



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BLVD
ARLINGTON, TEXAS 76011-4511

March 11, 2013

EA-12-275

Jeremy Browning, Site Vice President
Arkansas Nuclear One
Entergy Operations, Inc.
1448 SR 333
Russellville, AR 72802-0967

**SUBJECT: ARKANSAS NUCLEAR ONE – NRC EMERGENCY PREPAREDNESS
INSPECTION REPORT NO(S). 05000313/2013503; 05000368/2013503, AND
NRC INVESTIGATION REPORT NO. 4-2012-024**

Dear Mr. Browning:

This letter and its Enclosure 1 constitute the subject inspection report and refer to the investigation conducted April 4 through December 19, 2012, regarding the Arkansas Nuclear One facility. The purpose of the investigation was to determine if a senior emergency planner employed at Arkansas Nuclear One falsified documents related to the miscellaneous drills and surveillances required by the facility emergency plan.

This investigation examined activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions in your license. Within these areas, the investigation consisted of a selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this investigation, one apparent violation was identified and is being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. On January 12, 2012, the Arkansas Nuclear One Emergency Preparedness Manager notified the NRC resident inspector and regional emergency preparedness inspectors that a senior emergency planner had apparently falsified documents related to emergency preparedness drills conducted in December 2011. Specifically, the senior emergency planner falsely submitted documents that showed a post-accident sampling system drill and an environmental monitoring drill were conducted in 2011. Further investigation by Arkansas Nuclear One determined that these two drills were also falsified in December 2010 and several other required surveillances were also falsified by the senior emergency planner. The NRC investigation substantiated the above falsifications as described in the enclosed Factual Summary. These drills are required to be performed annually

by the site emergency plan and maintained for inspection by the NRC. The NRC requires records of licensee activities to be complete and accurate in all material respects in order for the NRC to be able to perform its regulatory function. This information is material to the NRC because it provides assurance that the licensee has performed periodic drills to develop and maintain key emergency response organization skills and has adequately maintained facilities to support an emergency response. The circumstances surrounding these apparent violations, the significance of the issues, and the need for lasting and effective corrective action were discussed with members of your staff at the inspection exit meeting on February 21, 2013.

In addition, since you identified the violation and based on our understanding of your corrective action, a civil penalty may not be warranted in accordance with Section 2.3.4 of the Enforcement Policy. The final decision will be based on your confirming on the license docket that the corrective actions previously described to the staff have been or are being taken.

Before the NRC makes its enforcement decision, we are providing you an opportunity to (1) respond to the apparent violation addressed in this inspection report within 30 days of the date of this letter, (2) request a predecisional enforcement conference (PEC), or (3) request Alternative Dispute Resolution (ADR). If a PEC is held, it will be open for public observation and the NRC will issue a press release to announce the time and date of the conference. If you decide to participate in a PEC or pursue ADR, please contact Mark Haire, Branch Chief, Plant Support Branch 1, at 817-200-1527 within 10 days of the date of this letter. A PEC should be held within 30 days and an ADR session within 45 days of the date of this letter.

If you choose to provide a written response, it should be clearly marked as a "Response to An Apparent Violation in Inspection Report Nos. 05000313/2013503 and 05000368/2013503; EA-12-275" and should include for each apparent violation: (1) the reason for the apparent violation or, if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on the apparent violation and any other information that you believe the NRC should take into consideration before making an enforcement decision. The topics discussed during the conference may include the following: information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned to be taken. In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violation.

In lieu of a PEC, you may also request Alternative Dispute Resolution (ADR) with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for

resolving conflicts using a third party neutral. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral (the "mediator") works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC's program can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. Please contact ICR at 877-733-9415 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through ADR.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, if you choose to provide one, 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>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

If you have any questions concerning this matter, please contact Mark Haire of my staff at 817-200-1527.

Sincerely,

/RA/

Thomas B. Blount, Acting Director
Division of Reactor Safety

Docket Nos. 05000313; 05000368
License Nos. DPR-51; NPF-6

Enclosures:

1. Factual Summary for Office of Investigations Report 4-2012-024
2. NUREG/BR-0317, Revision 1

ADAMS ACCESSION NUMBER: **ML13070A478**

ADAMS: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		<input checked="" type="checkbox"/> SUNSI Review Complete	Reviewer Initials: MSH
		<input checked="" type="checkbox"/> Publicly Available	<input checked="" type="checkbox"/> Non-Sensitive
Category A.		<input type="checkbox"/> Non-publicly Available	<input type="checkbox"/> Sensitive
KEYWORD: SUNSI Review Complete			
PSB1:EPI	PSB1:SEPI	C/PSB1	C:DRP/E
GGuerra	PEIkman	MHaire	DAllen
<i>/RA/</i>	<i>/RA/</i>	<i>/RA/</i>	<i>/RA/</i>
1/29/13	2/21/13	2/27/13	2/27/13
C/ACES	ORA:RC		DRS/D
HGepford	KFuller		TBlount
<i>/RA/</i>	<i>/RA/</i>		<i>/RA/</i>
3/6/13	3/7/13		3/11/13

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LICENSEE FACTUAL SUMMARY
OFFICE OF INVESTIGATIONS REPORT 4-2012-024

In April 2012, the United States Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) initiated an investigation to determine if a senior emergency planner at Entergy Operations Incorporated, Arkansas Nuclear One (ANO), willfully falsified documents related to miscellaneous drills and surveillances. The investigation was completed on December 14, 2012.

The NRC OI investigation reported that on January 9, 2012, the licensee researched the exercise drill documentation as a result of recordkeeping discrepancies identified in late December 2011. The licensee spoke with the senior emergency planner, who admitted that he had falsified the paperwork. The licensee initiated a condition report (CR) ANO-C-2012-00098 to document the incident and retain the services of Balch & Bingham, LLP, Birmingham, Alabama, to conduct an investigation. The Balch & Bingham investigation also identified that the senior emergency planner falsified surveillance documents.

During the NRC OI investigation, the senior emergency planner at ANO admitted to generating false documentation over a period of four years. The false documentation does not meet the requirement under 10 CFR 50.9(a), Completeness and Accuracy of Information. This regulation states, in part, that information required by the Commission's regulations, orders, or license conditions to be maintained by the licensee shall be complete and accurate in all material respects. The false documentation included 2 miscellaneous drills involving the Post Accident Sampling (PAS) system, as recorded on December 14, 2010 and December 7, 2011, and 2 drills involving environmental monitoring, as recorded on December 14, 2010, and December 6, 2011. The drills were required by the licensee's procedure number 1903.004, "Admin and Maintenance of the Emergency Plan and Implementing Procedures," which fulfills the requirement under 10 CFR 50.47(b)(14). In addition, it was determined that the senior emergency planner at ANO falsely documented 3 surveillances required by EP-010, "Emergency Response Facility Walkthrough Surveillance, Technical Support Center (TSC)" on May 12, June 4, and September 30, 2008. The TSC surveillance required checking the operation of the NRC management counterpart link (MCL) telephone line in the TSC. The false documentation indicated that the NRC MCL line was operable. The investigation determined that the NRC MCL line in the TSC was inoperable from February 2008 through November 2008. This surveillances was also required by the emergency plan, to meet the regulatory requirement under 10 CFR 50.47(b)(8).

The senior emergency planner admitted that he was knowledgeable of the regulations and requirements to conduct drills and surveillances. He admitted that he generated false documentation as a result of his lack of time management, and that the falsification of documents was the most effortless action to take.

The licensee took immediate corrective actions, which included requiring additional documentation to support a drill package, with management's review and signature. In addition, the licensee took remedial action against the employee commensurate with the circumstances that demonstrated the seriousness of the violation, thereby creating a deterrent effect with the licensee's organization.