



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

January 12, 2000

EA 98-562

C. Randy Hutchinson, Vice President
Operations
Arkansas Nuclear One
Entergy Operations, Inc.
1448 S.R. 333
Russellville, Arkansas 72801-0967

SUBJECT: NON-CITED VIOLATION IN NRC INSPECTION REPORT 50-313/98-21; 50-368/98-21

Dear Mr. Hutchinson:

This refers to the Non-Cited Violation of 10 CFR Part 50, Appendix R, that was documented in the subject NRC inspection report, dated May 24, 1999, regarding activities at your Arkansas Nuclear One, Units 1 and 2, reactor facilities. This Non-Cited Violation involved the failure to have an acceptable alternative shutdown capability for a fire in the Unit 1 control room and cable spreading room. Such a fire could potentially cause fire-induced circuit failures and result in all eight high pressure injection system valves spuriously closing and suffering mechanical damage, rendering them incapable of being reopened. This could prevent the operation of safe shutdown equipment to provide reactor coolant makeup and maintain reactor coolant inventory.

In a July 23, 1999, letter from Mr. Jimmy D. Vandergrift, Director, Nuclear Safety, Entergy Operations, Inc., your organization denied that a violation of 10 CFR Part 50, Appendix R, occurred, and requested that the Non-Cited Violation be withdrawn. Specifically, it was denied that Arkansas Nuclear One must assume that eight high pressure injection valves all suffer simultaneous multiple fire-induced circuit failures and damage during a control room or cable spreading room fire. However, this letter stated that compensatory measures, in the form of an hourly fire watch in the Arkansas Nuclear One, Unit 1 control room and cable spreading room, would be maintained until this issue is resolved.

In multiple correspondence, the Nuclear Energy Institute (NEI) has asserted that the NRC staff's interpretation of the regulatory requirements is, at a minimum, inconsistent with many licensees' understanding and different from past NRC staff interpretations. In a letter to NEI dated March 11, 1997, the Director of the Office of Nuclear Reactor Regulation reiterated the staff's position that the potential for fire-induced circuit failures to impair the ability of a plant to achieve and maintain safe shutdown was within the scope of the existing fire protection regulations. The March 11 letter focused on NEI's questions regarding Information Notice 92-18, "Potential for Loss of Remote Shutdown Capability During a Control Room Fire." The information in the enclosure to the March 11 letter explained the NRC staff's positions germane to the larger issue of fire-induced circuit failures.

The NRC staff and the industry are currently working to resolve questions raised by the industry about the adequacy of the existing staff guidance concerning fire-induced circuit failures and the consistency of staff interpretations of both the guidance and the underlying regulatory

requirements. Enforcement Guidance Memorandum 98-02, Revision 1, dated July 21, 1999, states, "To allow the industry time to develop positions that the NRC can endorse, the NRC will temporarily defer formal enforcement actions pertaining to nonconformances in this area for those licensees that dispute that the issues constitute violations of regulatory requirements."

Thus, pending resolution of this matter and based on the guidance provided in EGM 98-002, Revision 1, the subject Non-Cited Violation (50-313/9821-01) is hereby withdrawn and replaced as an apparent violation (50-313/9821-04). The NRC's Inspection Manual Chapter 0610 defines an apparent violation as "a potential noncompliance with a regulatory requirement that has not yet been formally cited as a violation in a Notice of Violation or order."

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC Public Document Room (PDR).

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

Sincerely,

/s/

Arthur T. Howell III, Director
Division of Reactor Safety

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

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*Previously concurred.

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