

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Entergy Operations, Inc.  
Arkansas Nuclear One, Units 1 & 2

Docket Nos. 50-313 and 50-368  
License Nos. DPR-51 and NPF-6  
EA 90-175

During an NRC inspection on October 1-5, 1990, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1990), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

- A. 10 CFR Section 50.9 requires, in part, that information provided to the Commission by a licensee shall be complete and accurate in all material respects.

NRC Generic Letter 88-14, "Instrument Air Supply System Problems Affecting Safety-Related Equipment", issued on August 8, 1988, requested licensees to perform a design and operations verification of the entire instrument air system, including verification by test that air-operated safety-related components will perform as expected in accordance with all design-basis events, including a loss of the normal instrument air system. In accordance with 10 CFR 50.54(f), a response confirming that the above verification was performed, including identification of any components that cannot accomplish their safety-related function, and stating the corrective actions taken or to be taken, was required to be submitted under oath or affirmation within 180 days of the letter.

Contrary to the above, Arkansas Power & Light Company (AP&L), Arkansas Nuclear One's then licensee of record, provided information to the Commission that was not accurate in all material respects. AP&L stated in its March 7, 1989, response to Generic Letter 88-14 that "Each "Q" component has an associated surveillance test which is conducted on a regular basis to verify the operability of that component," and that "The current surveillances conducted at ANO on "Q" components, we believe, adequately verifies [sic] the operability of air-operated IAS components and simulates a complete loss of instrument air for the component being tested." In fact, AP&L had never tested certain "Q" components, specifically the safety-related reserve air accumulators and associated check valves (IA-43A, IA-43B, IA-44A and IA-44B), to ensure that these components were functional under normal conditions or upon a complete loss of instrument air. Tests performed on September 21, 1990, by the successor licensee, Entergy Operations, Inc. (Entergy) revealed that the safety-related reserve air accumulators would not have performed as expected in the event of a loss of the normal air supply due to air leakage past system check valves, and

thus that the air-operated isolation dampers to the Control Room Emergency Ventilation System (CREVS) may not have been able to perform their intended safety function of isolating the control room in the event of design basis accident. The inaccurate information was material because had the NRC known of the air-operated isolation damper problem, the issue would have been reviewed for further regulatory action.

- B. 10 CFR Part 50, Appendix B, Criterion XVI requires, in part, that measures be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies and deviations are promptly identified and corrected.

NRC Generic Letter 88-14, "Instrument Air Supply System Problems Affecting Safety-Related Equipment", issued on August 8, 1988, requested licensees to perform a design and operations verification of the entire instrument air system, including verification by test that air-operated safety-related components will perform as expected in accordance with all design-basis events, including a loss of the normal instrument air system. In accordance with 10 CFR 50.54(f), a response confirming that the above verification was performed, including identification of any components that cannot accomplish their safety-related function, and stating the corrective actions taken or to be taken, was required to be submitted under oath or affirmation within 180 days of the letter.

Contrary to the above, as of March 7, 1989, when AP&L responded to Generic Letter 88-14, and continuing until September 21, 1990, both AP&L and Entergy Operations had failed to identify or to correct a significant condition adverse to quality concerning the air-operated components of the CREVS. Specifically, safety-related reserve air accumulators might not have performed as expected in the event of a loss of the normal air supply because of air leakage past system check valves. AP&L failed to identify this significant condition adverse to quality in preparing its response to GL 88-14, which requested that the licensee perform a design and operations verification of the instrument air system. As a consequence, the CREVS air-operated dampers may not have been able to isolate the control room in the event of certain design basis accidents.

These two violations are classified in the aggregate as a Severity Level III problem (Supplement I).

Civil Penalty - \$50,000 (assessed equally between the two violations).

Pursuant to the provisions of 10 CFR 2.201, Entergy Operations, Inc. (Licensee) is hereby required to submit a written statement of explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or

denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other actions as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1990), should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

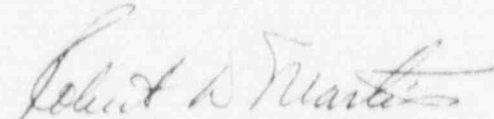
The response noted above (Reply to Notice of Violation, letter with payment of civil and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document

Notice of Violation

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Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011, and a copy to the NRC Resident Inspector at Arkansas Nuclear One.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert D. Martin  
Regional Administrator

Dated at Arlington, Texas  
this 17th day of December 1990