

October 11, 1995

EA NO. 95-217

Mr. James Knubel  
Vice President and Director, TMI  
GPU Nuclear Corporation  
Three Mile Island Nuclear Station  
P. O. Box 480  
Middletown, PA 17057-0191

SUBJECT: NRC INSPECTION NO. 50-289/95-15

Dear Mr. Knubel:

This letter refers to the reactive security inspection conducted by Mr. E. B. King of this office on September 20-21, 1995, at the Three Mile Island Nuclear Station. The inspection was in response to two events identified and reported by your staff involving breaches of the protected area boundary. Compensatory measures were not in place when the boundaries were breached for planned maintenance activities. Other actual or potential pathways into the protected area subsequently were identified and appropriate corrective actions taken. At the conclusion of the inspection, the findings were discussed with you and those members of your staff identified in the enclosed report.

Areas examined in this inspection are important to public health and safety, and are described in the NRC Region I Inspection Report which is enclosed with this letter. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector.

Based on the results of this inspection, one apparent violation was identified involving multiple examples of failure to provide compensatory measures prior to causing breaches in the protected area barrier. The events described above appear to have violated NRC requirements as specified in your NRC-approved Physical Security Plan. The apparent violation is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), (60 FR 34381; June 30, 1995). Accordingly, no Notice of Violation is presently being issued for these inspection findings. In addition, please be advised that the number and characterization of the apparent violation described in the enclosed inspection report may change as a result of further NRC review.

A predecisional enforcement conference has been scheduled for October 25, 1995, to discuss this apparent violation. The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violation sooner, corrective actions, significance of the issues and the need for lasting and

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effective corrective action. In particular, please be prepared to discuss the apparent communication weaknesses that contributed to the events.

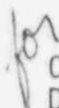
In addition, this is an opportunity for you to point out any errors in our inspection report and for you to provide any information concerning your perspectives on 1) the severity of the apparent violation, 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII. You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding the apparent violation is required at this time.

Portions of the enclosed report contain security program details exempt from public disclosure in accordance with 10 CFR 73.21 (Safeguards Information). Those portions will not be placed in the NRC Public Document Room and will receive limited distribution. This letter and the rest of the report will be placed in the Public Document Room in accordance with 10 CFR 2.790(a).

Sincerely,

**Original Signed By:**

**James H. Joyner**



C. W. Hehl, Director  
Division of Nuclear Materials Safety

Docket No. 50-289

License No. DPR-50

Enclosures:

1. NRC Region I Inspection Report No. 50-289/95-15 (Contains Safeguards Information (SGI) in Sections 2.0 and 3.1)
2. Copy of Enforcement Policy (60 FR 34387; June 30, 1995)

cc w/encls (w/o SGI):

M. J. Ross, Director Operations and Maintenance

J. C. Fornicola, Director, Licensing and Regulatory Affairs

J. S. Wetmore, Manager, TMI Licensing Department

E. L. Blake, Shaw, Pittman, Potts and Trowbridge (Legal Counsel for GPUN)

TMI-Alert (TMIA)

Commonwealth of Pennsylvania

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