

## **SAFEGUARDS INFORMATION**

March 2, 2010

EA-2009-271

Mr. Kevin T. Walsh  
Vice President  
Entergy Nuclear Generation Company  
1448 SR 333  
Russellville, AR 72802

**SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A SECURITY RELATED  
GREATER THAN GREEN FINDING FOR ARKANSAS NUCLEAR ONE (NRC  
INSPECTION REPORT 05000313, 368/2009201)**

Dear Mr. Walsh:

This letter provides you the final results of our significance determination of the preliminary Greater than Green finding identified in U.S. Nuclear Regulatory Commission (NRC) inspection report 05000313,368/2009201, dated November 9, 2009. This Greater than Green finding was discussed in detail in Section 3.26 of the subject inspection report.

On December 16, 2009, you submitted your written response to state your views on this issue. In your response your staff described your assessment of the significance of the finding and the corrective actions taken to resolve it.

After considering the information developed during the inspection, the information you provided in the site visit conducted on October 6, 2009, and your written response, the NRC has concluded that the inspection finding is appropriately characterized as a Greater than Green finding, (i.e., a finding having more than very low security significance). Enclosure 1 to this letter provides the final significance determination, while Enclosure 2 provides our evaluation of the information you provided in your written response.

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified Greater than Green finding. Such appeals will be considered to have merit only if they meet the criteria given in the NRC Inspection Manual Chapter (IMC) 0609, Attachment 2.

Plant performance for this issue has been determined to be beyond the licensee response band of the NRC's Security Action Matrix. Therefore, we plan to conduct a supplemental inspection when your staff has notified us of your readiness for this inspection. The inspection is conducted to provide assurance that the root cause and contributing causes of risk significant performance issues are understood, the extent of condition is identified, and the corrective actions are sufficient to prevent recurrence.

<b>Enclosure transmitted herewith contains Safeguards Information. Upon removal, this letter is decontrolled.</b>
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## **SAFEGUARDS INFORMATION**

## **SAFEGUARDS INFORMATION**

- 2 -

Additionally, the NRC reviewed in your written response the recommendation to reassess the cross-cutting aspects associated with the Green Non-Cited Violation (NCV) 05000313,368/2009201-01. The NRC disagrees that the cross-cutting aspect of this violation is associated with P.3.a, self- and independent assessments, and is not reassigning this violation with this cross-cutting aspect. The cross-cutting aspect of human performance decision making and conservative assumptions (H.1.b) attached with the green NCV, 2009201-01, is warranted and correctly identified as described in IMC 0305.

If you contest this violation, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission - Region IV, 612 E Lamar Blvd, Suite 400, Arlington, TX 76011-4125; the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; and the Resident Inspector Office at the Arkansas Nuclear One.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS) accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. However, because of the security related information contained in the enclosure, and in accordance with 10 CFR 2.390, a copy of this letter's enclosure will not be available for public inspection.

Because this issue involves security-related information, your response, should you choose to respond in writing, will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The material enclosed herewith contains Safeguards Information as defined by 10 CFR Part 73.21 (or 10 CFR Part 95 for classified information) and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended.

In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response. This practice will ensure that your response will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system, ADAMS. If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in

**SAFEGUARDS INFORMATION**

**SAFEGUARDS INFORMATION**

- 3 -

10 CFR 73.21. Otherwise, mark your entire response "Security Related Information- Withhold under 10 CFR 2.390" and follow the instructions for withholding in 10 CFR 2.390(b)(1).

Sincerely,

*/RA/*

Patricia K. Holahan, Director  
Division of Security Operations  
Office of Nuclear Security and Incident Response

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

Enclosures: (Contains Safeguards Information (SGI))

1. Final Significance Determination (SGI)
2. NRC Evaluations and Conclusions (SGI)

**SAFEGUARDS INFORMATION**

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- 3 -

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Patricia K. Holahan, Director  
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