] Potential [ ] Reg. Impact [ ] Willfulness
Prior Esc. Action? [ ] No [ ] Yes EA: [ ] Date: [ ]
ID Credit? [ ] No [ ] Yes [ ] TBD SL: [ ]
CA Credit? [ ] No [ ] Yes [ ] TBD Supp: [ ]
CP? [ ] No CP [ ] Base [ ] Double Base [ ] Other: [ ]

Discretion or Order? [X] No [ ] Yes Explain: [ ]

Future Action
Conference? [X] No [ ] Yes [ ] Open [ ] Closed Additional [ ]
Action? [ ] No Violation [ ] Re-panel [ ] PEC Letter [ ] Choice Letter [ ] Choice Call [ ] SL IV NOV [ ] Re-caucus [ ]
[ ] Region Issue Esc. Action [ ] Full Package Review by HQ [ ] DEDR Review [ ] Commission [ ] Disagreement [X] NCV
Other Action? [ ]

Participants: Region Gary Sanborn
OE Doug Starkey and Leigh Trocine OGC/OI
Program Office Russ Giibbs Other

Remarks/Comments/Lessons Learned: 02/23/05 UPDATE - This update provides clarification. Another caucus was not held. - The violation associated with the GREEN finding will be dispositioned as an NCV rather than in an NOV, and headquarters review of the package prior to issuance is not necessary.

02/03/05 UPDATE - One GREEN finding and violation of Criterion V for inadequate written instructions for restoring service water to operable status following maintenance. During the final significance determination, the SERP members did not reach consensus on the final risk significance of the performance deficiency. Consensus among all members was not

Approved, Dir. OE:
Date:

EX 5



EX 5

10/21/04 CAUCUS - Caucus members met for a brief status update. The licensee obtained new information at a Regulatory Conference and is currently in the process of re-evaluating its risk assessment. Another caucus will be held when the licensee completes its risk assessment.



EX 5

07/15/04 PANEL - One >green finding and violation of Criterion V for inadequate written instructions for restoring service water to operable status following maintenance. Significance to be initially characterized as > green.