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5211-84-2087
April 2, 1984

Mr. R. C. DeYoung
Director, Office of Inspector and Enforcement
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. DeYoung:

Three Mile Island Nuclear Station, Unit I (TMI-1)
Operating License No. DPR-50
Docket No. 50-289
Response to Notice of Violation and Proposed Civil Penalty,
Regarding Inspections 83-25 and 83-26 and Enforcement Conference 83-33 Revision

Attached is a revised page two to our March 30, 1984 response to the above Notice of Violation and Proposed Civil Penalty. The revised page corrects three clerical errors. The changes are indicated by margin bars on the attached revised page.

We regret any inconvenience that these errors may have caused.

Sincerely,

H. D. Hukill,
Director, TMI-1

HDH:CWS:mle
Attachment

cc: Dr. Thomas E. Murley
R. Conte

IE-14
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We have reviewed the Notice of Violation against the revised enforcement action policy statement. The revised statement explicity allows aggregation of violations for the assignment of a severity level as has been done in this instance. However, in providing the flexibility to aggregate certain violations, the Commission had in mind focusing attention on an "underlying problem or programmatic deficiencies when appropriate." 49 Fed. Reg. 8584 (1984). We do not believe that test is met here and thus question whether aggregation in this instance is appropriate. In fact, we agree with the statement in Mr. Starostecki's December 23, 1983 letter that "these problems are considered to be isolated cases and not indicative of a programmatic problem". Further, review of the items in the Notice of Violation, taken individually or even collectively, do not rise to the severity of problems enumerated as illustrative of Category III severity items in the revised statement -- viewed either as operational matters (Supplement I) or as health physics concerns (Supplement IV). Thus, we question the appropriateness of categorizing our violation as Category III at all. Finally, viewed even as a Category III violation, we note that the Commission has changed its policy with regard to this category from "usually imposing" fines to simply "considering" fines. Surely, when compared with the illustrative examples within the range of Category III severity, the items noted in our proposed violation notice cannot be viewed as severe.

The second development since the civil penalty was proposed is your's and Dr. Murley's visit to TMI-1 on March 5, 1984. During the visit you met individually with management, supervisory personnel, and first level employees. We can understand that prior to this visit you may have believed that it was necessary to invoke a civil penalty to promote proper attention and reaction within the TMI-1 organization as a whole. Based on our prompt and comprehensive corrective actions, which from the enforcement conference and your inspection at the site we understand you accept, and based on the positive attitudes which you observed during your visit, we believe that a civil penalty is unnecessary to further NRC's enforcement objectives.

Other positive indications of this organization's approach are:

1. Unannounced Off-Shift Tours by Management.

2. On-Shift QA Monitors.

3. Site Managers meetings periodically where problems such as these violations and other significant matters are discussed for general understanding and multidisciplinary feedback.

4. The Establishment of the Nuclear Safety and Compliance Committee.

5. Frequent discussions between management and the operators.