

March 1, 1996

EA No: 96-57

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

SUBJECT: NRC INSPECTION NO. 50-289/96-03

Dear Mr. Knubel:

This refers to the reactive inspection conducted on February 6-23, 1996, at the Three Mile Island Nuclear Station, Unit I. The purpose of the inspection was to review the circumstances related to a breach in the protected area barrier that was identified by a site protection officer on February 6, 1996. At the conclusion of the inspection, the findings were discussed with those members of your staff identified in the enclosed report.

Areas examined during the inspection are also identified in the report. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspectors.

Based on the results of this inspection, one apparent violation was identified and 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). The apparent violation involved the failure to provide adequate compensatory measures during maintenance activities in the protected area, which enhanced the potential for an unauthorized individual to gain access from the owner-controlled area into the protected area. Due to this event being similar to other security events that occurred in September 1995 and for which you were cited with a violation, the NRC is concerned about the implementation and effectiveness of the corrective actions to prevent recurrence of that type of violation that were provided in your "Response to Notice of Violation", dated December 20, 1995. Additionally, NRC staff interviews during the inspection period, as discussed with you, during the inspection exit meeting on February 23, 1996, revealed that there is a lack of alertness to security requirements by workers in the Operations, Maintenance, Planning, and Security departments. Your root cause analysis for the recent event also identified this as a factor that contributed to the apparent violation. This raises further questions about the effectiveness of your corrective actions for the previous events.

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It may not be necessary to conduct a predecisional enforcement conference in order to enable the NRC to make an enforcement decision. However, a Notice of Violation is not presently being issued for these inspection findings. Before the NRC makes its enforcement decision, we are providing you an opportunity to either (1) respond to the apparent violation addressed in this inspection report within 30 days of the date of this letter, or (2) request a predecisional enforcement conference.

Your response should be clearly marked as a "Response to An Apparent Violation in Inspection Report No. 50-289\96-03 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 should be submitted under oath or affirmation and may reference or include previous 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 not to provide a response and would prefer participating in a predecisional enforcement conference, please contact Mr. Peter Eselgroth of this office at (610) 337-5234 within 7 days of the date of this letter.

In addition, please be advised that the number and characterization of apparent violations for the event 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.

Portions of the inspection report enclosed herewith contains Safeguards Information as defined by 10CFR Part 73.21 and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended. Therefore, these portions will not be placed in the Public Document Room.

The response to the apparent violation described in the enclosed inspection report are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96.511.

Sincerely,

ORIGINAL SIGNED BY:

James T. Wiggins, Director  
Division of Reactor Safety

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

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Enclosures:

1. NRC Region I Inspection Report No. 50-289/96-03 (Contains Safeguards Information (SGI) in Section 3.0 and 4.1)
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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