

July 29, 2005

EA-05-100

Mr. Christopher M. Crane
President and CEO
AmerGen Energy Company, LLC
200 Exelon Way, KSA 3-E
Kennett Square, PA 19348

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING
(NRC Emergency Preparedness Program Inspection Report 05000289/2005006)
Three Mile Island Station, Unit 1

Dear Mr. Crane:

This letter provides the final results of our significance determination for the preliminary White finding identified at Three Mile Island, Unit 1, during an emergency preparedness program inspection completed on May 19, 2005. The results of the inspection were discussed with Mr. G. Chick, Plant Manager, and other members of your staff during an exit meeting on May 19, 2005. The inspection finding was assessed using the significance determination process and was preliminarily characterized as White, a finding with low to moderate importance to safety that may require additional NRC inspections. The basis for this preliminary White finding was explained in our letter dated June 30, 2005, which transmitted the subject inspection report.

This preliminary White finding involved approximately 50 percent of the Emergency Response Organization (ERO), including key responders, not receiving the required annual radiological response classroom retraining necessary to maintain familiarity with their specific emergency response duties. Although these individuals had received such training in March 2003, they were not provided the retraining until November 2004. The TMI Annex Emergency Plan defined annual as every 12 months \pm 3 months, and therefore, the annual retraining of these individuals should have been completed by June 2004. As a consequence of these individuals not completing the annual retraining until November 2004, the individuals would not have been considered qualified to respond to a radiological emergency for an approximate five-month period (June - November 2004). This resulted in some key ERO positions not being filled by qualified ERO members in accordance with AmerGen's Three Mile Island Emergency Plan requirements.

In our letter dated June 30, 2005, the NRC provided you an opportunity to either request a Regulatory Conference to discuss this finding, or to explain your position in a written response. In a telephone call between Mr. C. Smith and Mr. R. Lorson of my staff on July 8, 2005, as well as in a letter on that date from Mr. R. G. West, Vice President, Three Mile Island Unit 1, the NRC was informed that AmerGen did not contest the preliminary White finding, declined a Regulatory Conference, and would not be providing a written response.

Mr. C. M. Crane

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After considering the information developed during the inspection, the NRC has concluded that the inspection finding is appropriately characterized as White, an issue with low to moderate increased importance to safety that may require additional inspections.

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified White finding. Such appeals will be considered to have merit only if they meet the criteria given in NRC Inspection Manual Chapter 0609, Attachment 2.

The NRC has also determined that this finding is a violation of 10 CFR 50.47(b)(15). The circumstances surrounding the violation are described in detail in the enclosed Notice of Violation (Notice) as well as the subject inspection report. In accordance with the NRC Enforcement Policy, this Notice is considered escalated enforcement action because it is associated with a White finding. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response.

Because plant performance for this issue has been determined to be in the regulatory response band, we will use the NRC Action Matrix to determine the most appropriate NRC response for this issue. We will notify you by separate correspondence of that determination.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Samuel J. Collins
Regional Administrator

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

Enclosure: Notice of Violation

cc w/Attachment: (VIA E-MAIL)

Chief Operating Officer, AmerGen

Site Vice President - TMI Unit 1, AmerGen

Plant Manager - TMI, Unit 1, AmerGen

Regulatory Assurance Manager - TMI, Unit 1, AmerGen

Senior Vice President - Nuclear Services, AmerGen

Vice President - Mid-Atlantic Operations, AmerGen

Vice President - Operations Support, AmerGen

Vice President - Licensing and Regulatory Affairs, AmerGen

Director Licensing - AmerGen

Manager Licensing - TMI, AmerGen

Vice President - General Counsel and Secretary, AmerGen

T. O'Neill, Associate General Counsel, Exelon Generation Company

J. Fewell, Esq., Assistant General Counsel, Exelon Nuclear

Correspondence Control Desk - AmerGen

Chairman, Board of County Commissioners of Dauphin County

Chairman, Board of Supervisors of Londonderry Township

R. Janati, Chief, Division of Nuclear Safety, State of PA

J. Johnsrud, National Energy Committee

E. Epstein, TMI-Alert (TMIA)

D. Allard, PADER

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SISP Review Complete: RKL 7/21/05 (Reviewer's Initials)

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DATE	7/18/05	7/27/05	7/20/05	7/21/05	7/19/05
OFFICE	RI/ORA	RA	HQ/OE	HQ/NRR	
NAME	KFarrar	SCollins RJU for	MJohnson RJU for	PBonnett RJU for	
DATE	7/19/05	7/28/05	7/26/05 *	7/15/05 **	

Enclosure

NOTICE OF VIOLATION

Amergen Energy Company
Three Mile Island Unit 1

Docket No. 50-289
License No. DPR-50
EA 05-100

During an NRC inspection completed on May 19, 2005, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.54(q) specifies that a licensee authorized to possess and operate a nuclear power reactor shall follow and maintain in effect emergency plans which meet the standards in 10 CFR 50.47(b).

10 CFR 50.47(b)(15), states that radiological emergency response training is provided to those who may be called on to assist in an emergency.

10 CFR 50, Appendix E, Section F.a.1, states, in part, that the licensee will provide training of employees, as well as exercising by periodic drills of radiation emergency plans, to ensure that employees of the licensee are familiar with the specific emergency response duties.

TMI Annex Emergency Plan, Section 2.3, states in part, that retraining is performed on an annual basis which is defined as every 12 months \pm 3 months.

Contrary to the above, as of November 2004, approximately 50% of the Emergency Response Organization had not received the annual required radiological response classroom retraining since March 2003, a period of approximately 20 months which was in excess of the required 12 months \pm 3 months. As a result, from June 2004 until November 2004, these individuals would not have been considered qualified to respond to a radiological emergency and fill their assigned Emergency Response Organization positions.

This violation is associated with a WHITE significance determination process finding.

Pursuant to the provisions of 10 CFR 2.201, Amergen Energy Company, LLC, is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN.: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; EA-05-100" and should include for the violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (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 may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible at NRC's 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. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

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

Dated this 29th day of July 2005