



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 23, 2020

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

NOTIFICATION OF SIGNIFICANT LICENSING ACTION

LICENSEE: Metropolitan Edison Company
Jersey Central Power and Light Company
Pennsylvania Electric Company
GPU Nuclear, Inc.

Three Mile Island Nuclear Station, Unit No. 2
License No. DPR-73
Docket No. 50-320

SUBJECT: PROPOSED ISSUANCE OF ORDER APPROVING TRANSFER OF LICENSE
AND DRAFT CONFORMING ADMINISTRATIVE LICENSE AMENDMENT FOR
WHICH A HEARING HAS BEEN REQUESTED (EPID L-2019-LLA-0257)

This is to inform the Commission that an order approving the transfer of a license and a draft conforming administrative license amendment will be issued on or about December 2, 2020, to Metropolitan Edison Company, Jersey Central Power and Light Company, Pennsylvania Electric Company, GPU Nuclear, Inc. (collectively, the FirstEnergy Companies), and TMI-2 Solutions, LLC (TMI-2 Solutions) (together with the FirstEnergy Companies, the applicants). This action is being taken in response to their application dated November 12, 2019, as supplemented by letters dated

December 12, 2019, March 18, 2020, and June 12, 2020, and e-mail dated September 2, 2020 (Agencywide Documents Access and Management System Accession Nos. ML19325C600, ML20013E535, ML20079D788, ML20198M413, and ML20275A326, respectively), requesting U.S. Nuclear Regulatory Commission (NRC, the Commission) consent to the direct transfer from the FirstEnergy Companies to TMI-2 Solutions of NRC Possession Only License No. DPR-73 for Three Mile Island Nuclear Station, Unit No. 2 (TMI-2). The applicants requested that the NRC consent to the direct transfer in order to implement the accelerated decommissioning of TMI-2 (i.e., with completion by 2037 instead of in 2053).

An operating license was issued for TMI-2 on February 8, 1978, with commercial operation declared on December 30, 1978. On March 28, 1979, the unit experienced an accident which resulted in severe damage to the reactor core. Following the accident, approximately 99 percent of the fuel and damaged core material was removed from the TMI-2 reactor vessel and associated systems and shipped to the U.S. Department of Energy (DOE) Idaho National Laboratory. Title to and possession of this fuel and damaged core material is now under the responsibility of the DOE.

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TMI-2 is currently maintained in accordance with the NRC-approved SAFSTOR condition known as post-defueling monitored storage. TMI-2 is collocated with Three Mile Island Nuclear Station, Unit 1 (TMI-1), which is owned by Exelon Generation Company, LLC and which permanently ceased power operations and had all fuel permanently removed from its reactor vessel as of September 26, 2019.

On March 26, 2020, the NRC published in the *Federal Register* (FR) an opportunity to request a hearing and to comment on the license transfer application (85 FR 17102). In response, on April 15, 2020, the Pennsylvania Department of Environmental Protection (PADEP) and Eric Epstein and Three Mile Island Alert separately filed hearing requests. On August 10, 2020, PADEP withdrew its hearing request, stating that it had executed a settlement agreement with the applicants addressing its concerns for purposes of the license transfer application. The hearing request from Eric Epstein and Three Mile Island Alert remains pending before the Commission. The hearing, if granted, will not be completed prior to the approval of the license transfer application. The order approving the application will include a condition that the approval of the license transfer is subject to the Commission's authority to rescind, modify, or condition the approved transfer based on the outcome of any post-effectiveness hearing on the license transfer application. See *Susquehanna Nuclear, LLC* (Susquehanna Steam Electric Station, Units 1 and 2), CLI-17-4, 85 NRC 59, 61 n.5 (2017); *Power Auth. Of the State of N.Y.* (James A. FitzPatrick Nuclear Power Plant), CLI-01-14, 53 NRC 488, 502, 554-55 (2001) (citing *Long Island Lighting Co.* (Shoreham Nuclear Power Station, Unit 1), CLI-92-4, 35 NRC 69, 80 n.7 (1992)).

The NRC also received four comment submissions on the license transfer application (available at www.regulations.gov under docket NRC-2020-0082). Comments from PADEP sought to develop a record for the NRC's use in its evaluation of adequate financial resources to satisfactorily decommission TMI-2. The second commenter requested careful review of the application by the NRC with possible congressional oversight and consultation with the Pennsylvania Public Utility Commission. This commenter also expressed concerns about the adequacy of the funds to complete decommissioning and the efficiency of decommissioning TMI-2 while TMI-1 is planned to be decommissioned many years later. The third commenter expressed support for PADEP's concerns and for congressional hearings, while the fourth commenter did not discuss anything related to the application. The NRC staff considered the issues raised in the hearing requests pending before the Commission and these comments as part of its evaluation of the application.

In accordance with the Commission's regulations, the Commonwealth of Pennsylvania's State Liaison Officer (SLO) was notified of the proposed license transfer and issuance of the conforming amendment on October 8, 2020. The SLO indicated that the Commonwealth completed a detailed analysis of the license transfer application and has no legal objections to granting the application for transfer, but is still concerned about the adequacy of financial resources to complete the radiological decommissioning of TMI-2.

NOTE: Information to be added after the order is issued.

Date order issued: MM/DD/YY

Date received by licensee: MM/DD/YY

Date Eric Epstein and Three Mile Island Alert were notified: MM/DD/YY

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DATED: NOVEMBER 23, 2020

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ADAMS Accession No.: ML20279A366

***Concur via e-mail/E-concurrence**

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|---------------|-------------------|-------------------|--------------|------------|
| OFFICE | NMSS/DUWP/RDB/PM* | NMSS/DUWP/RDB/BC* | NMSS/DUWP/D* | OGC* |
| NAME | TSmith | BWatson | PHolahan | JWachutka |
| DATE | 9/30/2020 | 10/5/2020 | 11/5/2020 | 10/23/2020 |
| OFFICE | NMSS/TechEd* | NMSS/D* | EDO* | |
| NAME | WMoore | JLubinski | MDoane | |
| DATE | 10/27/2020 | 11/10/2020 | 11/ 23 /2020 | |

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