

January 8, 2007

Mr. David Lochbaum
Union of Concerned Scientists
1707 H Street, NW, Suite 600
Washington, DC 20006

Dear Mr. Lochbaum:

I am responding to your letter of December 7, 2006, which raised a concern related to a potential violation of Title 10 of the Code of Federal Regulations, Part 50.9 (10 CFR 50.9) on the part of AmerGen, the licensee for Three Mile Island (TMI), Unit 1. The concern involved a report made by AmerGen, pursuant to 10 CFR 50.72, regarding the trip of the TMI reactor on November 2, 2006.

We have reviewed the information you provided and have reached the following conclusions:

- The initial four-hour report on the trip was substantially correct and accurate. The only information in question was the characterization of the main steam safety valves as "stuck open," rather than open as a result of steam pressure being above the valves' reseal pressure. This was discussed in detail in my letter to you of November 29, 2006.
- The 10 CFR 50.72 four-hour report is an oral notification provided by the licensee's operating staff to the NRC Headquarters Operations Operator. As stated in the NRC Enforcement Policy, "The Commission recognizes that oral information may in some situations be inherently less reliable than written submittals because of the absence of an opportunity for reflection and management review."
- The NRC resident inspectors were on-site and responded to the control room at the time of the trip. The resident inspectors were aware of the actual plant conditions throughout the transient. In addition, the resident inspectors accurately communicated information relative to plant status to NRC management as part of the normal event followup process.
- AmerGen control room operators were in control of the plant and operated it within the confines of approved procedures.
- AmerGen corrected the mis-characterization of the main steam safety valve condition promptly when the matter was brought to their attention by making a followup 10 CFR 50.72 report to the NRC, clarifying the condition of the main steam safety valves.
- Since the resident inspectors' first-hand knowledge of plant conditions provides a major source of information to NRC management during event followup, as described above, the NRC decision-making process did not rely solely on information provided by AmerGen in the initial four-hour report, nor in the subsequent update to that report.

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Also, the licensee clarified the information in a timely manner. As a result, the mis-characterized information contained in the initial four hour report was not material to the NRC decision-making process in this case, would not be considered to be significant, and would not be subject to enforcement action under 10 CFR 50.9.

I trust that this letter has been responsive to your concern. If you have any further questions or concerns in this matter, please contact Ronald Bellamy at 610-337-5200.

Sincerely,

/RA/

David C. Lew, Director
Division of Reactor Projects
Region I

Docket No. 50-289
License No. DPR-50

cc:

Chief Operating Officer, AmerGen
Site Vice President - TMI Unit 1, AmerGen
Plant Manager - TMI, Unit 1, AmerGen
Regulatory Assurance Manager - TMI, Unit 1, AmerGen
Senior Vice President - Nuclear Services, AmerGen
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J. Fewell, Esq., Assistant General Counsel, Exelon Nuclear
Correspondence Control Desk - AmerGen
Chairman, Board of County Commissioners of Dauphin County
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R. Janati, Director, Bureau of Radiation Protection, State of PA
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