UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

September 4, 2003

EA-03-160

Craig G. Anderson, Vice-President,
Operations
Arkansas Nuclear One
Entergy Operations, Inc.
1448 S.R. 333
Russellville, Arkansas 72801-0967

SUBJECT: ARKANSAS NUCLEAR ONE - NRC INSPECTION REPORT 50-361,368/03-11; PRELIMINARY WHITE FINDING

Dear Mr. Anderson:

This report discusses a finding that appears to have low to moderate safety significance. As described in Section 1EP2 of this report, the finding involved the failure to maintain your primary emergency preparedness alert notification system. This finding was assessed based on the best available information, including influential assumptions, using the Emergency Preparedness Significance Determination Process dated March 6, 2003, and was preliminarily determined to be a White finding. The finding has a low to moderate safety significance because the loss of capability to notify some members of the populace in the plume exposure emergency planning zone represents a degradation of a risk significant planning standard function.

During an NRC inspection conducted April 28 through May 2, 2003, (IR 050-313,368/2003-003) the inspector identified an unresolved item (050-313,368/2003-003-01) concerning the method used to contact new residents in the Arkansas Nuclear One plume exposure emergency planning zone. This item was unresolved pending an evaluation by the Federal Emergency Management Agency (FEMA) pertaining to the acceptability of the State of Arkansas' notification practice in meeting your FEMA approved Alert and Notification System design report, and our evaluation of the FEMA response. Your facility staff entered the unresolved item in your corrective action process as Significant Condition Report CR-ANO-C-2003-0340, took immediate corrective actions to address the issue, and commenced a formal root cause analysis.

In a letter (ADAMS accession number ML#031350415) to FEMA Region VI dated May 15, 2003, the NRC requested that FEMA evaluate the acceptability of the State of Arkansas' notification practice in meeting the Alert and Notification System design for the National Oceanic Atmosphere Administration (NOAA) radio program. On June 17, 2003, FEMA notified the NRC by letter (ADAMS accession number ML#032120108) that the State of

Arkansas' notification practice was not acceptable and that changes in the notification practice that had occurred in 1999 should have been reported to FEMA for review and approval. After further review of the unresolved item and the FEMA response letter, the NRC has determined that the unresolved item is a finding that appears to have low to moderate safety significance. As a result of the inadequate notification process, a best effort to place tone alert radios where required was not made, and a small percentage of residences in your emergency planning zone would not have received an emergency alerting signal in the event of an accident at the Arkansas Nuclear One facility. The finding was determined to represent a degradation of risk significant emergency preparedness planning standard 10 CFR 50.47(b)(5). Based on the immediate corrective actions taken in response to condition report CR-ANO-C-2003-0340, the finding does not represent an immediate safety concern.

The finding is also an apparent violation of NRC requirements and is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The current Enforcement Policy is included on the NRC's Web Site at http://www.nrc.gov/what-we-do/regulatory/enforcement/enforce-pol.html.

Before we make a final decision on this matter, we are providing you an opportunity to (1) present to the NRC your perspectives on the facts and assumptions, used by the NRC to arrive at the finding and its significance, at a Regulatory Conference, or (2) submit your position on the finding to the NRC in writing. If you request a Regulatory Conference, it should be held within 30 days of the receipt of this letter and we encourage you to submit supporting documentation at least one week prior to the conference in an effort to make the conference more efficient and effective. If a Regulatory Conference is held, it will be open for public observation. If you decide to submit only a written response, such submittal should be sent to the NRC within 30 days of the receipt of this letter.

Please contact Mr. Troy Pruett at (817) 860-8215 within 10 business days of the date of receipt of this letter to notify the NRC of your intentions. If we have not heard from you within 10 days, we will continue with our significance determination and enforcement decision and you will be advised by separate correspondence of the results of our deliberations on this matter.

Since the NRC has not made a final determination in this matter, no Notice of Violation is being issued for this inspection finding at this time. In addition, please be advised that the characterization of the apparent violation described in the enclosed report may change as a result of further NRC review.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room).

Should you have any questions concerning this inspection, we will be pleased to discuss them with you.

Sincerely,

Gail M. Good, Acting Director
Division of Reactor Safety

Docket: 50-313, 368
License: NPF-6, DPR-51

cc w/enclosure:
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Only inspection reports to the following:
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ANO Site Secretary **(VLH)**

ADAMS: √ Yes ☐ No Initials: _jlh_____
√ Publicly Available ☐ Non-Publicly Available ☐ Sensitive √ Non-Sensitive

DOCUMENT NAME: R:_ANO\ANO2003-011RP-REL.WPD

RIV:DRS\SEPI	PSB (TL)	C:PSB	C:DRP\D	D:ACES
RELantz	MPShannon	TWPruett	LJSmith	GFSanborn
/RA/	/RA/	/RA/	/RA/	/RA/
8/20 /03	8/6/03	8/25 /03	8/28/03	9/2 /03

C:PSB	D:DRS (Acting)			
TWPruett	GMGood			
/RA/	/RA/			
9/2 /03	9/4 /03			

OFFICIAL RECORD COPY T=Telephone E=E-mail F=Fax
*previously concurred

ENCLOSURE 1

U.S. NUCLEAR REGULATORY COMMISSION
REGION IV

Docket:	50-313/368
License:	DPR-51, NPF-6
Report No.:	50-313/03-11, 50-368/03-11
Licensee:	Entergy, Inc.
Facility:	Arkansas Nuclear One, Units 1 and 2
Location:	Junction of Hwy. 64W and Hwy. 333 South Russellville, Arkansas
Dates:	July 14-August 21, 2003
Inspector:	Ryan Lantz, Senior Emergency Preparedness Inspector
Approved By:	Gail M. Good, Acting Director Division of Reactor Safety
Attachments:	1. Supplemental Information 2. NRC letter dated May 15, 2003 to Ms. Lisa Hammonds, Chairman Radiological Assistance Committee, FEMA Region VI 3. FEMA letter dated June 17, 2003 to Mr. Dwight Chamberlain, Nuclear Regulatory Commission 4. FEMA letter dated June 17, 2003 to Mr. Bernard Bevill, Arkansas Department of Health

SUMMARY OF FINDINGS

Arkansas Nuclear One Plant
NRC Inspection Report 50-313,368/03-11

IR 05000313,368/03-11; Entergy; Arkansas Plant on 7/14 - 8/21/2003; Inspection Report; Alert Notification System Tone Alert Radios. One preliminary White finding.

The inspection was conducted by one regional senior emergency preparedness inspector. The inspection identified one apparent violation of NRC requirements. The significance of most findings is indicated by their color (Green, White, Yellow, Red) using Inspection Manual Chapter 0609 "Significance Determination Process." Findings for which the significance determination process does not apply are indicated by "No Color" or by the severity level of the applicable violation. The NRC's program for overseeing the safe operation of commercial nuclear power reactors is described at its Reactor Oversight Process website at http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/index.html.

Cornerstone: Emergency Preparedness

- TBD. The inspector identified a violation of 10 CFR 50.54(q) having a potential safety significance greater than very low significance because the licensee failed to follow the emergency plan requirement to establish a means to notify members of the public in the emergency planning zone. Between September 1999 and April 2003, a small percentage of residences in the licensee's plume exposure emergency planning zone would not have received an emergency alerting signal in the event of an emergency at the Arkansas Nuclear One facility.

  The finding had greater than minor significance because the condition resulted in a loss of alert notification capability to a small percentage of the emergency planning zone population, and if left uncorrected the condition would have continued to degrade. Using the Emergency Preparedness Significance Determination Process the finding was preliminarily determined to have low to moderate safety significance (White) because it was a violation of 10 CFR 50.54(q) and represented a degradation of the risk-significant planning standard 10 CFR 50.47(b)(5) function (Section 1EP2).

Report Details

1EP2 Alert Notification System Testing (71114.02)

a. Inspection Scope

The inspector reviewed unresolved item 50-313,368/03-03-01 and section 1EP2 of NRC Inspection Report 50-313,368/2003-003. The inspector reviewed the May 15, 2003, letter (ADAMS accession number ML#031350415) from Mr. Dwight Chamberlain, Director, Division of Reactor Safety, NRC Region IV, to Ms. Lisa Hammond, Radiological Assistance Committee Chair, Federal Emergency Management Agency (FEMA) Region VI (Attachment 2). The inspector reviewed the June 17, 2003, response letter from Ms. Lisa Hammond to Mr. Dwight Chamberlain (ADAMS accession number ML#032120108) (Attachment 3) and to Mr. Bernard Bevill, Arkansas Department of Public Health (Attachment 4).

b. Findings

Introduction. The inspector identified an apparent violation of 10 CFR 50.54(q), which requires, in part, that a licensee shall follow emergency plans which meet the standards in §50.47(b). 10 CFR 50.47(b)(5) states, in part, that a means to provide early notification and clear instruction to the populace within the plume exposure pathway Emergency Planning Zone has been established. The finding was preliminarily determined to be of low to moderate safety significance (White).

Description. NRC Inspection Report 50-313,368/03-03 identified an unresolved item (50-313,368/03-03-01) concerning the notification method used by the Arkansas Department of Health, Office of Nuclear Planning and Response Programs (NPRP) to meet the FEMA approved Alert and Notification System (ANS) design report. Inspection Report 50-313,368/03-03 described the item as follows:

Section 3.2.2.2, "Tone Alert Radios (NOAA)," of the FEMA approved ANS design report, states in the fourth paragraph, that "Utilities provide computerized listings of all new contacts. These persons are contacted and offered a free NOAA radio if they are in the affected area."

Prior to September 1999, the two local electric utilities serving residential and commercial customers in the Arkansas Nuclear One (ANO) facility plume exposure emergency planning zone (EPZ) provided new customer hookup reports to NPRP. NPRP then compared the names and addresses on the new hookup reports to the master National Oceanic Atmospheric Administration (NOAA) tone alert radio distribution list maintained by NPRP. If a new hookup was not on the tracking list as having already received a NOAA radio, a one page letter was sent to the new address which informed the resident of the availability of an emergency information booklet (EIB) and how to obtain the booklet if desired. The letter requested that the new resident fill out and return a "special needs" form if they would require assistance in the event an evacuation was ordered. The letter also stated that, "If you are unable to hear a warning siren, you may be eligible for a NOAA Weather Radio receiver."

During a September 1999 monthly meeting between NPRP and ANO, a change to the reporting capabilities of one of the local electric utilities, Entergy Arkansas, Inc. (EAI), was discussed. EAI indicated that they would not be able to supply a new hookup report due to a change in their customer service software. During the meeting, NPRP and ANO concluded that receipt of the reports was not required, given the many other methods of distribution and availability of the EIBs at different locations in the EPZ. For new residents in particular, these included availability of EIBs at county courthouses, banks, utility offices, county fairs, and other public locations. A newcomer's guide was distributed to new residents of the Russellville metropolitan area that contained information similar to the letter from NPRP described above for new hookups. Additionally, periodic public service radio and television announcements and an annual mailing of EIBs to all postal addresses in the EPZ provided information on the availability of NOAA radios.

Since September 1999, no new hookup information was received from EAI. For new residents in the EAI service area, which is approximately 65 percent of the area of ANO's EPZ, NPRP made no direct contact to inform new residents of the availability of NOAA radios for use in the event of an emergency condition at ANO. The other local electric utility, Arkansas Valley Electric Cooperative, continued to send the new hookup reports, although not on any established frequency, and neither the Cooperative nor NPRP maintained records of the reports for review.

The inspector reviewed the May 15, 2003, NRC letter (ADAMS accession number ML#031350415) that requested FEMA determine if the use of the EIB as a contact method for new residents was acceptable for meeting the approved ANS design. The inspector also reviewed the June 17, 2003, FEMA response letter (ADAMS accession number ML#032130108) to the May 15, 2003, NRC letter. In their response letter, FEMA stated that: (1) the change in administrative control of the NOAA radio program decreased the level of assurance that everyone who needed a tone alert radio was aware that they were available, (2) the use of the emergency information booklet (EIB) alone does not provide satisfactory administrative control of the tone alert radios, (3) the change in administrative control of the tone alert radio program made in 1999 was considered a "significant change" as defined in 44 CFR 350.14, because the change brought into question whether affected population(s) could be notified in a timely manner; therefore, the change required FEMA approval, and (4) FEMA would likely not have approved the change since the administrative control was less than that described in FEMA-REP-10, "Guide for the Evaluation of Alert Notification Systems for Nuclear Power Plants."

The inspector concluded that ANO was not meeting the approved ANS design requirement for the following reasons: (1) new contact lists have not been received from one of the two utilities that service the EPZ since September 1999, (2) new residents were not directly contacted by the state NPRP office, (3) new residents must obtain and interpret information that was made publicly available in the EIB to determine if they are outside siren coverage and may require a tone alert radio, (4) the EIB did not give adequate guidance to assist the resident in determining the need for a radio, and (5) new residents had to contact the state office to request a tone alert radio. The affect of not meeting the ANS design in this area was a reduction in the assurance that a best effort was made by the licensee to place NOAA radios in residences that required them

for alerting during an emergency. Consequently some residents would not be able to be notified in the event of an emergency at ANO.

The licensee entered this finding in their corrective action process as Significant Condition Report CR-ANO-C-2003-0340, conducted a formal root cause analysis, and identified immediate and longer term corrective actions. The corrective actions included: (1) identification of all new residential hookups since February 1999, (2) a mass mail out to inform those residences that they may require a NOAA radio, (3) analysis of mail responses and subsequent distribution of radios to approximately 146 residences, 68 of which were evaluated as outside of siren coverage areas, and, (4) increased administrative and audit controls of the NOAA radio program. In consultation with FEMA, the facility completed a best effort placement of radios to all potentially affected residences as of August 1, 2003. The inspector determined that 68 residences represented approximately 1 percent of the NOAA radio program, and approximately 0.15 percent of the plume exposure pathway emergency planning zone.

Analysis. The finding was assessed through the "Failure to Meet Regulatory Requirement" branch of the Emergency Preparedness Significance Determination Process (SDP). This finding is a performance deficiency in that failure to identify and contact members of the populace whom are outside emergency siren coverage impacted the ability of the licensee to ensure that the means to notify all members of the populace in the EPZ was established. Because the finding affected the reactor safety emergency preparedness cornerstone objective, the finding is greater than minor. The finding also was determined to have a preliminary safety significance of low to moderate significance because of the degradation of the risk significant planning standard 10 CFR 50.47(b)(5), in that less than 100 percent of the population in the EPZ would have been alerted.

Enforcement. 10 CFR 50.54(q) states, in part, that a licensee authorized to possess and operate a nuclear power reactor shall follow emergency plans which meet the standards in §50.47(b).

10 CFR 50.47(b) requires that the onsite emergency response plans for nuclear power reactors must meet each of 16 planning standards, of which, standard (5) states, in part, that the means to provide early notification and clear instruction to the populace within the plume exposure pathway Emergency Planning Zone have been established. The licensee's emergency plan described the means to provide early notification and clear instruction to the populace within the plume exposure pathway Emergency Planning Zone (EPZ) to include tone alert radios and emergency sirens.

Paragraph Four, Section 3.2.2.2, "Tone Alert Radios (NOAA)," of the FEMA approved ANS design report states that, "Utilities provide computerized listings of all new contacts. These persons are contacted and offered a free NOAA radio if they are in the affected area."

Contrary to the above, since September 1999, listings of new contacts were not received for all new contacts (residents), and those new residents were not directly contacted and offered a NOAA radio. In July 2003, the licensee identified, as part of the corrective actions for this finding, that a minimum of 68 residences that were outside of

siren coverage areas did not have NOAA radios, and could not have been notified in the event of an accident at ANO. The failure to follow the emergency plan resulted in a degradation of risk significant planning standard 10 CFR 50.47(b)(5) and is an apparent violation of 10 CFR 50.54(q) (AV 50/313,368/03-11-01).

The licensee took immediate corrective actions to issue NOAA radios to the identified residences. The licensee also took extensive actions to restore the administrative controls of the NOAA radio program to those approved in the ANS design report, and established programmatic audit requirements to verify the adequacy of the implementation of the NOAA program. The inspector determined that the interim corrective actions taken were adequate and that based on these actions, the finding and apparent violation is not an immediate safety concern.

4OA6 Management Meetings

Exit Meeting Summary

On August 21, 2003, the inspector presented, during a telephonic exit, the inspection results to Mr. C. Eubanks, General Manager, and other members of his staff who acknowledged the findings. The inspector confirmed that no proprietary information was provided or examined during the inspection.

ATTACHMENT 1

SUPPLEMENTAL INFORMATION

KEY POINTS OF CONTACT

Licensee

C. Anderson, Vice-President, Operations
M. Cooper, Licensing Specialist
S. Cotton, Director, NSA
C. Eubanks, General Manager
B. Fowler, Senior Emergency Planner
R. Freeman, Emergency Planning Specialist
R. Holleyfield, Manager, Emergency Preparedness

NRC

M. Shannon, Senior Health Physicist/Team Leader

ITEMS OPENED, CLOSED, AND DISCUSSED

Opened

05000313,368/0311-01	APV	Failure to meet the Alert Notification System design criteria for alerting the public with Tone Alert Radios in apparent violation of 10 CFR 50.54(q).

Closed

05000313,368/0303-01	URI	Adequacy of means to notify populace in EPZ (Section 1EP2)

DOCUMENTS REVIEWED

The following documents were selected and reviewed by the inspector to accomplish the objectives and scope of the inspection and to support any findings:

Section 1EP2
Arkansas Nuclear One Emergency Plan, Revision 28

Federal Emergency Management Agency Alert and Notification System design report, dated February 13, 1996.

FEMA letter, June 17, 2003 from Ms. Lisa Hammonds to Mr. Dwight Chamberlain (ADAMS accession number ML#032120108)

LIST OF ACRONYMS USED

ANS	Alert and Notification System
ANO	Arkansas Nuclear One Facility
CFR	Code of Federal Regulations
CR	Condition Report
EAI	Entergy Arkansas, Inc.
EIB	Emergency Information Booklet
EPZ	10-mile Plume Exposure Emergency Planning Zone
ERP	Emergency Response Plan
FEMA	Federal Emergency Management Agency
NOAA	National Oceanic and Atmospheric Administration
NPRP	Nuclear Planning Response Programs
SDP	Significance Determination Process
TAR	Tone Alert Radio
TBD	To Be Determined

ATTACHMENT 2

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

May 15, 2003

Ms. Lisa Hammonds, Chairman
Radiological Assistance Committee
FEMA Region VI
800 North Loop 288
Federal Regional Center
Denton, TX 76201-3698

SUBJECT: REQUEST FOR DESIGN INTERPRETATION OF ALERT AND NOTIFICATION SYSTEM AT ARKANSAS NUCLEAR ONE

Dear Ms. Hammonds:

This letter is to request an interpretation of the acceptability of actions taken by Arkansas Nuclear One (ANO) to meet their Alert and Notification System (ANS) design requirements.

During an NRC inspection conducted April 28 through May 2, 2003, the inspectors obtained the following information concerning implementation of the tone alert radio (NOAA) program at ANO:

> Prior to September of 1999, the two local electric utilities serving residential and commercial electric customers in the ANO plume exposure pathway emergency planning zone (EPZ) provided new customer hookup reports to the Arkansas Department of Health's Office of Nuclear Planning and Response Programs (NPRP). NPRP would then compare the names and addresses on the new hookup reports to the master NOAA radio distribution list. If a new hookup was not on the list as having already received a NOAA radio, a one page letter was sent to the new address which informed the resident of the availability of an emergency information booklet (EIB) and how to obtain one if desired. The letter requested that the new hookup fill out and return a "special needs" form if they would require assistance in the event an evacuation was ordered. The letter also stated that, "If you are unable to hear a warning siren, you may be eligible for a NOAA Weather Radio receiver."
>
> In September of 1999, during a monthly meeting between NPRP and ANO, a change to the reporting capabilities of one of the local electric utilities, Entergy Arkansas, Inc. (EAI), was discussed. EAI indicated that they would not be able to supply a new hookup report due to a change in their customer service software. NPRP and ANO agreed that receipt of the reports was not required, given the many other methods of distribution and availability of the EIBs at different locations in the EPZ. For new residents in particular, these included availability of EIBs at county courthouses, banks, utility offices, county fairs, and other public locations. A newcomer's guide was distributed to new residents of the Russellville metropolitan area that contained information similar to the letter described above for new hookups from NPRP. Additionally, periodic public service radio

and television announcements and an annual mailing of EIBs to all postal addresses in the EPZ provided information on the availability of NOAA radios.
Since September of 1999, no new hookup information was received from EAI. For new residents in the EAI service area, which is approximately 65 percent of the area of the EPZ, NPRP made no direct contact to inform the new residents of the availability of NOAA radios for their use in the event of an emergency condition at ANO. The other local electric utility, Arkansas Valley Electric Cooperative, was continuing to send the new hookup reports, although not on any established frequency, and neither the Cooperative nor NPRP maintained records of the reports.

Our specific question relates to the acceptability of this practice in meeting the ANS design as defined in the ANO Alert and Notification System Design report, dated February 13, 1996. Section 3.2.2.2, "Tone Alert Radios (NOAA)," states in the fourth paragraph, that "Utilities provide computerized listings of all new contacts. These persons are contacted and offered a free NOAA radio if they are in the affected area." We believe that ANO is not meeting the approved ANS design requirement for the following reasons; (1) new contact lists have not been received from one of the two utilities that service the EPZ since September 1999, (2) new residents are not contacted by the state NPRP office, (3) new residents must obtain and interpret information, that is made publicly available in the EIB, to determine if they are outside siren coverage and may require a tone alert radio, (4) the EIB does not give adequate guidance to assist the resident to determine the need for a radio, and (5) new residents must contact the state office to request a tone alert radio.

If you have any questions or need further clarification concerning this request, please contact Mr. Ryan Lantz, Senior Emergency Preparedness Inspector, of our office at (817) 860-8158. Thank you for your prompt attention to this request.

Sincerely,

//RA//

Dwight D. Chamberlain, Director
Division of Reactor Safety

cc:
Bernard Bevill
Radiation Control Team Leader
Division of Radiation Control and
Emergency Management
Arkansas Department of Health
4815 West Markham Street, Mail Slot 30
Little Rock, Arkansas 72205-3867

ATTACHMENT 3

Federal Emergency Management Agency

Region VI
Federal Regional Center
800 North Loop 288
Denton, TX 76209-3606

June 17, 2003

Mr. Dwight D. Chamberlain
Director, Division of Reactor Safety
Nuclear Regulatory Commission
Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-4005

Dear Mr. Chamberlain:

This letter is in response to your letter dated May 15, 2003, which raised the issue concerning the adequacy of the distribution and tracking of tone alert radios (TARs) for Arkansas Nuclear One (ANO). The REP staffs in FEMA Region VI and FEMA Headquarters have reviewed the matter and are in agreement that the emergency information booklet (EIB) alone does not provide satisfactory administrative control of the TARs.

FEMA-REP-10, Section E.6.2.3 – Tone Alert Radios – states:

> Tone alert radios should be offered to the public in geographical areas (where needed) and a 'best effort' attempt must be made to place the radios. A record system (register) containing an accurate list of addresses (names are optional) must be maintained for those geographical areas using the tone alert radios. The addresses of residents refusing tone alert radios should also be noted.

It appears that the Arkansas Department of Health (ADH), Nuclear Planning and Response Programs (NP&RP) office that is under contract to ANO for emergency preparedness activities, changed their method of control in 1999, and this change was not reviewed or approved by FEMA. The guidance contained in FEMA-REP-10 clearly requires the licensee to be proactive in providing TARs and replacement batteries. The licensee must also maintain and update records of TARs, and provide maintenance and testing procedures. The net effect of this change is a decreased level of assurance that everyone who needs a TAR is aware that they are available. The change leaves the public on its own to discover the availability of the TARs.

The November 2002 paper, "FEMA Review of Significant Changes to A&N Systems," states, "FEMA Rule 44 CFR 350 establishes the policy and procedures for review and approval by FEMA of State and local emergency plans and preparedness for offsite effects of a radiological emergency that may occur at a commercial nuclear power facility." Furthermore, 44 CFR 350.5 requires that the means to provide early notification to the populace within the plume pathway Emergency Planning Zone (EPZ) be established. The paper also states that:

> In accordance with 44 CFR 350.14, a 'significant change' involves any change to State and local plans and preparedness that may affect its adequacy to protect public health and safety and must be processed and reviewed in the same manner as an initial plan submission. As it relates to an A&N system, a 'significant change' includes, a loss of administrative control of special alerting devices that brings into question whether affected population(s) can be notified in a timely manner.

Based on your inspector's report, one key aspect of administrative control, the recording and updating of records of those who have received or refused a TAR, has been lost. Therefore, FEMA is in agreement with the NRC that in 1999, ADH-NP&RP changed procedures that FEMA approved in 1997. Based upon the information provided, FEMA's approval of the present method would not be likely since the administrative control is less than that described in FEMA-REP-10. FEMA regards this as a significant change under 44 CFR 350.14, which requires review and approval by FEMA prior to implementation.

TAR administrative control must be consistent with FEMA-REP-10. The situation could be corrected by a return to the same TAR administrative control by ADH-NP&RP that was accepted by FEMA in 1997. On June 3, 2003, ADH informed FEMA Region VI that they had initiated steps to address this issue and reinstate the administrative controls approved by FEMA in 1997. FEMA Region VI will require ADH to submit documentation verifying that administrative controls as defined in the Design Report have been re-established by August 1, 2003.

Since this issue has surfaced, FEMA Region VI REP staff will audit the administrative control records of indoor alerting systems at all REP communities in this Region to ensure this control is maintained. This audit will take place on a biennial basis during site visits. Additionally, FEMA Region VI will strongly recommend more detailed indoor alerting systems reporting in the Annual Letter of Certification.

If you need further information, please contact me at (940) 898-5199 or the ANO Site Coordinator, Russell Bookser, at (940) 898-5336.

Sincerely,

LRHammond

Lisa R. Hammond
RAC Chair

cc: ADH - Bernard Bevill
FEMA HQ - Vanessa Quinn

ATTACHMENT 4

Federal Emergency Management Agency

Region VI
Federal Regional Center
800 North Loop 288
Denton, TX 76209-3606

June 17, 2003

Mr. Bernard Bevill
Arkansas Department of Health
Radiation Control & Emergency Management
4815 W. Markham St., Slot #30
Little Rock, AR 72205-3867

Dear Mr. Bevill:

As you are aware, FEMA Region VI has been working alert and notification (A&N) issues with the Nuclear Regulatory Commission (NRC), Arkansas Nuclear One (ANO), and your staff at the Arkansas Department of Health (ADH). During this process, we recognized a need for improvement in our procedural method concerning tone alert radios (TARs). Therefore, in addition to ADH, we are providing the following information to Texas and Louisiana.

To review, FEMA-REP-10, Section E.6.2.3 – Tone Alert Radios – states:

> Tone alert radios should be offered to the public in geographical areas (where needed) and a 'best effort' attempt must be made to place the radios. A record system (register) containing an accurate list of addresses (names are optional) must be maintained for those geographical areas using the tone alert radios. The addresses of residents refusing tone alert radios should also be noted.

This guidance requires the licensee to be proactive in providing TARs and replacement batteries. The licensee must also maintain and update records of TARs, and provide maintenance and testing procedures.

The November 2002 paper, "FEMA Review of Significant Changes to A&N Systems," states, "FEMA Rule 44 CFR 350 establishes the policy and procedures for review and approval by FEMA of State and local emergency plans and preparedness for offsite effects of a radiological emergency that may occur at a commercial nuclear power facility." Furthermore, 44 CFR 350.5 requires that the means to provide early notification to the populace within the plume pathway Emergency Planning Zone (EPZ) be established. The paper also states that:

> In accordance with 44 CFR 350.14, a 'significant change' involves any change to State and local plans and preparedness that may affect its adequacy to protect public health and safety and must be processed and reviewed in the same manner as an initial plan submission. As it relates to an A&N system, a 'significant change' includes, a loss of administrative control of special alerting devices that brings into question whether affected population(s) can be notified in a timely manner.

In the future, FEMA Region VI REP staff will audit the administrative control records of indoor alerting systems at all REP communities in this Region to ensure this control is established and maintained. This audit will take place, with notice, on a biennial basis during site visits. Additionally, FEMA Region VI strongly recommends more detailed indoor alerting systems reporting in the Annual Letter of Certification.

If you need further information, please contact me at (940) 898-5199 or the Arkansas Site Specialist, Russell Bookser, at (940) 898-5336.

Sincerely,

LRHammond

Lisa R. Hammond
RAC Chair

cc: ADEM - W. R. "Bud" Harper
NRC - Bill Maier