



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I**

2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

April 30, 2013

EA-13-046

Mr. Michael J. Pacilio
Senior Vice President, Exelon Generation Company, LLC
President and Chief Nuclear Officer, Exelon Nuclear
4300 Winfield Rd.
Warrenville, IL 60555

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING WITH ASSESSMENT FOLLOW-UP AND NOTICE OF VIOLATION [NRC INSPECTION REPORT NO. 05000289/2013009] – THREE MILE ISLAND NUCLEAR STATION, UNIT 1

Dear Mr. Pacilio:

This letter provides you the final significance determination for the preliminary White finding discussed in the U.S. Nuclear Regulatory Commission (NRC) letter dated April 4, 2013, and the follow-up NRC assessment of current performance at Three Mile Island Nuclear Station (TMI), Unit 1. This updated assessment of TMI Unit 1 supplements, but does not supersede, the NRC annual assessment letter issued on March 4, 2013 (ML13057A300)¹. The finding, described in detail in Inspection Report 05000289/2012005, is associated with the TMI external flood barrier system. Specifically, electrical cable couplings located in the Air Intake Tunnel were not flood sealed, as designed, to protect against a flooding initiating event.

In our April 4, 2013, letter, the NRC provided you the opportunity to attend a regulatory conference or reply in writing to provide your position on the facts and assumptions the NRC used to arrive at the finding and its safety significance. In a conversation with Mr. Gordon Hunegs, NRC, Region I, on April 8, 2013, Mr. Mark Newcomer, TMI Plant Manager, indicated that Exelon did not contest the characterization of the risk significance of this finding and that you declined your opportunity to discuss this issue in a regulatory conference or to provide a written response.

After considering the information developed during the inspection and having assessed the finding using the significance determination process, as described in the attachment to the NRC April 4, 2013, letter, the NRC has concluded that the finding is appropriately characterized as White, a finding of low to moderate safety significance. The NRC has also determined that the finding is a violation of 10 CFR 50, Appendix B, Criterion XVI, as cited in the attached Notice of Violation (Notice). The circumstances surrounding the violation were described in detail in Inspection Report 05000289/2012005. In accordance with the NRC Enforcement Policy, the Notice is considered escalated enforcement action because it is associated with a White finding.

¹ Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS.

The NRC has concluded that the information regarding: (1) the circumstances surrounding the violation; (2) the interim and long term corrective actions already taken and planned; and, (3) the date when full compliance was achieved, is already adequately addressed on the docket in NRC Inspection Report 05000289/2012005. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position.

As a result of NRC review of the performance at TMI Unit 1, including this White finding, we have assessed TMI Unit 1 to be in the Regulatory Response column of the NRC's Action Matrix, retroactive to the fourth calendar quarter of 2012. Therefore, we plan to conduct a supplemental inspection using Inspection Procedure 95001, "Inspection for One or Two White Inputs in a Strategic Performance Area," when your staff notifies us of their readiness for this inspection. This inspection is conducted to provide assurance that the root cause and contributing causes of any performance issues are identified and understood, the extent of condition is identified, and the corrective actions are sufficient to prevent recurrence.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room located at NRC Headquarters in Rockville, MD, and from the NRC's Agency-wide 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.

Sincerely,

/RA/

William M. Dean
Regional Administrator

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

Enclosure:
Notice of Violation

cc w/encl: Distribution via ListServ

The NRC has concluded that the information regarding: (1) the circumstances surrounding the violation; (2) the interim and long term corrective actions already taken and planned and, (3) the date when full compliance was achieved, is already adequately addressed on the docket in NRC Inspection Report 05000289/2012005. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position.

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Sincerely,

/RA/

William M. Dean
Regional Administrator

Docket No. 50-289
License No. DPR-50
Enclosure:
Notice of Violation
cc w/encl: Distribution via ListServ

DOC NAME: S:\Enf-allg\Enforcement\Proposed-Actions\Region1\TMI Flood Barrier Corrective Act Final White NOV EA-13-046.docx
ADAMS Document Accession No: ML13120A040

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DATE	4/10/13	4/15/13	4/16/13	4/16/13	4/17/13	4/18/13
OFFICE	OE	NRR	RA			
NAME	N Coleman via email	M Halter via email	W Dean/			
DATE	4/23/13	4/23/13	4/30/13			

*See previous concurrence OFFICIAL RECORD COPY

M. Pacilio

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Region I OE Files (with concurrences)

ENCLOSURE
NOTICE OF VIOLATION

Exelon Generation Company, LLC
Three Mile Island Unit 1

Docket No. 50-289
License No. DPR-50
EA-2013-046

During an NRC inspection conducted between August 1, 2012 and December 31, 2012, for which an exit meeting was held on January 25, 2013, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the Code of Federal Regulations (CFR), Part 50, Appendix B, Criterion XVI, "Corrective Action," requires, in part, that measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected.

Contrary to the above, between August 2010 and August 2012, the Exelon Generation Company, LLC (Exelon) did not identify, during external flood barrier walkdowns, that electrical cable conduit couplings in the Three Mile Island Nuclear Station, Unit 1 Air Intake Tunnel (AIT) were not sealed, as designed, to maintain the integrity of the external flood barrier system. Specifically, Exelon staff, during visual inspections of the couplings and conduits in the AIT, did not identify that flood sealant material had not been installed, as designed.

This violation is associated with a White SDP finding.

The NRC has concluded that the information regarding: (1) the circumstances surrounding the violation; (2) the interim and long term corrective actions already taken and planned; and, (3) the date when full compliance was achieved, is already adequately addressed on the docket in NRC Inspection Report 05000289/2012005. However, if the description therein does not accurately reflect your corrective actions or your position you are required to submit a written statement or explanation pursuant to 10 CFR 2.201. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation – EA-13-046," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406, within 30 days of the date of the letter transmitting this Notice.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agency-wide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, Exelon may be required to post this Notice within two working days of receipt.

Dated this 30th day of April 2013.