

June 27, 1997

EA No. 97-127

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

SUBJECT: THREE MILE ISLAND REMEDIAL, EMERGENCY PREPAREDNESS EXERCISE
INSPECTION NO. 50-289/97-04 and NOTICE OF VIOLATION

Dear Mr. Langenbach:

This letter refers to the remedial emergency preparedness (EP) exercise inspection led by Mr. J. Laughlin, at Three Mile Island Nuclear Generating Station, Middletown, Pennsylvania, during the period of May 12-15, 1997. The inspection evaluated the performance of your emergency response organization (ERO) during the May 13, 1997, Three Mile Island remedial exercise; an exercise undertaken due to the weak performance of the ERO during the March 5, 1997 full-participation exercise. The inspection also assessed the corrective actions taken by your staff to correct the four exercise weaknesses identified in March. The NRC inspectors discussed the findings of this inspection with you and your staff on May 15, 1997. The findings were also presented to you and your staff on May 28, 1997, during a formal exit meeting, open for public observation.

Overall, the performance of your ERO during the remedial exercise was good and showed much improvement over the March 5 exercise. The weakness (inadequate dose assessment activities) and unresolved item (PAR methodology not conforming to Federal guidance) noted by the NRC during the April, 1995 exercise are closed. Remediation of the four weaknesses displayed during the March exercise was adequately demonstrated during this exercise, satisfying our concern from a performance standpoint. However, two of those weaknesses (i.e., the failure to recognize a General Emergency condition, and the failure to assess the need for a protective action recommendation (PAR) outside 10 miles) are apparent violations which remain open, pending consideration of escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) NUREG-1600. In keeping with our stated enforcement policy, action may be appropriate where exercises reveal: 1) training, procedural, or repetitive failures for which corrective actions have not been taken; 2) an overall concern regarding the licensee's ability to implement its plan in a manner that adequately protects public health and safety; or 3) poor self critiques of the licensee's exercises.



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The circumstances surrounding these apparent violations, the significance of the issues, and the need for lasting and effective corrective action were discussed with you and your staff at the exit meeting and the April 30 management meeting; as well as during the inspection conducted during the remedial exercise. As a result, 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 violations addressed in inspection report 97-02 within 30 days of the date of this letter or 2) request a predecisional enforcement conference within 7 days of the date of this letter. Please contact Michael Modes at (610) 337-5198 within 7 days of the date of this letter to notify the NRC of your intended response.

Although EP program improvements were observed, three additional issues were identified during the inspection of your corrective actions taken for the exercise weaknesses, not directly a consequence of your remedial exercise, which we determined were not in compliance with NRC requirements. First, there is no documentation of the continuous on-line assessment or quick calculation computer codes used for dose projection calculations, nor are there written procedures to aid dose assessors in performing those calculations. This condition has existed since the April, 1995 biennial exercise when the NRC brought to your attention an exercise weakness in the area of inadequate dose assessment. Secondly, you assigned individuals to your ERO duty roster whose qualifications had lapsed. Lastly, although the EP program audits identified the ERO qualification issue and other deficiencies, the audit process was inadequate to correct those deficiencies. These violations are a concern since they represent a failure to adequately resolve identified problems over a prolonged period of time. They are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report.

In summary, the four exercise weaknesses, two of which are apparent violations, and the three violations in the enclosed Notice, represent a significant degradation in your EP, and potentially in your quality assurance audit program. We generally agree with your senior management evaluation of the root causes for the poor exercise performance, that recent management oversight and involvement in EP was not sufficient, and that management expectations for support of the EP program must be clearly defined, communicated, and continuously reinforced. We will closely monitor your progress on these issues in future inspections of your EP program.

Please note that you are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Mr. James W. Langenbach

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response will be placed in the NRC Public Document Room (PDR).

Sincerely,

James T. Wiggins, Director
Division of Reactor Safety

Docket No. 50-289

Enclosures:

1. Inspection Report No. 50-289/97-04
2. TMI-1 Emergency Preparedness Root Cause Update and Progress Report
3. Response to: Confirmatory Action Letter 1-97-011

cc w/encl:

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Commonwealth of Pennsylvania
J. C. Fornicola, Director, Licensing and Regulatory Affairs
M. J. Ross, Director, Operations and Maintenance
TMI-Alert (TMIA)
J. S. Wetmore, Manager, TMI Regulatory Affairs

Mr. James W. Langenbach

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