

## **Incident Chronology at TMI from NRC: 1979-2021**

**March 28, 1979, 4:00 a.m.** - Beginning of the Three Mile Island (TMI) Unit-2 loss-of-coolant, core melt accident. The plant came within 30 minutes of a full meltdown. The reactor vessel was destroyed, and large amounts of unmonitored radiation was released directly into the community.

**March 28, 1979, 4:30 p.m.** - Press conference of Lt. Governor William Scranton:

This is an update on the incident at Three-Mile Island Nuclear Power Plant today. This situation is more complex than the company first led us to believe. We are taking more tests. And at this point, we believe there is still no danger to public health. Metropolitan Edison has given you and us conflicting information. We just concluded a meeting with company officials and hope this briefing will clear up most of your questions. There has been a release of radioactivity into the environment. The magnitude of this release is still being determined, but there is no evidence yet that it has resulted in the presence of dangerous levels. The company has informed us that from about 11 a.m. until about 1:30 p.m., Three-Mile Island discharged into the air, steam that contained detectable amounts of radiation.

**March 30, 1979** - Governor Richard Thornburgh recommended an evacuation for preschool children and pregnant women living within five miles of the plant. Out of a target population of 5,000, over 140,000 Central Pennsylvanians fled the area. Schools in the area closed...

The U.S. House of Representatives committee examining reporting information during the accident concluded:

The record indicates that in reporting to State and federal officials on March 28, 1979, TMI managers did not communicate information in their possession that they understood to be related to the severity of the situation. The lack of such information prevented State and federal officials from accurately assessing the condition of the plant. In addition, the record indicates that TMI managers presented State and federal officials misleading statements (i.e. statements that were inaccurate and incomplete) that conveyed the impression the accident was substantially less severe and the situation more under control than what the managers themselves believed and what was in fact the case.

**May 22, 1979** - Former control room operator Harold W. Hartman, Jr. tells Nuclear Regulatory Commission (NRC) investigators that Metropolitan Edison- General Public Utilities (GPU) had been falsifying primary-coolant, leak rate data for months prior to the accident. At least two members of management were aware of the practice. NRC investigators do not follow-up or report the allegations to the Commission (See [February 29, 1984](#), for first-ever criminal conviction of a nuclear utility for violating the Atomic Energy Act.)

**June 22, 1979** - Governor Richard Thornburgh wrote to the NRC, expressing his "deeply felt responsibility for both the physical and psychological well being of the citizens of Pennsylvania." Thornburgh stated his "strong opposition to any plans to reactivate Unit -1 until a number of very serious issues are resolved."

**July 2, 1979** - The NRC ordered the indefinite shutdown of TMI-1 until assurances are in place that the plant can be operated safely.

**August 9, 1979** - The Nuclear Regulatory Commission set up Atomic Safety & licensing Board (ASLB) to hold hearings to determine whether there is reasonable assurance Three Mile Island Unit-1 can be operated without endangering the health and safety of the public. Most of the

issues pertained to General Public Utilities (GPU) managerial, financial and technical resources. The NRC Commissioners committed themselves to directly review any appeal of the ASLB's restart decision, thus, bypassing the normal, time-consuming route through the Appeal Board. However, the Commission later reversed itself on August 20, 1983.

**October 25, 1979** - The NRC issued a Notice of Violation (NOV) for the accident to Met Ed and recommended the maximum fine, \$155,000, permitted under law.

**October 30, 1979** - The Kemeny Commission, appointed by President Jimmy Carter, found human error, institutional weaknesses and mechanical failures caused the TMI accident.

**December 15, 1979** - Met Ed denied all NRC charges but agreed to pay the NRC fine.

## 1980

The Susquehanna Valley Alliance, based in Lancaster, successfully prevented GPU/Met Ed from dumping 700,000 gallons of radioactive water into the Susquehanna River.

**March 25, 1980** - Met-GPU, blaming Babcock & Wilcox (the plant's designer) for the TMI accident, sue B&W for \$500 million. (See [January 24, 1983](#), [February, 1983](#) and [May 19, 1983](#), for more information.)

GPU also filed an unsuccessful \$4 billion law suit against the NRC. GPU alleged that the NRC's negligence contributed to the TMI accident.

**June-July, 1980** - For 11 days, Met Ed illegally vented 43,000 curies of radioactive Krypton-85 (10-year half-life; beta and gamma) and other radioactive gasses into the environment without having scrubbers in place. (See [November 1980](#), for court ruling.)

**July 23, 1980** - First human entry into TMI-2 containment building since March 28, 1979. (See [July 21, 1982](#) and [July 24, 1984](#), for related developments.)

**September, 1980** - Met Ed renames itself GPU Nuclear.

**October 15, 1980** - The NRC restart hearings begin. Design and hardware issues were litigated by the Union of Concerned Scientists (UCS); emergency planning was litigated by ANGRY, Newberry Township Steering Committee and Norman and Marjorie Aamodt; financial capability was litigated by TMI-Alert; and, management issues were litigated by TMI Alert and the Aamodts.

PANE appealed the NRC's decision not to adjudicate "psychological stress." This issue eventually worked its way up to the U.S. Supreme Court. The Commonwealth of Pennsylvania also appeared in the hearings. (See [January 7, 1982](#) and [April 19, 1983](#), for follow-up decisions.)

**November, 1980** - The United States Court of Appeals for the District of Columbia ruled that the krypton venting ([June-July, 1980](#)) was illegal.

## 1981

**February, 1981** - A \$20 million fund is set up to pay over 15,000 claims for affected area residents and business within the 25-mile radius of TMI. (See 1989 for more information.)

Another \$5 million was set up to establish the TMI Public Health Fund. However, several years after the establishment of the TMI Public Health Fund (1986), TMI-Alert and area political representatives unsuccessfully petitioned the federal court to remove the Fund's administrators due to nepotism and poor communication with the community.

**March, 1981** - The NRC Commissioners dismissed the financial qualification issue without the case ever being litigated. The D.C. Circuit Court decides TMIA's appeal is premature.

**July, 1981** - One billion defueling plan proposed by Governor Thornburgh.

**July 9, 1981** - Main restart hearings end.

**August 20, 1981** - The NRC reversed its promise to area residents not to allow restart until all internal NRC appeals are complete.

**October 2, 1981** - The ASLB reopened the restart hearings based on allegations of operators cheating on operator license exams.

**November 1981 to January 1982** - GPU discovers it has damaged over 29,000 steam generator tubes at TMI-1. (See [December 7, 1983](#); [July 16](#) and [October 31, 1984](#); and, [January 11, 1999](#), for background information and additional developments.)

## 1982

**January 7, 1982** - The D.C. Circuit Court decided psychological (psych) stress does not need to be covered during the restart hearings. However, the Court ruled, that under the National Environmental Policy Act (NEPA), psych stress must be addressed. The Court ordered an injunction on restart until a study on psych stress was conducted. ([October 15, 1980](#) and [April 19, 1983](#), for background developments.)

**March, 1982** - The American Journal of Public Health reported: "During the first two quarters of 1978, the neonatal mortality rate within a ten-mile radius of Three Mile Island was 8.6 and 7.6 per 1,000 live births, respectively. During the first quarter of 1979, following the startup of accident prone Unit 2, the rate jumped to 17.2; it increased to 19.3 in the quarter following the accident at TMI and returned to 7.8 and 9.3, respectively, in the last two quarters of 1979." Dr. Gordon MacLeod, Secretary, Pennsylvania Department of Health.

**May 18, 1982** - Voters in Cumberland, Dauphin and Lebanon counties vote by a 2-1 margin in a non-binding referendum to oppose the restart of Unit-1. (See [May 18, 1983](#), for related development.)

**July 21, 1982** - The first look at the TMI-2 core is recorded by a mini-TV camera. (See [July 23, 1980](#) and [July 24, 1984](#), for related developments.)

**August 12, 1982** - William Pennsylv, a cleanup worker, was fired for insisting he be allowed to wear a respirator while undressing men who entered highly radioactive areas. Pennsylv filed a complaint with the U.S. Department of Labor. (See, [April 11, 1984](#), for follow-up information).

**November 1, 1982** - The Babcock & Wilcox (B&W) trial begins. (See [March 25, 1980](#); [January 24](#), [February 1983](#), and [May 19, 1983](#), for additional information.)

**November 9, 1982** - NRC Commissioners hold a public meeting in Harrisburg. Over 1,200 area residents attend. The commission announced a restart decision would be made by December 1982, even though appeals on the NRC's Partial Initial Decisions (PID) had not been heard.

**December 10, 1982** - No decision from the NRC on restart of TMI-1...

## **1983**

**January 24, 1983** - B&W and GPU settle out-of-court. ([March 25, 1980](#); [November 1, 1982](#); and, [February 1983](#) and [May 19, 1983](#), for background material.)

**February, 1983** - A majority of the Commissioners opposed Commissioner Victor Gilinsky's request to have the NRC Office of General Counsel review the GPU-B&W trial record. (See [March 25, 1980](#); [January 24](#), [February](#) and [May 19, 1983](#), for more information on this case.)

**March 22, March 27, and April 2, 1983** - Three senior level plant employees, Richard Parks, Larry King, and Edwin Gischel, charge GPU and Bechtel with harassment, intimidation and circumvention cleanup safety procedure.

**April 18, 1983** - The NRC staff begins to back away from its support of GPU.

**April 19, 1983** - The United States Supreme Court reversed the D.C. Circuit Court's opinion on psych stress and ruled an environmental study is not necessary.

**April 26, 1983** - The NRC staff explains that the basis for the need to "revalidate" GPU's management was the "open issue of the Hartman allegations concerning the falsification of leak rate data," which could "possibly affect the staff's position on management integrity."

**May 5, 1983** - GPU reveals for the first time to the NRC that management audits concluded by BETA and RHR, completed in February and March, 1983, were critical of plant operations and management.

**May 18, 1983** - Twelve area residents were arrested at TMI for blocking the plant entrance on the anniversary of the TMI referendum. (See [May 18, 1982](#), for background material.)

**May 19, 1983** - William J. Dircks, NRC Executive Director for Operations announces the staff's withdrawal of support for GPU's management based on five "open" issues: 1) Hartman allegations; 2) B&W trial transcript (See [March 25, 1980](#)); 3) Cleanup worker allegations; 4) BETA and RHR reports; and, 5) GPU's failure to promptly report BETA and RHR's conclusions to the NRC.

**June 2, 1983** - Governor Thornburgh urged the NRC not to make a final decision on restart until the State's appeal of all issues are concluded. Eight days later GPU writes to the Governor and proposes to reorganize some personnel, and promises not to let those individuals who cheated on exams operate Unit 1. Thornburgh drops the Commonwealth's appeal on the "cheating" issue, and suggested GPU's proposal is a "good start" towards satisfying his concerns.

**July 22, 1983** - GPU is fined \$140,000 for submitting material false statements to the NRC in connection with the license certification of then TMI-2 Supervisor of operations who cheated on his license requalification exam IN 1979. (See [June 15, 1984](#).)

**October 17, 1983** - Prehearing conference on steam generator tubes. (See [December 7, 1983](#).)

**September 22, 1983** - Dauphin County Commissioners pass a resolution to establish air emissions standards for TMI. The county also established a task force to write the ordinance. This is the first time a county takes legally binding action to control the hazards caused by nuclear power operations.

**November 7, 1983** - The Department of Justice indicts Met Ed for falsifying leak rate data and destroying documents before the accident, in violation of their license, NRC regulations, and the federal criminal code.

**December 5, 1983** - The NRC staff recommends TMI-1 restart at 25% power, although they can not endorse GPU's management. (See [April 26, 1983](#) and [July 26, 1984](#), for more information.)

**December 7, 1983** - The Commission's Office of General Counsel reports that the steam generator tube repairs are a "significant hazard consideration" and a vote to the contrary would violate the Atomic Energy Act. (For related developments see [November 1981 - January 1982](#); [July 22, 1983](#); [July 16, 1984](#); and, [January 11, 1999](#))

## **1984**

**January 11, 1984** - By a 3-2 vote, and with only a day of public notice, the NRC decided to separate integrity issues from restart.

**February 29, 1984** - A plea bargain between the Department of Justice and Met Ed settled the Unit 2 leak rate falsification case. Met Ed plead guilty to one count, and no contest to six counts of an 11 count indictment.

The Company also agreed to pay a \$45,000 fine, and establish a \$1 million dollar interest-bearing account to be used by the Pennsylvania Emergency Management Agency. The Settlement stipulated that the fines, emergency preparedness fund, and legal cost of the prosecution, would not be paid by GPU/Met Ed rate share holders. (See [May 22, 1979](#), for initial complaint.)

**April 11, 1984** - William Pennsylv settled out-of-court two days before an administrative law judge was scheduled to hear his case. (See [August 12, 1982](#), for background information).

**May 24, 1984** - The NRC's Atomic and Safety Licensing Board orders new hearings on management competence and integrity.

**June 4, 1984** - In response to a freedom of Information request by the Philadelphia Inquirer, the NRC released transcripts of closed door Commission meetings from 1981- 1983. The Commission's strong commitment to restart is only tempered by legal and political considerations. Additionally, the Commission clearly lacked an in depth understanding of the legal and technical issues, and holds the public views in disdain.

**June 15, 1984** - James Floyd, former TMI-2 Supervisor of operations, is indicted by a federal grand jury for cheating on 1979 licensing exams, and for causing two material false statements to be submitted to the NRC in connection with his license certification. (See [November 6, 1984](#) and [January 2, 1985](#), for related developments.)

**July 16, 1984** - TMIA is the only group to intervene in the steam tube case. The Board refuses to allow evidence relating to the recently discovered steam generator tube problem. (See [November](#)

[1981 through January 1982](#); [December 7, 1983](#); [July 16](#) and [November 6, 1984](#); and, [January 11, 1999](#), for related developments.)

**July 24-27, 1984** - During the 159-ton reactor head lift, which was delayed due to polar crane failure, GPU vented radioactive gases into the environment despite pledges by the Company and NRC that no radioactive releases would occur. This is the time there has been direct access to Unit-2's damaged fuel. GPU was fined \$40,000 by the NRC for this violation.

**July 26, 1984** - The NRC endorsed GPU's management, but concludes that as of 1981 "the licensee had not yet met the standard of reasonable assurance of no undue risk to public health and safety." (See [December 15, 1979](#) and [April 26, 1983](#), for background information.)

**August 13, 1984** - TMIA, joined by political officials and New Jersey safe-energy organizations, petitioned the NRC to revoke GPU's license based on the fact that the Company lacks the ability to safely operate TMI. (See NRC ruling on [January 15, 1985](#)).

**August 15, 1984** - Governor Thornburgh addresses the NRC and urged them not to vote on restart until ASLB hearings are held on certain "management integrity" issues, and until funding is in place for the cleanup.

**September 25, 1984** - The NRC staff denies UCS petition to require repairs to the emergency feedwater system before Unit 1 is allowed to operate. (See [December 20, 1984](#), for Commission decision.)

**October 31, 1984** - The AS&LB approves the Unit 1 steam generator tube repairs.

**November 6, 1984** - Research conducted by the Department of Energy (DOE) on reactor damage during the accident, indicates temperatures may have reached in excess of 4,800 degrees. (See [February 9, 1990](#), for follow-up research.)

**November 8, 1984** - The NRC notifies Congress that the Justice Department has begun a federal grand jury investigation of the NRC staff.

**November 14, 1984** - ASLB hearings recommence on the first of four remanded issues: the Diekamp Mailgram.

**November 16, 1984** - Former TMI Supervisor James Floyd is convicted in federal court of cheating on NRC operator exams in 1979. (See [June 15, 1984](#).)

**December 10, 1984** - TMIA filed a motion to reopen the steam tube case based on new data, including the revelation of recently discovered cracks in unrepaired areas.

**December, 1984** - Former NRC Investigator David Gamble testified at NRC hearings that the NRC's investigation as to whether Met Ed-GPU officials withheld information during the accident was deliberately incomplete and inaccurate. Gamble added the NRC's conclusion exonerating the Company was not supported by facts.

**December 13, 1984** - The Commission denies a motion by the Aamodts regarding radioactive releases during the accident.

**December 19, 1984** - Hearings begin on second remanded issues: training since 1981 cheating scandal.



**December 20, 1984** - The Commission denied UCS's petition to delay restart until modifications are made on the accuracy of emergency feedwater flow indications. (See [September 25, 1984](#), for background information.)

## **1985**

TMI's owners and builders paid more than \$14 million for out-of-court settlements of personal injury lawsuits. The largest settlement was for a child born with Down's Syndrome.

**January 2, 1985** - Ivan Smith, ASLB Chairman, sends a letter to district court asking leniency for James Floyd. The letter prompts protests from elected officials and local citizens. (See [June 15](#) and [November 6, 1984](#), for background data.)

**January 11, 1985** - The Commonwealth calls for the removal of Ivan Smith, Chair of the ASLB, for showing pervasive bias in favor of GPU. Similar motions were filed by TMI Alert and UCS. Later the NRC staff supported motions for Smith's removal. (See [January 2, 1985](#).)

**January 15, 1985** - The NRC staff denied TMIA's 2.206 petition asking for GPU's license to be revoked based on deficient character. (See [August 13, 1984](#), for background information.)

**March 24, 1985** - Claims of \$110 million for reduced property values and lost business revenues have yet to be paid by GPU's insurers.

**May 29, 1985** - The NRC Commissioners vote by 4-1 to restart TMI-1. TMIA, UCS and the Aamodts appeal the NRC's decision.

At TMI, 79 local residents were arrested at the North Gate.

**July 12, 1985** - Two workers who participated in the initial phase of the cleanup and contracted cancer, joined 2,500 area residents suing GPU.

**August 1985** - Marc Sheaffer, a psychologist at the Uniformed Services University of the Health Sciences in Bethesda, released a study linking TMI-related stress with immunity impairments. (See [August, 1987](#) and [April, 1988](#), for related studies.)

**August 9, 1985** - GPU's permit to ship low-level radioactive waste (LLRW) to Hanford, Washington was temporarily suspended due to mislabeling of three barrels of radioactive waste. (See [August 14, 1985](#); [December 1987](#); [May 6, 1992](#); and, [April 9, 1993](#), for related rad waste problems.)

**August 12, 1985** - GPU and Bechtel were fined \$64,000 for cleanup worker allegations first reported on [March 22, 1983](#).

**August 14, 1985** - Three-thousand gallons of LLRW water leaked into the containment building. (See [August 9, 1985](#); [December 1987](#); [May 6, 1992](#); and [April 9, 1993](#), for related rad waste problems.)

**October 3-4, 1985** - TMI-1 restarts...17 area residents are arrested at the North Gate.

**October 1985** - Removal of damaged fuel from TMI-2 begins.

## **1986**

TMI-2 defueling work force peaks at 2,000...

**February 1986** - One celled organisms believed to be fungus, bacteria and algae like creatures were discovered. These creatures obscured the view of the reactor core, and impeded the cleanup.

**March, 1986** - See [June 15, 1987](#), for positive drug testing results that began during this month. (Also, please refer to [August 18, 1996](#), for a related incident.)

**July, 1986** - First shipment of damaged fuel debris was shipped to Idaho.

**December 16, 1986** - A cleanup worker was contaminated and injured when lead shielding fell on him. The worker was treated in an emergency room at a local hospital.

## 1987

**Spring 1987** - Three Mile Island Alert (TMIA) was recognized by the Pennsylvania House of Representatives for ten years of community service. (See [Spring 1997](#), for related public service acknowledgments.)

**March 29, 1987** - A contractor employee was arrested and charged with criminal mischief for releasing halogen gas on the ground floor of the Unit-2 control building. The employee wanted to leave work early. Total damage from the incident was approximately \$50,000.

**May, 1987** - A non-licensed plant employee was found sleeping in the Unit-2 radioactive waste control room. (See [December 1, 1987](#); [July 19](#) and [August 3, 1988](#); [October 11, 1989](#); and [July 31, 1990](#), for related sleeping events.)

**June, 1987** - The NRC endorsed GPU's plan to evaporate 2.3 million gallons of accident-generated, radioactive water, including tritium, cesium and strontium, directly into the atmosphere.

**June 15, 1987** - Ten employees working at TMI-1 & TMI-2 tested positive for drugs; eight individuals were suspended for 30 days without pay and one resigned.

Since March 1986, sixteen employees have tested positive for drugs. (See [August 31, 1988](#), for a related incident.)

**August, 1987** - James Rooney and Sandy Prince of Embury of Penn State University reported that chronically elevated levels of psychological stress have existed among Middletown residents since the accident. (See [August, 1985](#) and [April, 1988](#), for related studies.)

**December, 1987** - Shipment of certain LLRW to Barnwell, South Carolina was barred. The failure of a 12,000 pound liner containing "solidified sludge" to properly harden was cited as the reason for the prohibition. (See [August 9](#) and [14, 1985](#); [May 6, 1992](#); and [April 9, 1993](#), for related problems.)

**December 1, 1987** - GPU announced the firing of a TMI-2 shift supervisor for sleeping on the job. Although the employee had a record of sleeping on the job dating back to the early 1980s, GPU did not issue a warning until October 1986.



Edwin Stier, former Director of the New Jersey Division of Criminal Justice, reported that 21 witnesses saw the shift supervisor asleep on the job. (See [May 1987](#); [July 19](#) and [August 3, 1988](#); [October 11, 1989](#); and, [July 31, 1990](#), for other sleeping incidents.)

## 1988

**February 9, 1988** - Due to a partially "split hose" in the sludge processing system, "a spill of liquid radioactive waste" resulted "...with accompanying high dose rates."

**April, 1988** - Andrew Baum, professor of medical psychology at the Uniformed Services University of the Health Sciences in Bethesda discussed the results of his research on TMI residents in Psychology Today. "When we compared groups of people living near Three Mile Island with a similar group elsewhere, we found that the Three Mile Island group reported more physical complaints, such as headaches and back pain, as well as more anxiety and depression. We also uncovered long-term changes in levels of hormones...These hormones affect various bodily functions, including muscle tension, cardiovascular activity, overall metabolic rate and immune-system function..." (See [August, 1985](#) and [August, 1987](#), for related studies.)

**May 23, 1988** - A clean up worker "fell part-way into an opening above the Unit 2 reactor vessel" and "received low radiation exposure to the skin below the knees." During the incident the "worker's legs were immersed in shielding water above the reactor vessel up to his knees."

**June 2, 1988** - A minor was exposed to radiation "...in excess of the limits..." due to the falsification of his date of birth." Different radiation standards are applied to juveniles and adults. The minor was "removed" from TMI.

**July, 1988** - GPU settles a class action suit challenging high utility rates for \$1.25 million.

**July 19, 1988** - The operator of the Reactor Building polar crane was found sleeping at his station.

The same day a worker was found asleep in the Unit-2 Contamination Control Crucible. (See [May 1987](#) and [December 1, 1987](#); [July 19](#) and [August 3, 1988](#); [October 11, 1989](#); and, [July 31, 1990](#), for more on workers asleep on the job.)

**July 26, 1988** - "A rail car carrying a loaded shipping cask and its unmanned yard engine drifted for approximately 60 yards on the site tracks. The engine and the rail car came to a final rest as a result of an increase in the natural grade of the rails." (See [November 30, 1988](#), for a related development.)

**August 3, 1988** - A worker was found sleeping in the Unit-2 auxiliary building. (See [May 1987](#) and [December 1, 1987](#); [July 19, 1988](#); [October 11, 1989](#); and [July 31, 1990](#), for other sleeping events.)

**August 31, 1988** - A Unit-2 operator was fired after an 11 day investigation, including a medical probe, "showed the licensed operator, who was not identified, had been drinking and taking drugs either before or after he reported to work or while he was at work." (See [June 15, 1987](#), for related drug problems.)

**November 30, 1988** - Three railway casks containing core debris destined for the Idaho National Engineering Laboratory were prevented from being shipped for a month. The delay was due to faulty change out O-rings in the shipping casks. (See [July 26, 1988](#), for a related incident.)

## 1989

After ten years of defueling activities, 5,000 TMI workers have received "measurable doses" of radiation exposure.

GPU collected \$560 million in insurance as a result of the TMI accident. The Company's insurers have paid over \$55 million in health, economic and evacuation claims since March 1979.

**September 21, 1989** - At the TMI Advisory Panel Meeting, Dr. Michael Masnik of the NRC informed the Panel that "the NRC Office of Investigations report on the subject of management involvement in the inattentiveness issue at TMI-2 has been referred to the Justice Department and is under evaluation at this time." Dr. Masnik also acknowledged that the NRC believes there is "...wrongdoing on the part of the licensee." ....Two days later...

**September 23, 1989** - A TMI-2 operator was found reading "unauthorized material", i.e. a "girly" magazine. (See [September 21, 1989](#), for the precursor event, and [September 1991](#) and [April 21, 2001](#), for related incidents.)

**September 25, 1989** - Two cleanup workers received radiation exposures while handling a "small piece of reactor core debris..." in the decontamination area. "Officials said preliminary calculations show one worker may have a radiation exposure on the hands above 75 rem. The second worker may have an exposure greater than 18.75 rem. The federal occupational limit for exposure to extremities is 18.75 per calendar quarter."

On [January 13, 1990](#) - GPU was fined \$50,000 for a violation of "requirements protecting workers."

**October 11, 1989** - A polar crane operator was found "reclining on the walkway with his feet draped over the handrail, eyes closed and head nodding." (See [May 1987](#) and [December 1, 1987](#); [July 19](#) and [August 3, 1988](#); and, [July 31, 1990](#), for other sleeping problems at TMI-2.)

**November 1, 1989** - One of two workers involved in a radiation exposure "incident" may have received 220 rems to the hands, i.e., "extremities." The other worker in the incident is projected to have received 35 rems of exposure. The incident began when the workers picked up an object they thought was a "nut" or "bolt", but was in fact a piece of highly radioactive fuel. The workers were then advised to throw the "object into the reactor vessel." Since the fuel was "discarded", GPU had to use models to predict dose calculations and exposure rates.

GPU was also in violation for failing to report this incident in a timely fashion. Additionally, the workers have reported contradictory statements about the event. (See [September 25](#) and [November 28, 1989](#), for recent worker exposures.)

**November 28, 1989** - Another exposure incident occurred at TMI-2 when a worker, who was wearing protective clothing, took the object [a 40-foot poll] and began wiping it with a towel...the worker was holding a radiation monitor and noticed after a few seconds that the object was highly radioactive..." GPU termed this incident an "unplanned exposure" [below one rem] and not an overexposure. (See [September 25](#) and [November 1, 1989](#), for recent worker exposures.)

GPU ordered a temporary shutdown of the cleanup, and the NRC "suggested" defueling may be halted.

## 1990

**January 13, 1990** - GPU was fined \$50,000 for excessive radiation exposure to a worker. (See [September 25](#) and [November 1](#) and [28, 1989](#), for background information.)

**February 9, 1990** - "An apparent crack has been discovered in a sample of metal that has been taken from the bottom of the reactor vessel at Three Mile Island Unit 2. The crack appears to extend deeper into the bottom head of the vessel than was believed last summer when apparent cracks were detected on the surface of the five-inch-thick bottom head." (See [November 6, 1984](#), for initial research findings.)

**July 31, 1990** - The NRC announced "that an allegation that a shift supervisor on duty at Three Mile Unit 2 control room, during defueling operations in 1987, had sometimes slept on shift or had been otherwise inattentive to his duties, was true.

"Although some key members of the site management staff were aware of the sleeping problems and some actions were taken to correct it, it [sic] was not effectively corrected until utility corporate management became involved. The NRC staff proposes to fine GPU Nuclear, Inc. (GPUN) the company that operates the TMI site, \$50,000. The staff also proposes a Notice of Violation to the former shift supervisor." (For related sleeping problems refer to [May 1987](#) and [December 1, 1987](#); [July 19](#) and [August 3, 1988](#); and, [October 11, 1989](#).)

**December 10, 1990** - GPU began evaporating 2.3 million gallons of accident-generated radioactive water directly into the atmosphere. Two days later the evaporator was shut down for mechanical problems.

## 1991

**January 24, 1991** - The evaporator was "shut down four times due to various mechanical and electrical difficulties."

**April 7 to May 11, 1991** - The evaporator was shut down for most of this period so GPU could "rewrite the main operating procedure." A Notice of Violation was issued by the NRC.

**June, 1991** - Columbia University's Health Study (Susser-Hatch) published results of their findings in the American Journal of Public Health. The study actually shows a more than doubling of all observed cancers after the accident at TMI-2, including: lymphoma, leukemia, colon and the hormonal category of breast, endometrium, ovary, prostate and testis. For leukemia and lung cancers in the six to 12 km distance, the number observed was almost four times greater. In the 0-six km range, colon cancer was four times greater. The study found "a statistically significant relationship between incidence rates after the accident and residential proximity to the plant." (See [August, 1996](#) for Wing Study.)

**September, 1991** - Standley H. Hoch, Chairman and CEO of GPU, was forced to resign after it was disclosed he had an affair with Susan Schepman, vice president of communications. (See [September 21 & 23, 1989](#) and [April 21, 2001](#), for related incidents.)

## 1992

**May 6, 1992** - The NRC issued a Notice of Deviation related to GPU's "commitment" to conduct annual radioactive, waste transport audits. GPU was actually conducting the audits every 24 months. (See [August 9, 1985](#); [December 1987](#); and [April 9, 1993](#), for related rad waste problems.)

**August 5, 1992** - GPU "declared an event of potential public interest when the Unit-2 west cooling tower caught fire." The fire lasted for ten minutes.

**September, 1992** - GPU and the NRC agree to a negotiated settlement on the Post-Defueling Monitored Storage (PDMS) of TMI-2 with TMI-Alert, Chairman Eric Epstein. The Agreement stipulates GPUN will provide equipment and resources to independently monitor radioactive levels at TMI-2; \$700,000 for remote robotics research to assist in the cleanup and minimize worker exposure; and, guarantees that TMI-2 will never operate or serve as a radioactive waste repository for any radioactive waste generated off the Island. (See [December 1993](#) and [April 23, 1998](#), for more information.)

**November 12, 1992** - "Due to slightly higher activity levels, approximately 600,000 gallons of accident generated water (AGW) must be processed through the evaporator twice before being vaporized into the atmosphere."

## 1993

**January, 1993** - GPU "discovered" they failed to take periodic samples of approximately 221,000 gallons of accident generated water in the borated water storage tank.

**February 7, 1993** - An intruder drove past TMI's guarded entrance gate, crashed through a protected area fence, crashed through the turbine building roll-up door, and hid in a darkened basement of the plant for almost four hours before being apprehended by guards.

**On February 11, 1993**, the NRC's top safety official Thomas Murley wasn't sure if any regulations had been violated during the incident at TMI. Nineteen days later, Samuel Collins head of the NRC's investigation team announced: "An individual can challenge the security events that currently exist.

(See [March 1, 1996](#) for follow-up information.)

**April 9, 1993** - A Notice of Violation was issued for a "shipment of containers to the burial facility in Washington in which...free standing liquid inside the containers [was] in excess of ...NRC regulations." (See [August 9 and 14, 1985](#); [December 1987](#), and, [May 6, 1992](#), for related rad waste problems.)

**August, 1993** - Evaporation was completed six months behind schedule.

**August, 1993** - Dr. Michio Kaku, professor of Theoretical Nuclear Physics at City University of New York, evaluated studies conducted or commissioned by the NRC on the amount of fuel left in TMI-2. Kaku concluded: "It appears that every few months, since 1990, a new estimate is made of core debris, often with little relationship to the previous estimate...estimates range from 608.8 kg to 1,322 kg...This is rather unsettling...The still unanswered questions are therefore

precisely how much uranium is left in the core, and how much uranium can collect in the bottom of the reactor to initiate re-criticality."

**December, 1993** - GPU placed TMI-2 in Post-Defueling Monitored Storage. (See [September 1992](#), for background information.)

## **1994**

**March 17, 1994** - TMI-1 shutdown for unscheduled repairs.

## **1995**

**September 20, 1995** - The Pennsylvania Supreme Court reversed a lower court's decision, and sided with GPU in allowing the Company to charge rate payers for the TMI-2 accident.

The decision ignored the financial facts of the case: TMI-2 was built at a cost to rate payers of \$700 million and had been on line for 90 days, or 1/120 of its planned operating lifetime, when the March 1979 accident began. One billion has been spent to defuel the plant, which now lays in idle shutdown, i.e., Post-Defueling Monitored Storage.

## **1996**

**March 1, 1996** - The NRC issued a violation against GPU for a breach in the protected area barrier on February 6, 1996. "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..." NRC, James T. Wiggins, Director, Division of Reactor Safety.

(See [February 7, 1993](#), for data on Unauthorized Forced Entry.)

**June 4, 1996** - U.S. District Judge Sylvia H. Rambo granted summary judgment to GPU and its codefendants in consolidated proceedings of more than 2,000 personal injury claims arising from the March 1979 accident at TMI. (See [August 1996](#), [November 2, 1999](#) and [June 12, 2000](#) for related health suit activities.)

**August, 1996** - A study by the University of North Carolina-Chapel-Hill, authored by Dr. Steven Wing, reviewed the Susser-Hatch (Columbia University) study released in June 1991. Dr. Wing reported "...there were reports of erythema, hair loss, vomiting, and pet death near TMI at the time of the accident...Accident doses were positively associated with cancer incidence. Associations were largest for leukemia, intermediate for lung cancer, and smallest for all cancers combined...Inhaled radionuclide contamination could differentially impact lung cancers, which show a clear dose-related increase." (See [June 4, 1996](#), [November 2, 1999](#) and [June 12, 2000](#), for related developments on TMI health claims.)

**August 18, 1996** - A contract supervisor tested positive for a controlled substance and was escorted from the site. (Also refer to [June, 1987](#).)

## 1997

**February, 1997** - In their 1997 Annual Report, GPU reported that the cost to decommission TMI-2 doubled in four years. The original \$200 million projection has been increased to \$399 million for radioactive decommissioning. An additional \$34 million will be needed for non-radiological decommissioning. The new funding "target" is \$433 million; or a 110% increase in just 48 months.

**March 4, 1997** - GPU improperly downgraded safety equipment and prepared inadequate design and safety evaluations at TMI. (See [October 14, 1997](#), for NRC fine.)

**March 5, 1997** - GPU failed an emergency preparedness drill. (See [October 14, 1997](#), for follow-up fine.)

**Spring, 1997** - The Pennsylvania House of Representatives, along with the City of Harrisburg, recognized TMI-Alert for 20 years of community service. (See [Spring 1997](#), for related public service award.)

**October 14, 1997** - GPU agreed to pay a \$210,000 fine for violations identified by the NRC between November 1996 and May 1997 including: inadequate engineering design controls; improperly downgrading safety equipment; and, inadequate implementation of the plant's emergency preparedness program. (See [March 4 and 5, 1997](#), for background information.)

## 1998

**January 1, 1998** - "Despite four incidents at Three Mile Island-1 involving personnel errors, including one involving contamination and another the type of valve that stuck open and led to the Three Mile Island-2 accident in 1979, the Nuclear Regulatory Commission staff has issued a Notice of Violation -- but not a civil penalty -- against GPU Nuclear Corporation. (See [October 14, 1997](#), for recent NRC violations.)

**April 23, 1998** - RedZone Robotics, who has built robots at TMI-2 as part of the TMI-2 Settlement Agreement, will design a robot to map the damaged Chernobyl nuclear power plant in the Ukraine. (See [September 1992](#), for background information.)

## 1999

**January 11, 1999** - TMI-1 is operating with thousands of damaged steam tubes. "...OTSG "A" has plugged 1,300 tubes and OTSG [Once Through Steam Generator] has 395 plugged tubes, totaling 1,695 plugged tubes at TMI-1. Each OTSG has 15,531 tubes. The NRC approved limit is a maximum of 2,000 total tubes plugged. GPUN has analyzed and submitted for NRC review a request to revise the tube plugging limit to 20% per OTSG, or 3,106 tubes per OTSG.

OTSG "A" has 248 tubes sleeved (one previously sleeved tube has been plugged) and OTSG "B" has 253 tubes sleeved." (AmerGen's Response to Questions and Concerns Regarding TMI-1 License Transfer Application. (See [November 1981](#) through January 1982; [December 7, 1983](#); and, [July 16, 1984](#), for background information.)

**January 14, 1999** - TMI's new owners, AmerGen, entered into a Negotiated Settlement Agreement with TMIA's Chairman, Eric Epstein. The Agreement stipulates that AmerGen will



maintain equipment to allow citizens to independently monitor radiation releases at TMI; ensure the TMI work force exceeds minimal NRC requirements; additional decommissioning costs will be absorbed by AmerGen; guarantees no radioactive waste generated offsite can be stored at TMI; and, AmerGen also agreed not to conduct business with any company boycotted by the U.S. for military or economic reasons.

**July 21, 1999** - GPU Nuclear received permission from the NRC to reduce the insurance at TMI-2 from \$1.06 billion to \$50 million.

**November 2, 1999** - The Third Circuit Court of Appeals "revived the the rest of the lawsuits [1,990], citing those individuals constitutional right to have their cases heard by a jury." The Circuit Court upheld U.S. District Chief Judge Sylvia H. Rambo's "ruling on the expert testimony and the dismissal of the 10 [test cases]." (Pennsylvania Law Weekly, June 12, 2000). (Also refer to [June 4 and August 1996](#) and [June 12, 2000](#) for United States Supreme Court rejection of GPU's appeals.)

## **2000**

**June 12, 2000** - The United States Supreme Court , without comment, rejected an appeal by GPU to throw out 1,990 health suits. (Please refer to [June 4 and August 1996](#) and [November 2 1999](#), and [May 2, 2001](#), for related developments.)

**August 9, 2000** - FirstEnergy Corp. and GPU announced a planned merger expected to be finalized by August 2001. FE would acquire GPU for approximately \$4.5 billion Ownership of TMI-2 and liability for 1,990 health suits against GPU would be transferred to FirstEnergy.

**October, 2000** - Twenty-one years after the TMI-2 accident ruled on a rule making request by Public Citizen to change the agency's criteria for an "extraordinary nuclear occurrence."

## **2001**

**January, 2001** - A bomb threat was made at TMI.

**April 21, 2001** - GPU fired an engineer who worked at TMI for 20 years for possessing "computer images of children engaging in sex acts or simulated sex acts." The man faces 112 counts and was released on \$50,000 bail. (See [September 21 & 23, 1989](#) and [September 1991](#) for related incidents.)

**May 2, 2001** - The Third Circuit Court ruled that "new theories" to support medical claims against Three Mile Island will not be allowed. (Please refer to [June 4 and August 1996](#) and [November 2, 1999](#), and [June 12, 2000](#), for related developments.)

**September 17, 2001** - TMI-Alert filed a Petition for rule making with the NRC requiring the Agency to mandate armed security guards at the entrance to all nuclear power plants. A final decision is expected in November 1, 2002. The Nuclear Energy Institute, First Energy's "voice in Washington, "recommended" that the Petition be "denied."

**October 6, 2001** - After the September 11, 2001, terrorist attacks on the World Trade Center, the Pentagon and a downed airliner in Somerset County, Pennsylvania, the NRC has issued a "Security Advisory", and required 13 "prompt actions" which are "safeguarded" and "classified."

**October 9, 2001** - TMI was shut down for a planned 29 day refueling outage...(See [December 8, 2001](#), for refueling costs.)

**October 17, 2001** - Due to a "credible threat" against Three Mile Island, the Harrisburg and Lancaster airports were closed for four hours, air travel was restricted in a 20-mile radius, a fighter jets were scrambled around TMI. (See [October 6, 2001](#), for a related event.) (On January, 2001, a bomb threat was made at TMI.)

**November 2, 2001** - Governor Mark Schweiker reversed an earlier decision, and ordered the National Guard to Pennsylvania's nuclear power plants. The Commonwealth joins over a dozen states with National Guard and/or Coast Guard detachments deployed to protect nuclear facilities against terrorist attacks. (See [October 6 & 17, 2001](#), for related incidents).

**December 8, 2001** - TMI resumed operation after a 58 day refueling outage that cost the company over \$100 in lost revenues, replacement energy, and planned and unplanned repairs, and upgrades. Among the "big-ticket" items: replacement of the turbine generator and four main transformers; repairs of cracks in six control-rod drive mechanisms; trouble shooting on chronic emergency feedwater problems; and, experimental steam tube generator repairs which led to the "unplugging" of 870 tubes and taking 266 tubes out-of-service. (See [October 9, 2001](#), for data relating to start of refueling outage.)

## **2002**

**January 11, 2002** - Siren testing at TMI encountered numerous problems: all sirens failed in York County and one siren failed in Lancaster County. AmerGen attributed to computer malfunctions.

**January 30, 2002** - President Bush's State of the Union Address including a warning that nuclear power plants may be targeted for a terrorist attack.

**March 3, 2002** - A siren malfunctioned in York County again. During TMI's annual test on on January 30, 2002, all 34 sirens in York County, located within ten-miles of the plant, failed to activate.

**March 21, 2002** - Three Mile Island Alert (TMIA) was recognized by the Pennsylvania House of Representatives and Senate and the City of Harrisburg for 25 years of community service.

**March 28, 2002** - The NRC admitted that and the Three Mile Island and the 102 nuclear power plants could not withstand an impact of airplane the size of those that crashed into the Pentagon and World Trade Center on September 11, 2001.

**May 15, 2002** - "A foreign intelligence service recently warned that a nuclear power plant in the Northeast could be the target of a July 4 terrorist attack...Published reports suggested that the target could be Pennsylvania's Three Mile Island, but a second US official with knowledge of the information said no specific facility had been named." (Knight Ridder, [May 15, 2002](#).) (See [January, 2001](#), [October 6 & 17, 2001](#), [January 30, 2002](#), for related incidents.)

**September 5, 2002** - Three Mile Island Alert filed a formal Petition for Rulemaking with the Nuclear Regulatory Commission to include day-care centers and nursery schools in emergency evacuation planning. The proposed rule would affect all 103 operating nuclear plants in the United States.

**November, 2002** - Governor Schweiker "directed the National Guard to join State Police in a joint security mission at the state's nuclear facilities." In December, the Governor extended the joint mission of the National Guard and the State Police at the Commonwealth's five nuclear generating stations until March 4, 2002. ([DEP Update, December 6, 2002.](#))

**December 3, 2002** - The United States Court of Appeals for the Third Circuit upheld the Summary Judgment of the United States District Court for the Middle District. (1999) With the demise of the 1,990 health suits, the last remaining TMI case involves 17 Route 30 business from Lancaster County. The business have claimed loss of business revenues and include Dutch Wonderland, restaurants and lodging establishments.

## **2003**

"On **July 2, [2003]** area firefighters and the Pennsylvania State Police responded to the electrical fire that damaged the turbine building's switchgear room at TMI Unit 2. "Although a five-member AmerGen fire brigade also responded to the blaze, Akron, Ohio-based FirstEnergy is responsible for the operation of TMI Unit 2.

"AmerGen Energy, co-owner and operator of TMI Unit 1, has an agreement with FirstEnergy to maintain and monitor TMI Unit 2. "While the cause of the fire remains under investigation, FirstEnergy has determined that a transformer in the switchgear room that powers lighting at TMI Unit 2 appears to have overheated and failed, said Richard Wilkins, a company spokesman.

"The company will spend more than \$100,000 to replace the damaged 55-gallon drum-sized transformer, switchgear, wires and other equipment damaged in the smoky blaze, he said.

"For the next two months, while workers repair the equipment, TMI Unit 2 will use temporary lights, Wilkins said. "It's not unusual for a transformer to fail," Wilkins said. "It's not unheard of." (Sean Adkins at 771-2047 or [sadkins@ydr.com](mailto:sadkins@ydr.com))

**Dec 3, 2003** - Report: Funds set aside for nuke cleanup inadequate, by AD CRABLE, Lancaster New Era

Congressional investigators say utilities are not adequately setting aside the hundreds of millions of dollars needed to clean up nuclear reactors at Three Mile Island and Peach Bottom when the plant sites close.

The report by the U.S. General Accounting Office claims that funds that, by law, must be set aside for restoring plant sites to their original condition may be as much as 25 percent lower than needed for TMI's Unit 2 reactor. Decommissioning for Peach Bottom's closed Unit 1 reactor appears to be 51 to 100 percent underfunded, according to the report.

The cost of closing down and removing TMI Unit 2 was estimated at \$433 million in 1997. The cost of decommissioning Peach Bottom Unit 1 was recently estimated at \$129 million by plant owner Exelon Nuclear. The report did not say how much actually had been set aside to date in the decommissioning funds for the two reactors.

However, the owners of the two plants, where other reactors remain in use, said today that the decommissioning funding report by the investigative arm of Congress is flawed and that the money will be there when the plant sites end their useful life several decades from now.

Updating a 1999 report that first warned that decommissioning funding at many U.S. nuclear plants was not adequate, the GAO said on Monday that the \$27 billion saved by the nuclear industry through 2000 was actually ahead of schedule.

But breaking down the savings by individual plant owners, the study said that owners of 42 of the 125 nuclear plants that have operated in the United States had accumulated fewer funds than needed to be on track to pay for eventual decommissioning, after the plants close.

"Under our most likely assumptions, these owners will have to increase the rates at which they accumulate funds to meet their future decommissioning obligations," the 55-page report said. Furthermore, the report criticized the federal Nuclear Regulatory Commission -- the nuclear industry's governmental watchdog -- for not taking action to force utilities to step up funding to address inadequacies.

In 1988, the NRC began requiring owners to certify that sufficient money would be available when needed to decommission their nuclear plants. Beginning in 1998, utilities were required every two years to show how much money had been set aside and where the money was coming from. Most funds come from ratepayers and investments in trust funds.

The GAO study singled out Exelon Nuclear, the owner of Peach Bottom and the active reactor at TMI, as being behind the curve on set-aside funding. GAO said the trust funds for 11 of the 20 nuclear power plants owned by the company were inadequate.

However, the GAO found that Exelon Nuclear was actually well above other utilities in saving for the future closure of TMI's active Unit 1 reactor and Peach Bottom's two active reactors. And Exelon spokesman Craig Nesbit said the more-than-adequate funding will take care of any deficiency for the other Peach Bottom reactor that closed in 1974. Nesbit criticized the GAO report, saying it looked only at individual units instead of entire plant sites, and did not consider specific decommissioning strategies, such as Exelon's.

He also said the GAO study was "skewed" because it did not take into account that most nuclear plants, such as Peach Bottom and TMI, will be relicensed for another 20 years, which gives utilities more time to save decommissioning funds. "All of Exelon's plants are adequately funded for decommissioning now, and will be in the future," Nesbit said.

Though Exelon owns the site, the responsibility for decommissioning the TMI Unit 2 reactor, closed since a 1979 accident, lies with FirstEnergy Corp., which bought out former TMI owner GPU.

The GAO study indicated the funding shortage is between 1 percent and 25 percent for TMI's Unit 2. FirstEnergy spokesman Scott Shields denied today that there were inadequate funds for restoring the Unit 2 site to its original condition. "We will continue to collect funds for the decommissioning for Unit 2 and we will be fully funded by the time the plant is retired," he said. Shields noted the site can't be cleaned up until Unit 1 is closed. TMI's license expires in 2014 but an extension is expected.

Eric Epstein, an expert witness on decommissioning before the Pennsylvania Public Utility Commission and chairman of TMI-Alert, a safe-energy citizens group, is not so confident.

He said the GAO study on decommissioning shortcomings is just the tip of the iceberg. Citing the escalating costs of disposing of low-level and high-level nuclear waste, Epstein said "clearly the utilities underestimate and lowball decommissioning costs." Epstein fears utilities will not be

making the profits in the future when plants are closed down and will not be able to pay for what it will actually cost to restore nuclear plant sites. People not yet born may have to pay for that shortcoming through higher electric bills, he said.

Inadequate funding for future closures was a constant concern expressed by former Lancaster mayor Art Morris when he chaired a citizens advisory panel on the cleanup of TMI in the 1980s.

"It's just the same old story. It's absolutely remarkable that after all these years of public comment and criticism that the Nuclear Regulatory Commission just sits and does nothing about (inadequate funding)," Morris said today. "The taxpayers will have to pay for it. There needs to be an NRC that stays on top of this and monitors it

### **Incident Chronology at TMI from NRC : 2010-2012**

**Nov. 1, 2010** – The NRC reported its findings from a three-month baseline inspection that ended Sept. 30, 2010.

In the report, the NRC said it found one item of very low safety significance, and said the matter would be treated as a non-cited violation because plant officials would enter it into their corrective action program.

The issue stemmed from a potential hazard to safe shutdown and safety related equipment operations. On July 28, 2010, inspectors found a more than 20-foot extension ladder that was not secured and was laying against piping in the spent fuel pool cooler room. "The ladder posed a hazard to the spent fuel pool (SFP) radiation monitor and small SFP instrument lines and piping," the NRC said. "This could in turn cause a SFP leak and degrade cooling to the spent nuclear fuel in the SFP."

The NRC also noted that an equipment cart with tools and a spare motor was found unattended and unsecured in close proximity to intermediate cooling pumps and a supply valve. "This posed a potential hazard to the cooling water supply to the reactor coolant pump thermal barriers and control rod drive mechanisms," the NRC said. The NRC added that maintenance records indicated the cart "had been left in this condition for several weeks."

Although no other findings of significance were discovered, the NRC noted that a nuclear river cooling water pump was declared inoperable on July 11, 2010 based upon degraded flow observed during performance of the quarterly in-service flow test. Corrective pump repairs were scheduled for late fall

(Three Mile Island Unit 2 Independent Spent Fuel Storage Installation in Idaho)

**April 7, 2011** – The NRC issued a report to the U.S. Department of Energy about problems with deterioration of the concrete at the horizontal storage modules.

The modules were constructed in 1999 and were designed for a 50-year service life. However, the NRC report noted, and the DOE agreed, that the modules were displaying significant cracking in nearly all of the 30 units. The DOE has begun restoration efforts.

The modules are located at the Idaho National Laboratory site that has been licensed by the NRC to maintain the spent fuel of the crippled TMI unit 2 reactor, site of the nation's worst commercial nuclear accident in March 1979.

The horizontal storage modules (HSMs) provide a structure to protect the canisters containing the spent fuel rubble. The first dry shielded canister containing Unit 2 core debris was moved to the Idaho facility in March 1999. Each dry shielded canister contained 12 TMI Unit 2 canisters. There are a total of 29 dry shielded canisters on site.

The NRC noted that radiation levels were within acceptable limits except within a few feet of the storage modules. It added that the concrete on all but one of the storage modules "had experienced damage from the freezing and thawing process over the years due to water getting into the space around the roof anchor bolts, resulting in cracks occurring in the concrete." The NRC said the damage was "extensive" on several of the modules.

"The concrete degradation was showing new damages each year and was recognized by the licensee as a significant problem," the NRC report said.

The NRC said the problem was first recognized in 2000. "At that time," the NRC said, "the cracking was not significant and was determined to be cosmetic." But by 2007, the DOE realized the cracking was unabated, and a year later, "the licensee recognized that the continued cracking of the HSMs brought into question the ability of the HSMs to fulfill their originally planned 50-year serve life as an important safety component."

An analysis was conducted. "The conclusion reached was that the freezing of trapped water that had entered through cracks and the anchor blockout holes was the primary mechanism causing the concrete problem," the NRC report said. "Several actions were recommended that have been either completed by the licensee or are scheduled. The anchor bolt blockout holes have been filled with polyurethane foam. Cracks gauges at various locations on the HSMs have been installed and were being monitored." Other activities are planned to repair the damaged concrete, the NRC and DOE said.

In addition to the concrete issues, the NRC report noted that there was a deviation from a commitment made by the DOE in 2005. The DOE had informed that NRC that the written agreement for offsite emergency medical services would be reviewed every five years and updated as needed. However, the site's emergency plan, effective Dec. 10, 2007, did not contain this provision.



**April 28, 2011**- In an April 28, 2011, letter, the NRC updated operators at the Susquehanna Steam Electric Station of its initial finding contained in a letter a month earlier. (see below)

In the April letter, the NRC said it identified a violation determined to be of at least low to moderate safety significance during a baseline security inspection conducted Feb. 7-11, 2011. The NRC said the nature of the finding is sensitive and is not being publicly disclosed.

The letter said the finding will require additional NRC inspections and is considered a violation of NRC regulations.

“The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned, and the date when full compliance was achieved is already adequately addressed on the docket” in NRC inspection reports, the letter said.

In a letter dated March 28, 2011, the NRC notified officials at the Susquehanna Steam Electric Station in Berwick that it had completed a baseline security inspection on Feb. 11, 2011.

As a result of the inspection, it discovered one finding that was determined “to be greater than very low security significance.” The letter noted that the deficiency was “promptly corrected” and the “plant was in compliance with applicable physical protection and security requirements within the scope of this inspection before the inspectors left the site.”

Nonetheless, the NRC said the finding is an apparent violation of NRC requirements and is being “considered for escalated enforcement action in accordance with the NRC’s Enforcement Policy.”

The letter provides no details of the issue involved.

The NRC said it would complete its evaluation and issue a final determination within 90 days of the date of its letter.

The letter also mentioned two self-revealing findings that were determined to be of very low security significance, and one licensee-identified violation of very low security significance. Details were not discussed in the letter.

**May 2, 2011** – The NRC issued a letter regarding the completion of an inspection at Unit 1 for the first quarter of 2011. The NRC identified no findings of significance. However, the plant licensee identified one item that was determined to be of very low safety significance and is being treated as a non-cited violation.

The licensee-identified issue involved a failure to update reference guides following December 2009 maintenance of a nuclear river pump discharge piping. The licensee said appropriate post maintenance testing work instructions were not established or implemented, and station

personnel ended up determining the pump was inoperable and it was replaced in November 2010.

In other items in the NRC letter, the agency noted that safety technicians identified elevated carbon monoxide levels on March 3 during reactor building containment atmospheric sampling. The NRC said workers were directed to leave containment and follow-up air sampling confirmed carbon monoxide levels as high as 157 parts per million. These levels are well below immediately dangerous readings of 1,200 parts per million, the NRC said. The “most likely source of the elevated carbon monoxide was

decomposition of lubricating oil which had leaked” from a reactor coolant pump, the NRC said. The NRC “reviewed the causal analysis and verified reasonable adverse condition monitoring plans were established.”

The NRC also said that, in general, plant operator Exelon “had taken timely and appropriate actions in accordance with American Society of Mechanical Engineers Code requirements and their corrective action program. Following identification of each missed surveillance test, station personnel successfully completed the associated test or appropriately scheduled the test ... Therefore, the safety significance of the missed surveillance tests was minor. Exelon’s assigned corrective actions were generally aligned with their identified causal factors, adequately tracked, properly documented, and completed as scheduled.”

**July 20, 2011** – The NRC granted requests from TMI operator Exelon for relief and allowed it to use alternative procedures to certain requirements for in-service examination of components and steam pressure tests conducted during 10-year intervals. The requests were part of the fourth 10-year inspection that began on April 20, 2011 and ends no later than April 19, 2022.

The NRC staff concluded that that the proposed alternatives for some of the requirements “provide an acceptable level of quality and safety” as outlined by Exelon.

The staff also noted that Exelon had “demonstrated that it is impractical to comply with the specified” American Society of Mechanical Engineers code requirements for one issue and “that the proposed alternative testing will provide reasonable assurance of leak tightness of the subject components.”

**July 27, 2011** - The NRC staff issued a letter on its inspection of TMI for the quarter running from April through June 2011. The staff said no findings of significance were identified.

The report added that inspectors determined “that corrective actions to address configuration control performance deficiencies from the first half of 2010 and transient material control deficiencies from all of calendar year 2010 continued to be effective.” It added that the number

of configuration control deficiencies identified in the first half of 2011 “were notably reduced from the first half of 2010.”

But the report noted that inspectors “identified several instances for which corrective action timelines was not commensurate with potential significance of degraded equipment conditions.” It added, “Station management acknowledged the issues, verified

they were captured in the corrective action program, and initiated several significant station-wide actions to reemphasize worker performance fundamentals. The inspectors determined these correction actions were appropriate and observed improved worker fundamental performance through the end of June 2011.”

**Aug. 25, 2011** – The NRC issued a brief report on a radiation safety inspection conducted from July 25-28, 2011 at the damaged Unit 2 reactor. No violations were identified during the inspection, the NRC said.

**Sept. 12, 2011** – The NRC completed an inspection of the Unit 1 facility to review facts and circumstances on changes made to the emergency action plan at the plant. The NRC issued a similar report on the Peach Bottom plant that, like TMI, is owned by Exelon Corp. (See Peach Bottom report for Sept. 12, 2011.)

According to the NRC, the TMI staff implemented a plan revision on Jan. 3, 2008, that the NRC said had the potential to decrease the effectiveness of TMI’s emergency response to fires. The NRC treated the matter as a non-cited violation because it was of very low safety significance and was entered into the plant’s corrective action program.

The NRC said Exelon, the licensee, modified the emergency action level to extend “the start of the 15-minute emergency classification clock beyond a credible notification that a fire is occurring, or indication of a valid fire detection system alarm.” The plant must declare an unusual event if a fire in a protected area is not extinguished within 15 minutes of detection.

Specifically, the plant’s staff implemented the change on Jan. 3, 2008, so that a 15-minute notification period would not begin until there is a credible notification that a fire is occurring, or that a fire alarm is verified to be valid by staff or additional control room instrumentation.

The licensee modified the plan “to delay the 15-minute classification time by waiting for the dispatch of personnel and the notification of a fire from the field,” the NRC said. “This change indefinitely extended the start of the 15-minute emergency classification clock beyond a credible notification that a fire is occurring or indication of a valid fire detection system alarm.”

The NRC treated the matter as of low-level safety significance because the issue involved the unusual event level, but not any of the other higher classifications, and because the matter “could delay classification but would not prevent classification.”

On April 8, 2011, Exelon implemented the plan in accordance with NRC enforcement policy, the NRC said.

Because of the age of the issue in question, the NRC said, “it was not determined to be reflective of current licensee performance.”

**Nov. 2, 2011** – The NRC issued a non-cited violation after it was determined that a contractor had deliberately failed to report a June 2010 arrest on a personal history questionnaire.

The contractor, who worked at TMI from Aug 4-25, 2010, was granted unescorted access authorization at the plant.

The NRC report said the contractor also worked at the Browns Ferry Nuclear Plant and Cooper Nuclear Station after completing his assignment at TMI. In April 2011, the individual applied for unescorted access authorization at the Salem Nuclear Generating Station, which identified the person’s June 2010 arrest through a background check. (TMI conducted a background check, but the person’s arrest was not part of the database at that time.) The NRC said the contractor failed to report a June 13, 2010, arrest involving drug-related and driving under the influence charges.

The NRC said the contractor “deliberately caused” TMI licensee Exelon to violate standards. It determined that the violation would be classified as a severity level IV in

accordance with its enforcement policy. However, the NRC said a “non-cited violation is appropriate in this case because, subsequent to the violation being identified, Exelon took appropriate corrective actions, including notifying the NRC and identifying the individual’s action to other power reactor licensees through the personnel access data system.

**Nov. 4, 2011** – The NRC issued its inspection report for Unit 1 completed for the third quarter ending Sept. 30, 2011. No findings of significance were identified.

**Feb. 8, 2012** – The NRC issued a report on its quarterly inspection of Unit 1 at Three Mile Island conducted for the period ending Dec. 31, 2011.

In the report, the NRC noted there were two issues of very low safety significance. One was treated as a non-cited violation. The NRC said another matter was left unresolved.

In one of its findings, the NRC said plant operator Exelon “did not effectively manage and control Unit 1 reactor coolant letdown and clean-up” during a refueling and maintenance outage in late October 2011. It noted that the flow rate during the shutdown resulted in “radioactive crud

(from fuel deposits) being deposited at higher levels within the steam generators than previously encountered, causing elevated occupational radiation dose rates and unintended occupational radiation exposure.”

Exelon began a cool-down of the reactor coolant system on Oct. 24, 2011. As that was occurring, the letdown flow rate decreased from an expected flow rate of 110 gallons per minute (gpm) to less than 40 gpm to a subsequent flow rate of approximately 20 gpm, the NRC said. “Exelon personnel had recognized that coolant letdown-flow had decreased but no effective action was taken to restore letdown flow and maximize reactor coolant letdown” until about 20 hours later “when it was realized that additional system valves could be open ... to maintain letdown flow and maximize reactor coolant clean-up.”

The NRC noted that Exelon determined that “management did not monitor primary system effectiveness during cool down ... The issue resulted in additional collective occupational radiation exposure that Exelon could have reasonably avoided had sufficient attention been directed to effective management and control of reactor coolant letdown.” The NRC added that the lack of adequate flow “effectively resulted in an estimated additional 37 person-rem of occupational radiation exposure during its 2011 refueling and maintenance outage.

“Exelon promptly initiated various actions to mitigate potential occupational radiation doses associated with the increased radiation levels,” the NRC added. “These activities included suspension of work activities pending evaluation and implementation of mitigating activities, work rescheduling” and other actions, the NRC said.

“The finding is that Exelon did not meet a performance standard to minimize occupational radiation exposure that was reasonably within Exelon’s ability to foresee and prevent,” the NRC said. “This finding is not subject to traditional enforcement in that it was not willful and did not involve an actual violation.” It was found to be of very low safety significance.

The NRC treated as a non-cited violation a matter regarding a revised river discharge analysis. The NRC noted that Exelon “did not recognize that the revised river discharge analysis resulted in a lower flow-based river shutdown level.”

The NRC treated the matter as a non-cite violation because it was of very low safety significance and was entered into Exelon’s corrective action program.

The unresolved item stemmed from the inspection of reactor coolant system flange joints during a shutdown. The NRC said Exelon did not conduct an inspection of the joints while the plant was at hot shutdown. Instead, the inspection was performed when the reactor coolant system was “cold, depressurized and drained.” The inspection said a significant amount of boric acid was observed on the flange and on the pump’s discharge piping inside the containment.

“Because this inspection was not completed at operating pressure as specified, Exelon had missed an opportunity to determine the actual leak rate of the component because the reactor coolant system was drained and depressurized when the leakage evidence was discovered,” the NRC said. The report said that Exelon subsequently provided to the NRC information of past Exelon practices regarding these inspections. “To completely resolve this issue,” the NRC said, “the inspectors need additional information from the licensee to evaluate the issue against the current licensing basis and determine if the apparent performance deficiency is more than minor.”

One issue the NRC wants to understand is “Exelon’s justification that inspecting the reactor coolant pump flange at hot shutdown conditions was unsafe or impractical.” The NRC added that the plant historically performed these inspections at hot shutdown in accordance with procedures.

The NRC also commented on a non-cited violation regarding changes in the start-time for reporting fire emergencies at the plant. (The NRC commented on this matter in a report on Sept. 12, 2011.)

The NRC said Exelon had decreased the effectiveness of its emergency plan by extending the start of a 15-minute emergency classification clock when a fire is occurring. The change required the dispatch of personnel and the notification of a fire from the field to kick off the 15-minute period. The change was made in January 2008.

In its recent report, the NRC noted that Exelon corrected its procedures. “The inspectors determined that Exelon’s response and corrective actions were reasonable and appropriate to address the (non-cited violation) and finding, and their underlying performance deficiency,” the NRC said. “The NRC considers this issue closed.”

**May 1, 2012** – The NRC issued a report on its quarterly inspection of Unit 1 for the period from Jan 1, to March 31, 2012.

In the report, the NRC listed three NRC-identified findings and one self-revealing finding of very low safety significance. Three of them were treated as non-cited violations. The report also listed one licensee-identified violation that also was determined to be of very low safety significance.

One non-cited violation involved lack of specific written instructions for boric acid inspection of the reactor coolant pump. This contributed to the failure to detect reactor coolant system leakage from the thermal barrier flange of a reactor coolant pump prior to November 2011.

The plant licensee, Exelon, “did not provide specific technical guidance on the desired inspection scope and the criteria to be used to report results to ensure that the reactor coolant pump thermal barrier flanges were visually inspected for the complete 360 degrees of both the upper and lower flanges of all four reactor coolant pumps,” the NRC report said.



During a fall 2011 refueling outage, Exelon identified dried boric acid leakage residue on the thermal barrier flanges. “Because a complete 360-degree inspection was not completed and because not all indications had been recorded and dispositioned, the probability of detecting the leakage ... at smaller leakage rates had been reduced,” the NRC said.

It added that the “lack of appropriate written procedural guidance and oversight contributed to the failure to detect the leakage.”

It was subsequently determined that the leakage was due to a crushed gasket in the upper thermal barrier flange.

A self-revealing finding identified inadequate performance monitoring of an instrument air compression unit that resulted in recurring drive-motor overload trips and unplanned unavailability on Sept. 28, Oct. 8, and Nov. 29 in 2011. Maintenance technicians repaired the air leaks and subsequent air loading decreased, the NRC report said.

An air compressor unexpectedly tripped on drive motor overload on Sept. 28 and Oct 8, 2011. An evaluation was initiated after the third overload on Nov. 29, 2011. The evaluation determined that the performance monitoring criteria for the instrument air compressor number four were “inadequate to identify an adverse trend in system performance,” the report said.

The report added that Exelon did a focused inspection of the related piping system, and it found 15 previously unidentified air leaks. Maintenance personnel repaired the leaks.

Another NRC-identified violation involved the failure of Exelon to return some breakers to their correct position within the seven-day allotted outage time. Specially, Exelon failed to return Appendix R breakers to their correct position on May 10, 2010, the NRC said.

During an inspection in March 2012, it was determined that a heat exchanger did not have its nuclear river water inlet and outlet valve breakers in the off position as required. It was subsequently determined that this event stemmed from May 2010 when the heat exchanger was removed from service for 10 days.

Heat exchangers provide cooling to essential plant systems and components. TMI has four such exchangers, the NRC report said.

The other NRC-identified violation was for failure to perform an adequate risk assessment during maintenance of the decay heat removal drop line valve on Jan. 16, 2012. The drop line valve performs safety functions in the closed and open position that support the operability of the decay heat removal system.

The violation identified by Exelon stemmed from a March 14, 2012, diagnostic testing of a heat cooler shell bypass. During the testing, it was discovered that a manual handwheel drive gear was detached from the valve stem and had been since April 19, 2006. Repairs were made on April 3, 2012.

**May 7, 2012** – The NRC issued a report after completing a first quarter 2012 inspection at Units 2 and 3 at the Peach Bottom Atomic Power Station. The report listed one NRC-identified and two self-revealing findings of very low safety significance that were treated as non-cited violations. There was also a licensee-identified violation determined to be of very low safety significance and treated as a non-cited violation.

According to the report, inspectors determined that the plant did not establish measures to promptly identify and correct a condition related to the emergency diesel generator control power circuit.

On Feb. 18, 2012, according to the report, a replacement bulb failed within a few seconds after installation at the emergency diesel generator. “The inside of the panel was inspected, and it was identified that the light socket short circuited, which caused significant damage to the socket, melted the wiring on the neutral side of the socket, and also caused collateral damage to nearby wiring inside the control panel,” the report said. No fire resulted.

However, inspectors observed that there were several similar instances over a number of years, particularly since 2009. The NRC said plant operator Exelon “did not establish measures to promptly identify and correct a condition adverse to the quality of the emergency diesel generator control power circuit.”

The report also found that the plant did not promptly identify and correct residual heat removal heat exchanger graphoil gasket leaks. This self-revealing finding was discovered on Feb. 16, 2012, but problems had been observed from 2007 to early 2012.

Another finding stemmed from a NRC-identified problem regarding taking timely corrective actions dealing with the spent fuel pool. “Specifically, “ the report said, Peach Bottom “has been aware of degradation of neutron absorbing material (Boraflex) within the spent fuel pool storage rack since at least 1996 and did not take effective measures to adequately monitor or manage the degradation to assure sufficient margin to criticality was maintained.

“Rather, in 2010, Peach Bottom deferred corrective actions in the spent fuel pools until 2014 based on an operability determination that concluded sufficient margin would exist until that time.” However, the report noted, that determination did not accurately project the rate of boron degradation. In June 2011, Peach Bottom declared 117 cells in the Unit 2 spent fuel pool (out of a total of 3,819) inoperable since the estimated Boraflex degradation exceeded standards.

**May 8, 2012** – The NRC issued a report of a component design bases inspection conducted by four NRC inspectors and two NRC contractors. The report listed four findings of very low safety significance. The violations were entered into Exelon’s corrective action program and were treated as non-cited violations.

**July 5, 2012** – The NRC completed an inspection on May 25, 2012, relating to whether personnel were effective in identifying and resolving problems. The NRC identified one finding of very low safety significance that was treated as a non-cited violation.

In the finding, the NRC noted that plant operator Exelon failed to implement prompt corrective actions after identifying a degraded emergency safeguards actuation system emergency diesel generator block load relay. The NRC said the Exelon staff did not perform a relay replacement in a timely manner, resulting in a block load relay failing in a surveillance test on April 24, 2012. The relay was replaced on May 31, 2012, after the problem was entered into the plant's corrective action program.

The relay was originally supposed to be replaced during the week of April 23, 2012. However, in late 2011, Exelon officials deferred the replacement work until the week of July 23, 2012 "due to insufficient resources," the NRC said. "The inspectors identified that Exelon staff did not document a technical justification or evaluation to support continued operability of the degraded relay when the relay replacement schedule was deferred in December 2011," the NRC report said. "The inspector's review also noted it was not clear that engineering was engaged in the decision to defer the relay replacement."

In other aspects of the report, the NRC observed that inspectors "determined that Exelon personnel identified problems and entered them into the corrective action program at a low threshold." The report noted that TMI Unit 1 initiated approximately 20,000 inspection reviews between June 2010 and April 2012.

**July 25, 2012** – Chemistry technicians at TMI said they found a slightly elevated level of tritium in one monitoring well on the site near the plant. They said the level was contained onsite and posed no health or safety risks, and subsequent samplings showed declining concentrations.

The monitoring well is one of 55 on the island. No unusual levels of tritium were found at the other wells.

**Aug. 1, 2012** – The NRC said it completed a second quarter inspection of Unit 1 and identified no findings.

**Sept. 20, 2012** – Unit 1 at the plant shut down automatically due to an unexpected actuation of a relay switch on a reactor coolant pump. Personnel replaced the relay and installed additional monitoring capabilities of the relay. Unit 1 returned to service two days later.

**Oct. 2, 2012** – The NRC issued a report on a security inspection at the plant that was completed on Sept. 10, 2012.

Based on the inspection, the NRC identified two findings of very low safety significance that were treated as non-cited violations. Details of the findings were not disclosed because they involved security-related matters.

**Nov. 14, 2012** – The NRC issued a report on its three-month inspection of the Unit 1 reactor at Three Mile Island. The period covers July through September.

In the report, the NRC documented one finding of very low safety significance that was treated as a non-cited violation. The issue involved storing eight bags of trash/combustible materials within 50 feet of the borated water storage tank. This was discovered on July 11, 2012.

The report notes that technicians performed planned maintenance activities on equipment in the borated water storage tank tunnel in June 2012. The work involved removal of pipe insulation in a contaminated area in the tunnel. The work generated eight bags of trash.

“The maintenance work group coordinated with radiation waste technicians to have the transient combustibles removed; however, the timeliness of the removal was not adequately communicated and the transient combustibles remained in the tunnel after the work was completed for nearly a month,” the report said.

Inspectors notified plant operator Exelon of the materials, which were “promptly removed,” the report said

**Feb. 11, 2013** – The NRC issued its inspection report covering a three-month period from October through December 2012, although some issues materialized before that period. . In the report, the NRC noted three findings relating to flooding protection at the Unit 1 plant. Two of the findings were of very low safety significance and were treated as non-cited violations. The other issue involved an apparent violation concerning missing floodseals in conduits located in the air intake tunnel. “The significance of the degraded external flood barrier is to be determined and cannot accurately be calculated until additional testing and analysis of the as-found configuration is complete,” the NRC said.

In August 2012, the NRC found numerous couplings with “visible external degradation due to being exposed to a wet environment” during a walkdown of the air intake tunnel, a safety-related structure that is mostly below grade and provides an outside air source for the ventilation system of safety-related structures.

“Upon further review,” the NRC report added, “the inspectors recognized that Exelon (the plant licensee) had prior opportunities to identify the degraded flood seal condition during previous focused flood barrier walkdowns. Specifically, in 2010, Exelon performed a comprehensive review and inspection of all TMI Unit 1 external flood barriers.”

However, Exelon failed to identify and address the degraded conditions in the couplings in the air intake tunnel, the NRC said. The NRC said the issue has been entered into Exelon’s corrective action program and it will determine an appropriate action on the apparent violation in the future.

The other issues involved the failure of Exelon to establish measures to ensure that the seismic gap flood seal was adequate to remain watertight during a probable Maximum Flood Event, and the failure to identify and correct problems with 13 unsealed penetrations through the intake screen and pump house floor barriers. These two matters were treated as non-cited violations.

The report noted that Exelon “was unable to recover additional design information or installation records to demonstrate that the seismic gap seal was properly installed and configured to the requirements specified, or was otherwise qualified as a watertight seal.” The report added that when Exelon completed laboratory tests on the seal on Sept. 5, 2012, the results concluded, “The installed configuration would not satisfy the requirement for a watertight seal design.”

On the other issue, the NRC identified 13 unsealed penetrations in the floor of the intake screen and pump house. This would allow “river water access during a Probable Maximum Flood to enter the protected pump cubicle area,” the report said.

Both issues have been entered into Exelon’s corrective action program.

**March 4, 2013** – In an annual assessment letter for 2012, the NRC said it determined that Unit 1 “operated in a manner that preserved public health and safety and met all cornerstone objectives.”

**April 4, 2013** – The NRC issued a preliminary finding report over an external flood barrier system problem (see report dated Feb. 11, 2013).

The NRC said it has preliminarily determined the issue to be a white finding with low to moderate significance that may require additional NRC inspection.

The finding was based on the “degradation of the external floor barrier system designed to mitigate a flooding initiating event.”

The NRC said it felt it had enough information to make a final determination, but was giving plant licensee Exelon an opportunity to respond to this finding.

The matter concerns missing floodseals in conduits located in the air intake tunnel.

**April 16, 2013** – The NRC issued an information notice alerting holders of spent nuclear fuel to potential safety issues concerning water damage to spent fuel storage cask structures, according to the June 2013 issue of Nuclear News. The notice is the result of issues previously noted from instances involving Peach Bottom and TMI. (Exelon is the licensee of both facilities.)

At Peach Bottom, the cask was found to be leaking helium above regulatory limits. It was determined that portions of the aluminum-clad cask lid seal and lid bolts had corroded. The cask had been in use since June 2000 at the independent spent fuel storage installation at Peach Bottom. The leakage was first identified in October 2010, and repairs were made.

The instance connected to TMI involved horizontal storage modules at Idaho National Laboratory, which holds spent fuel and core debris from the crippled Unit 2 TMI reactor. Cracks in the concrete modules were first noticed in 2000, but further investigation was initiated in 2007. It was determined that water had entered anchor bolt blockout holes on the roof of the vault, and that recurring freeze and thaw cycles had formed the cracks, according to Nuclear News. Repairs were made.

**April 29, 2013** – The NRC issued a report over its first quarter inspection of Unit 1. It said there was one finding of very low safety significance. It treated the finding as a non-cited violation due to its very low safety significance and because it was entered into the plant’s corrective action program.

The finding stemmed from plant licensee Exelon’s storage of combustible materials too close to a condensate storage tank, a safety-related above-ground water tank. On Jan 9, 2013, inspectors found a portable on-demand storage container within 50 feet of the storage tank. The container had combustible materials such as wood and plastic, and also snow removal equipment with gasoline in the fuel tanks.

Exelon relocated the container after being notified by NRC inspectors. Exelon entered the matter into its corrective action program that includes “additional postings around the safety-related above-ground tanks” and site-wide notifications, the NRC report said.

**June 10, 2013** – The NRC approved a request from plant operators Exelon for an alternative to certain requirements of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

Exelon had proposed to install a “full structural weld overlay as an alternative repair technique for the lower cold leg letdown nozzle dissimilar metal welds and Alloy 600 safe-end,” the NRC report said. The NRC said it reviewed the proposed alternative and concluded that it “provides an acceptable level of quality and safety.”

**July 18, 2013** – The NRC issued a letter relating to an inspection involving cyber security.

The letter said the inspection report, which is not disclosed publicly, documented two violations for which the NRC is “exercising enforcement discretion.” The NRC added that it is not taking enforcement action for the violations because they meet the “criteria established in an NRC memorandum” from the director of cyber security.

**July 12, 2013** – The NRC issued a report on a completed inspection relating to safety and compliance issues. Based on the two-week inspection, no findings were identified.

**July 18, 2013** – The NRC issued a report involving TMI’s cyber security program. The report mentioned the investigation found two violations, but the NRC was not taking any enforcement action.

**Oct. 22, 2013** – The NRC completed a supplemental inspection pursuant to flood barrier issues identified in a report dated Feb. 11, 2013.



“Based on the results of the inspection, the inspectors concluded that (plant operator) Exelon had adequately performed a root cause analysis of the event. and completed and /or planned corrective actions were reasonable to address the related issues,” the NRC report said.

**Oct. 28, 2013** – The NRC issued a report on a three-month inspection. Based on results of the inspection, no findings were identified.

**Feb. 10, 2014** – The NRC issued a report on its quarterly inspection of Unit 1 at Three Mile Island. The report covers the fourth quarter from October through December 2013.

In the report, the NRC said it identified two findings of very low safety significance that were being treated as non-cited violations. There also was a licensee-identified violation, also determined to be of very low safety significance that was treated as a non-cited violation.

One NRC finding involved plant operator Exelon’s failure to establish “an adequate program that leak tested components penetrating the primary containment pressure boundary.” Specifically, the NRC said, Exelon “failed to perform leak rate testing of the reactor building normal closed loop cooling piping and failed to identify the degraded piping condition that impacted the containment isolation function.”

The NRC further determined that “neither leak rate testing nor visual inspection of the piping at design pressure was performed on the reactor building normal cooling closed loop piping system since 1991.”

The NRC said the finding was associated with barrier integrity, but “determined that the finding did not represent an actual open pathway in the physical integrity of reactor containment isolation system, not did it involve an actual reduction in function of hydrogen recombiners in the reactor containment.” Therefore, the NRC said, the finding was screened as of very low safety significance.

The other NRC finding involved Exelon’s failure to implement procedures governing storage of equipment in Class 1 structures. It said Exelon stored unsecured materials, such as a roll of sheeting and three plastic sheets, in the reactor building during power operations. “This resulted in unsecured material in a location that has the potential, during a large break loss of coolant accident, to be transported to and adversely impact the performance of the emergency core cooling system,” the NRC said.

In the report, the discovery was made on Oct. 28, 2013, during a planned shutdown for a refueling outage. “During the hot shutdown inspection,” the NRC report said, “the inspectors identified that Exelon had stored unsecured plastic sheathing material inside the reactor building ... The inspectors determined that the identified plastic material was stored contrary to the equipment storage data sheet requirements.”

The licensee-identified violation stemmed from a Nov. 28, 2013, incident with a breaker for a bypass valve that was in the “on” position, not the required “off” position. “It was determined

that the breaker was in the incorrect position for six days,” the NRC said. “The cause of the mispositioned breaker was determined by Exelon to be auxiliary operator distraction from multiple work activities and failure to restore the breaker to its expected position following post-maintenance testing during the fall refueling outage.”

In others matters addressed in the report, the NRC said its inspectors found “significant improvement in fire and flood protection awareness regarding work activities and risk management. Plant markings, training and other correction actions have been effective in correcting prior adverse trends in these areas.”

The report also discussed previous findings regarding transient combustibles. “The inspectors found that Exelon appropriately identified the root cause of the issue,” the report said. “The licensee determined the root cause to be management’s failure to establish the correct standards, behaviors, and accountability requirement to address gaps previously identified in the transient combustible program. A contributing cause was determined to be management’s failure to enforce proper storage of transient combustible material inside radiological controlled areas.”

The NRC said Exelon addressed the issue with actions such as painting floors of all transient combustible free zones to help plant personnel identify areas where those items should not be stored, and better training procedures.

**March 4, 2014** - The NRC issued a letter of its annual assessment of Unit 1 at TMI. In the letter, the NRC determined that Unit 1 “operated in a manner that preserved public health and safety and met all cornerstone objectives.” It added that the reactor was in the “Regulatory Response Column” of the NRC’s oversight process until the fourth quarter of 2014. That’s because of issues tied to a “degraded external flood barrier system that was identified during the fourth quarter of 2012.” (Information is contained in previous NRC reports.)

The NR added that it determined that TMI returned to the more benign, “Licensee Response Column” in the third quarter of 2013 and remained there during the fourth quarter after completing a successful response to the flood barrier finding.

**May23, 2014**- The inspectors identified a finding of very low safety significance involving an NCV of Title 10 of the Code of Federal Regulations (10 CFR) 50, Appendix B, Criterion XVI, Corrective Action, because Exelon did not take adequate corrective actions to address a condition adverse to quality that caused the failure of two primary containment isolation valves. Specifically, the corrective actions implemented after the failure of CA-V-13 in 2010 and WDL-V-303 in 2013 did not ensure that the deficient basic work practices that resulted in the valve failures were corrected. Exelon documented this issue in the corrective action program as issue report (IR) 1664529 and took prompt actions to validate the operability of valves with similar actuators that had been worked since refueling outage T1R19. In addition, Exelon is performing a cause evaluation to fully understand the causes of the issue and implement actions to correct the condition adverse to quality prior to the next valve maintenance window. The finding is associated with the Barrier Integrity cornerstone and is more than minor because if left uncorrected it could lead to a more significant safety concern. Specifically, the uncorrected deficient basic work practices could result in additional primary containment isolation valve

failures. In accordance with IMC 0609.04, Initial Characterization of Findings, and Exhibit 3 of IMC 0609, Appendix A, The Significance Determination Process for Findings At-Power, issued June 19, 2012, the inspectors determined that the finding was of very low safety significance (Green) because it does not represent an actual open pathway in the containment and did not impact the hydrogen igniters. The finding has a cross-cutting aspect of evaluation in the problem identification and resolution area because Exelon did not thoroughly evaluate the condition to ensure that corrective actions addressed the cause. Specifically, Exelon identified that deficient basic work practices during valve actuator reassembly were the probable cause of the WDL-V-303 failure in 2013 and had been previously identified as the cause of the CA-V-13 failure in 2010, but Exelon did not evaluate the effectiveness of the corrective actions completed after the CA-V-13 failure or the need for additional corrective actions to address the probable cause. [P.2 Evaluation] [Section 4OA2.1.c.(1)]

**May 23, 2014**- The inspectors concluded that Exelon was generally effective in identifying, evaluating, and resolving problems. Exelon personnel identified problems, entered them into the corrective action program at a low threshold, and prioritized issues commensurate with their safety significance. Exelon appropriately screened issues for operability and reportability, and performed causal analyses that appropriately considered extent of condition, generic issues, and previous occurrences. The inspectors also determined that Exelon typically implemented corrective actions to address the problems identified in the corrective action program in a timely manner. However, the inspectors identified one violation of NRC requirements in the area of effectiveness of corrective actions.

The inspectors concluded that Exelon adequately identified, reviewed, and applied relevant industry operating experience to TMI operations. In addition, based on those items selected for review, the inspectors determined that Exelon's self-assessments and audits were thorough. Based on the interviews the inspectors conducted over the course of the inspection, observations of plant activities, and reviews of individual corrective action program and employee concerns program issues, the inspectors did not identify any indications that site personnel were unwilling to raise safety issues nor did they identify any conditions that could have had a negative impact on the sites safety conscious work environment.

**June 27, 2014** – The NRC issued a report on an inspection relating to the identification and resolution of problems at the plant.

Based on the inspection, the NRC said the Exelon, the plant operator, “was generally effective in identifying, evaluating and resolving problems.” The NRC identified one finding of very low safety significance that it treated as a non-cited violation.

The finding stemmed from Exelon not taking “adequate corrective actions to address a condition adverse to quality that caused the failure of two primary containment isolation valves,” the NRC report said.

“Since May 18, 2010, the measures established by Exelon’s corrective action program did not assure that the condition adverse to quality that caused two primary containment isolation value failures was promptly corrected,” the report said. “Specifically, Exelon did not take adequate

corrective actions to address deficient basic work practices that it had determined caused” the actuator failures on May 18, 2010, and Aug. 20, 2013.”

### **June 30, 2014**

The inspectors identified a finding of very low safety significance (Green) involving a non-cited violation (NCV) of 10 CFR Part 50.65(a)(4), Requirements for monitoring the effectiveness of maintenance at nuclear power plants, because Exelon did not implement risk management actions (RMAs) to manage risk associated with the nuclear service river pump B (NR-P-1B) during excavation for fire service piping replacement. Specifically, the excavation exposed a cable conduit duct bank containing safety-related cables for nuclear service river valve 1B (NR-V-1B) without having adequate RMAs in place to ensure NR-V-1B cabling would remain protected from a tornado generated missiles. Exelon entered the condition into their corrective action program as IR 1670876 and took immediate corrective actions to modify the work instructions to include RMAs for soil restoration over the conduit duct bank in the event of a tornado. The performance deficiency is more than minor because it is associated with the Protection Against External Factors attribute of the Mitigating Systems cornerstone, and adversely affected the cornerstones objective to ensure the availability and capability of systems that respond to initiating events to prevent undesirable consequences. The inspectors evaluated the findings using IMC 0609.04, Initial Characterization of Findings. The finding involved the licensees management of risk in accordance with 10 CFR 50.65(a)(4) therefore, the inspectors evaluated the significance using IMC 0609, Appendix K, Maintenance Risk Assessment and Risk Management Significance Determination Process. The inspectors determine that this performance deficiency was of very low safety significance (Green) because the finding was associated with RMAs only and the incremental core damage probability (IDCP) was not  $>1E-6$ . This finding has a cross-cutting aspect in the area of Human Performance, Work Management; because Exelon did not manage risk associated with the underground piping replacement project and did not effectively communicate job activities between work groups to ensure the RMAs would be implemented as required. (H.5) (Section 1R13)

**July 17, 2014** – The NRC issued a notice of enforcement discretion to plant operator Exelon Generation Company because it took longer than expected to repair a small leak from a welded connection to a valve. Technical specifications required the leak to be fixed within 72 hours. If that couldn't be accomplished, the reactor is to be placed in a hot shutdown condition within six hours.

The NRC letter noted that during early repair work, it was determined that it would take 46.5 hours beyond the stipulated 72 hours to complete the repairs. The repair work was completed on July 15, 2014.

The NRC letter added, “As stated in the NRC Enforcement Policy, action will be taken, to the extent that any violation was involved, for the root cause that led to the noncompliance for which this Notice of Enforcement Discretion was necessary.”

**Aug. 4, 2014** – The NRC issued a report of its quarterly inspection completed June 30, 2014. In the report, the NRC documented two findings of very low safety significance that are being treated as non-cited violations.

One of the findings was classified as a Severity Level IV violation “because TMI personnel did not update the Updated Final Safety Analysis Report (UFSAR) with information consistent with plant conditions.” Specifically, the NRC said, the plan was not updated to reflect “current plant conditions with regard to maximum hypothetical accident doses at the main control room, exclusion area boundary, or low population zone.”

The NRC report explained that in May 2014, the inspectors identified that a section in the UFSAR “remained inconsistent with current plant conditions and should have been updated in a timeframe consistent with the standards and expectations delineated “by Exelon procedures. “The inspectors identified that the issue was originally identified in March 2012 and that actions assigned to correct the issue were not appropriately tracked or were assigned completion dates after the six month cut-off date for the April 2014 UFSAR update.”

The other finding involved a failure to implement risk management actions during excavation for fire service piping replacement. The NRC said the excavation exposed a cable conduit duct bank containing safety-related cables for nuclear service river valve without having an action in place to ensure the cabling would remain protected.

“Before performing maintenance activities (including but not limited to surveillance, post-maintenance testing, and corrective and preventive maintenance), the licensee shall assess and manage the increase in risk that may result from the proposed maintenance activities,” the NRC letter said. “Contrary to the above, from May 28, 2014 to June 13, 2014, Exelon incorrectly addressed the risk to the station because they did not adequately manage the risk management actions ... to ensure the nuclear river pump would remain available and undamaged from potential tornado conditions.”

**September 30, 2014**- Green. The inspectors identified an NCV of Title 10 of the Code of Federal Regulations (10 CFR) 50.54(q)(2), 10 CFR 50.47(b)(10), and 10 CFR 50, Appendix E, Section IV.4, for failing to maintain the effectiveness of the Three Mile Island Nuclear Station (TMI) emergency plan as a result of failing to provide the station evacuation time estimate (ETE) to the responsible offsite response organizations (OROs) by the required date. Upon identification, Exelon entered this issue into its corrective action program (CAP) as issue reports (IRs) 1525923 and 1578649. Exelon submitted a third ETE for TMI on April 4, 2014, and the NRC's review of that ETE is documented in section 1EP4 of this report.

The finding is more than minor because it is associated with the Emergency Preparedness cornerstone attribute of procedure quality and adversely affected the cornerstone objective of ensuring that the licensee is capable of implementing adequate measures to protect the health and safety of the public in the event of a radiological emergency. The ETE is an input into the development of protective action strategies prior to an accident and to the protective action

recommendation decision making process during an accident. Inadequate ETEs had the potential to reduce the effectiveness of public protective actions implemented by the OROs. The finding is determined to be of very low safety significance (Green) because it is a failure to comply with a non-risk significant portion of 10 CFR 50.47(b)(10). The cause of the finding is related to cross-cutting aspect of Human Performance, Documentation, because Exelon did not appropriately create and maintain complete, accurate and, up-to-date documentation [H.7]. (Section 1EP5)

**February 17, 2015-** The NRC identified an NCV of Title 10 of the Code of Federal Regulations (10 CFR), Part 50, Appendix B, Criterion XVI, Corrective Action, for failure to promptly identify and correct degraded borated water storage tank (BWST) level transmitter instrument line cold weather protection equipment. Specifically, station personnel performed periodic maintenance and testing activities to verify the adequacy of cold weather protection for the BWST level transmitters prior to the onset of cold weather, but did not identify existing uninsulated sections of the instrument lines or degraded heat trace circuit continuity. Consequently, on February 15, 2015, the sensing line for BWST level transmitter DH-LT-808 froze which challenged the operator's capability to successfully perform a critical design basis manual action. Namely, swاپover from the injection to recirculation phase of ECCS operation following a LOCA. Immediate actions included entering the applicable technical specification (TS) limiting condition of operation (LCO), thawing the frozen instrument line, restoring DH-LT-808 to service, and exiting the TS LCO. Exelon entered the cold weather protection issue into their corrective action program as issue reports (IR) 2445164, 2451342, 02452858, and 02454925.

This finding was more than minor because it was associated with the equipment and human performance attributes of the Mitigating Systems cornerstone and adversely affected the cornerstone objective of ensuring the availability, reliability, and capability of systems that respond to initiating events to prevent undesirable consequences. The team determined that the finding was of very low safety significance because it did not affect design or qualification, did not represent a loss of system, did not cause at least one train of BWST level instrumentation to be inoperable for greater than its TS LCO allowed outage time, and did not involve external event mitigation systems. The team assigned a cross-cutting aspect in the area of Human Performance, Procedure Adherence (aspect H.8), because station personnel did not follow processes, procedures, and work instructions when performing maintenance and operational activities that should have identified degraded BWST level instrument cold weather protection equipment associated with missing insulation and loss of heat trace circuit continuity. (Section 1R21.2.1.2)

Inspection Report# : 2015007 (pdf)

**February 27, 2015-** The NRC identified an NCV of Title 10 of the CFR, Part 50, Appendix B, Criterion III, Design Control, for failure to establish and implement adequate design control measures to assure that the reactor building (RB) fan assemblies were capable of performing their design function to mitigate a design basis loss of coolant accident (LOCA) event. Specifically, testing and design calculations used a non-conservative RB ventilation system alignment to determine the brake horsepower of the RB fan motors during a LOCA. As a result, engineers had not evaluated the capability of the RB fan motors to operate above their nameplate full load rating to perform their intended safety function. Additionally, RB fan motor electrical overload protection analyses were incorrect. Immediate corrective actions included interim calculations which demonstrated that the RB fan assemblies would remain capable of performing their safety functions and that the emergency diesel generators were

capable of supplying the additional electrical load requirements. Exelon entered the issues into their corrective action program as IRs 2458932, 2458929, and 2451855.

This finding was more than minor because it was associated with the design control attribute of the Barrier Integrity cornerstone and adversely affected the cornerstone objective of ensuring the operational capability of the containment barrier to protect the public from radionuclide releases caused by accidents or events. Additionally, the finding was similar to example 3.j in Appendix E of IMC 0612, in that the engineering calculation error resulted in a condition where there was reasonable doubt of the operability of the RB fan assemblies to perform their safety function during a design basis LOCA. The team determined the finding was of very low safety significance because it: did not affect the reactor coolant system (RCS) boundary; did not affect the radiological barrier function of the control room, auxiliary building, or spent fuel pool systems or boundaries; and did not represent an actual open pathway in containment or involve a reduction in the function of hydrogen igniters. This finding was not assigned a cross-cutting aspect because the underlying cause was not indicative of current performance in that the non-conservative calculation error occurred in 1993. (Section 1R21.2.1.1)

**November 29, 2017** - Letter dated November 29, 2017, the Nuclear Regulatory Commission issued a letter to Senior Vice President, Bryan Hanson of Exelon Generation Company with the subject of: Three Mile Island Nuclear Generating Station, Unit 1 problem identification and resolution cyber security inspection report 05000289/2017405

On November 16, 2017, the U.S. Nuclear Regulatory Commission (NRC) completed a cyber security related Problem Identification and Resolution inspection at the Three Mile Island Nuclear Generating Station – Unit 1 (TMI). The inspection covered one or more of the key attributes of the Security cornerstone of the NRC's Reactor Oversight Process. The enclosed inspection report documents the inspection results, which were discussed on November 16, 2017, with Mr. Ed Callan, Site Vice President, and other members of your staff.

The inspection examined activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations, and with the conditions of your license. The inspector reviewed selected procedures and records, observed activities, and interviewed station personnel.

The NRC inspectors did not identify any finding or violation of more than minor significance.

**March 31, 2018** - A violation of Exelon's site-specific licensing basis for tornado-generated missile protection was identified. Because this violation was identified during the discretion period covered by Enforcement Guidance Memorandum 15-002, Revision 1, "Enforcement Discretion for Tornado Generated Missile Protection Non-Compliance" (ML16355A286), and because Exelon is implementing appropriate compensatory measures, the NRC is exercising enforcement discretion by not issuing an enforcement action and is allowing continued reactor operation.

In addition, the NRC reviewed Licensee Event Report 05000289/2017-003-00, which described the circumstances associated with the simultaneous opening of both airlock doors of the equipment hatch. The opening of both doors constitutes a violation of the Unit 1 Technical Specification 3.6.12. Inspection staff performed a risk evaluation and determined the issue was

of very low safety significance (Green). Although this issue constitutes a violation of NRC requirements, the NRC determined that the failure mechanism of the containment door interlock was not within Exelon's ability to reasonably foresee and correct. As a result, the NRC did not identify a performance deficiency associated with this condition. The NRC's assessment considered Exelon's maintenance practices, industry operating experience, vendor and industry maintenance and testing recommendations, and Exelon's corrective actions.

Based on the results of the NRC's inspection and assessment, I have been authorized, after consultation with the Director, Office of Enforcement, to exercise enforcement discretion in accordance with NRC Enforcement Policy Section 2.2.4, "Exceptions to Using Only the Operating Reactor Assessment Program," and Section 3.10, "Reactor Violations with No Performance Deficiencies." The Region I Regional Administrator was also consulted regarding enforcement discretion for this issue.

**May 2, 2018** – Letter dated May 2, 2018, the Nuclear Regulatory Commission issued a letter to Senior Vice President, Bryan Hanson of Exelon Generation Company with the subject of: Three Mile Island Station, Unit 1 – integrated inspection report 5000289/2018001 and exercise of enforcement discretion.

On March 31, 2018, the U.S. Nuclear Regulatory Commission (NRC) completed an inspection at Three Mile Island, Unit 1 (TMI). On April 17, 2018, the NRC inspectors discussed the results of this inspection with Mr. Ed Callan, Site Vice President, and other members of the staff. The results of this inspection are documented in the enclosed report.

NRC inspectors documented a licensee identified violation which was determined to be of very low safety significance in this report. Because of the very low safety significance and because it has been entered into your corrective action program, the NRC is treating this violation as a non-cited violation (NCV) consistent with Section 2.3.2.a of the Enforcement Policy.

A violation of Exelon's site-specific licensing basis for tornado-generated missile protection was identified. Because this violation was identified during the discretion period covered by Enforcement Guidance Memorandum 15-002, Revision 1, "Enforcement Discretion for Tornado Generated Missile Protection Non-Compliance" (ML16355A286), and because Exelon is implementing appropriate compensatory measures, the NRC is exercising enforcement discretion by not issuing an enforcement action and is allowing continued reactor operation.

In addition, the NRC reviewed Licensee Event Report 05000289/2017-003-00, which described the circumstances associated with the simultaneous opening of both airlock doors of the equipment hatch. The opening of both doors constitutes a violation of the Unit 1 Technical Specification 3.6.12. Inspection staff performed a risk evaluation and determined the issue was of very low safety significance (Green). Although this issue constitutes a violation of NRC requirements, the NRC determined that the failure mechanism of the containment door interlock was not within Exelon's ability to reasonably foresee and correct. As a result, the NRC did not identify a performance deficiency associated with this condition. The NRC's assessment considered Exelon's maintenance practices, industry operating experience, vendor and industry maintenance and testing recommendations, and Exelon's corrective actions.

Based on the results of the NRC's inspection and assessment, I have been authorized, after consultation with the Director, Office of Enforcement, to exercise enforcement discretion in accordance with NRC Enforcement Policy Section 2.2.4, "Exceptions to Using Only the



Operating Reactor Assessment Program,” and Section 3.10, “Reactor Violations with No Performance Deficiencies.” The Region I Regional Administrator was also consulted regarding enforcement discretion for this issue.

If you contest the violations or significance of the non-cited violation (NCV), you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the U. S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001; with copies to the Regional Administrator, Region I; the Director, Office of Enforcement; and the NRC Resident Inspector at Three Mile Island.

### **Inspection Report – inspection dates January 1 through March 31,2018**

#### **Tracking items:**

1. Items Nonconforming to Design for Tornado Missile Protection
  - a. Description: Resulting from a systematic review of plant design and licensing basis Exelon determined four nonconforming conditions where components that could be depended upon to safely shutdown the reactor were not adequately protected from tornado missiles. These conditions include diesel fuel oil and day tank vents, borated water supplies, and once through steam generator pressure control isolation valves.
  - b. Corrective Action(s): In accordance with the guidance in Regulatory Issues Summary 2015-06 Tornado Missile Protection (ML15020A419) and EGM 15-002, Revision 1, “Enforcement Discretion for Tornado Generated Missile Protection Non-Compliance,” (ML16355A286) the licensee implemented compensatory measures to maintain the equipment in a degraded but operable condition.
  - c. These actions include verifying that procedures, training, and equipment are in place to take appropriate action in the event of a tornado watch or warning and establishing a heightened level of awareness and preparedness to tornado missile vulnerabilities. To restore full compliance, the licensee intends to evaluate the vulnerabilities utilizing approved methodologies and submitting a license amendment request per the timeline in Enforcement Guidance Memorandum 15-002, Revision 1.
  - d. Corrective Action Reference(s): Issue Reports 04081290, 04085589, 04085596, 04085607
  - e. Violation: 10 CFR 50, Appendix B, Criterion III, “Design Control,” requires, in part, that measures shall be established to assure that the applicable regulatory requirements and the design basis for SSCs are correctly translated into specifications, drawing, procedures, and instructions.
  - f. Contrary to the above, from April 19, 1974, until December 6, 2018, Exelon failed to correctly translate the design basis for protection against tornado-generated missiles into their specifications and procedures. Specifically, Exelon did not adequately protect TMI Unit 1 diesel fuel oil and day tank vents, borated water supplies, and once through steam generator pressure control isolation valves from tornado generated missiles.
  - g. Severity/Significance: For violations warranting enforcement discretion, Inspection Manual Chapter 0612 does not require a detailed risk evaluation, however, safety significance characterization is appropriate. The NRC Enforcement Policy, Section 2.2.1 states, in part, that, whenever possible, the NRC uses risk information in assessing the safety significance of violations.

Accordingly, the NRC concluded that this issue is of low risk significance based on a generic and bounding risk evaluations performed in support of the resolution of tornado- generated missile non-compliances.

- h. Basis for Discretion: Because this violation was identified during the discretion period covered by EGM 15-002, Revision 1, and because Exelon has implemented compensatory measures, the NRC is exercising enforcement discretion, is not issuing enforcement action, and is allowing continued reactor operation.
2. Primary Containment Declared Inoperable Due to Both Airlock Doors Open Simultaneously
- a. Description: On September 5, 2017, Three Mile Island Unit 1 was operating at 100% power and preparing for a scheduled maintenance and refueling outage. During a planned entry through the primary containment personnel airlock of the equipment hatch, the inner and outer doors were open simultaneously for less than one minute due to a failure of the interlock mechanism. The breach was immediately recognized by the operator and the inner door of the equipment hatch airlock was closed. Exelon determined the opening of both airlock doors constituted a violation of Technical Specification 3.6.12, "Personnel or emergency air locks." The event was reported under 10 CFR 50.73(a)(2)(ii)(A) due to a principal safety barrier being seriously degraded, 10 CFR 50.73(a)(2)(v)(C) as an event or condition that could have prevented the fulfillment of the safety function of structures or systems that are needed to control the release of radioactive material, and 10 CFR 50.73(a)(2)(i)(B) as a condition prohibited by Technical Specification.
  - b. Corrective Actions: Corrective actions included repairing the affected portion of the interlock mechanism and retesting its operation. An extent of condition was performed on the containment personnel hatch doors resulting in no similar issues.  
Corrective Action Reference(s): Issue report 04049166
  - c. Violation: Three Mile Island Technical Specification 3.6.12, "Personnel or emergency air locks," states "at least one door in each of the personnel or emergency air locks shall be closed and sealed during personnel passage through these air locks."
  - d. Contrary to the above, on September 5, 2017, at least one door of a Three Mile Island Unit 1 personnel or emergency air lock was not closed and sealed during personnel passage through the air lock. Specifically, as the result of a failure of the interlock mechanism, the inner and outer equipment hatch emergency air lock doors were simultaneously opened for less than one minute.
  - e. Severity/Significance: For violations warranting enforcement discretion, Inspection Manual Chapter 0612 does not require a detailed risk evaluation, however, safety significance characterization is appropriate. The NRC Enforcement Policy, Section 2.2.1 states, in part, that, whenever possible, the NRC uses risk information in assessing the safety significance of violations. The inspectors determined that finding was of very low safety significance (Green).
  - f. Basis for Discretion: The inspectors determined that both containment hatch doors opening simultaneously was not within Exelon's ability to foresee and prevent. As a result, no performance deficiency was identified. The inspector's assessment considered previous surveillances performed on the equipment hatch doors and interlock mechanisms. The inspectors reviewed all recent surveillances performed on the equipment and personnel inner and outer doors

g. The NRC determined that it was not reasonable for Exelon to have been able to foresee and prevent this violation of NRC requirements, and as such, no performance deficiency existed. Therefore, the NRC has decided to exercise enforcement discretion in accordance with Sections 2.2.4 and 3.10 of the NRC Enforcement Policy and refrain from issuing enforcement action for the violation of technical specifications (EA-18-038). Further, because Exelon's actions did not contribute to this violation, it will not be considered in the assessment process or the NRC Action Matrix.

h. Inspectors elected to inspect the cause evaluation and corrective action determination related the issue described in LER 2017-003 as a selected annual sample. Exelon evaluated the condition and determined the cause of the event to be the failure of the outer door pawl to engage, providing a false indication that the outer door was closed prior to opening the inner door. The inspectors placed additional inspection focus to evaluate additional maintenance activities on the containment door mechanism, prior to outage activities where the door is cycled on a frequent basis with many new operators on site. Existing procedures and maintenance activities do not specify any subcomponent replacements until there is a failure or indication of damage. In addition to performing repairs to the outer door pawl, Exelon reviewed the current preventative maintenance activities for scheduling adequacy with the focus on high usage periods, evaluating additional maintenance activities that would include preventative subcomponent replacements, and reviewing industry operational experience for similar failures and corrective actions prior to the next refueling outage. Exelon documented the inspectors' observation in issue report 04049166.

- a. Violation: 10 CFR 50.63(c)(2) states, in part, that the alternate ac power source will constitute acceptable capability to withstand station blackout provided an analysis is performed which demonstrates that the plant has this capability from onset of the station blackout until the alternate ac source and required shutdown equipment are started and lined up to operate. The time required for startup and alignment of the alternate ac power source and this equipment shall be demonstrated by test. If the alternate ac source can be demonstrated by test to be available to power the shutdown buses within 10 minutes of the onset of station blackout, then no coping analysis is required. The Three Mile Island Unit 1 Station Blackout Evaluation Report 990-1879 identifies the station blackout (SBO) diesel generator as the alternate ac power source for the unit.
- b. Contrary to the above, from January 11, 2018, to January 12, 2018, the Three Mile Island Unit 1 alternate ac power source did not constitute acceptable capability to withstand station blackout. Specifically, during this timeframe, the SBO diesel generator was rendered unavailable due to fire service valve FS-V-225 being closed with no dedicated operator to reopen the valve. The time required for startup and alignment of the SBO diesel generator in this configuration had not been demonstrated by test to be available to power the shutdown buses within 10 minutes of the onset of station blackout.
- c. Significance/Severity Level: The inspectors evaluated this finding using IMC 0609.04, "Initial Characterization of Findings," and IMC 0609, Appendix A, Exhibit 2, "Mitigating Systems Screening Questions." The inspectors determined that the finding required a detailed risk evaluation due it representing an actual loss of

function of one non- Technical Specification train of equipment designated as high safety-significance for more than 24 hours. A Region I senior reactor analyst completed the detailed risk evaluation and estimated the increase in core damage frequency (CDF) associated with this performance deficiency to be 7E-8/yr or of very low safety significance (Green). The senior reactor analyst used the Systems Analysis Programs for Hands-On Evaluation (SAPHIRE) Revision 8.1.6, Standardized Plant Analysis Risk (SPAR) Model, Version 8.54, for evaluating the increase in risk. The analyst performed the assessment by failing the station blackout diesel generator for an exposure period of 30 hours due to its assumed unavailability. The dominant core damage sequence involved a steam line break in the turbine building (SLBTB) with a failure to isolate the steam line break, a loss of reactor coolant pump (RCP) seal cooling, failure of rapid secondary depressurization, failure of the RCP seal stage 2 integrity and failure of the High Pressure Injection mitigating function. In accordance with IMC 0609, Appendix H, "Containment Integrity Significance Determination Process," Figure 5.1, the increase in core damage frequency per year was below 1E-7/yr and therefore the Large Early Release Frequency (LERF) contribution was determined not to have an effect on the very low safety significance determination.

- d. Corrective Action Reference(s): CR 04093302

**July 31, 2018** – email dated July 31 2018 to Frederick Paul Mascitelli and James Danna from Justin Poole with the subject of: Request for additional information related to amendment regarding decommissioning ERO staffing changes

By letter dated March 19, 2018, Exelon Generation Company, LLC (Exelon), submitted changes to the emergency plan for the Three Mile Island Nuclear Station (TMI) for NRC review and prior approval, pursuant to Title 10 of the Code of Federal Regulations (10 CFR), Section 50.54(q). The proposed changes would revise the emergency plan to change the staffing for certain emergency response organization (ERO) positions, based on receipt by the NRC of certification under 10 CFR 50.82(a)(2) that the TMI, Unit 1, reactor has permanently ceased operations and permanently removed fuel from the reactor vessel. Upon docketing of these certifications, the 10 CFR Part 50 licensee for TMI Unit 1 will no longer authorize operation of the reactor or emplacement or retention of fuel into the reactor vessel. In reviewing Exelon's application, the NRC staff had developed a DRAFT request for additional information (RAI).

On July 24, 2018, the NRC staff sent Exelon the DRAFT RAIs to ensure that the questions are understandable, the regulatory basis is clear, there is no proprietary information contained in the RAI, and to determine if the information was previously docketed. On July 25, 2018, you called to say that the questions were understandable and that Exelon did not have a need for a clarification call with the NRC staff. During the call, Exelon requested a 30-days from the date of this email to respond. The NRC staff informed Exelon that the timeframe was acceptable. The attached contains the final version of the RAIs. These RAIs will be put in ADAMS as a publicly available document.

**Attachment:**

REQUESTS FOR ADDITIONAL INFORMATION  
RELATED TO LICENSE AMENDMENT REQUEST REGARDING PROPOSED CHANGES TO  
THE THREE MILE ISLAND EMERGENCY PLAN FOR POST-SHUTDOWN AND

PERMANENTLY DEFUELED CONDITION EXELON GENERATION COMPANY, LLC  
THREE MILE ISLAND NUCLEAR STATION UNIT 1 AND 2

By letter dated March 19, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML18078A578), Exelon Generation Company, LLC (Exelon), submitted changes to the emergency plan for the Three Mile Island Nuclear Station (TMI) for NRC review and prior approval, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.54(q). The proposed changes would revise the emergency plan to change the staffing for certain emergency response organization (ERO) positions, based on receipt by the NRC of certification under 10 CFR 50.82(a)(2) that the TMI, Unit 1, reactor has permanently ceased operations and permanently removed fuel from the reactor vessel. Upon docketing of these certifications, the 10 CFR Part 50 licensee for TMI Unit1 will no longer authorize operation of the reactor or emplacement or retention of fuel into the reactor vessel.

TMI, Unit 2, has a possession only license and is currently maintained in accordance with the NRC approved SAFSTOR condition (method in which a nuclear facility is placed and maintained in a condition that allows it to be safely stored and subsequently de-contaminated) known as Post-Defueling Monitored Storage. Exelon maintains the emergency planning responsibilities for TMI, Unit 2, which is owned by First Energy Corporation, through a service agreement.

The requests for additional information (RAIs) listed below are necessary to facilitate the technical review. A timely and thorough response to these RAIs is requested in order to meet the proposed deadline requested by the licensee.

#### **TMI-RAI-1**

Section 5.2.4, "Major Functional Area: Radiological Accident Assessment and Support of Operational Accident Assessment," Item e. "Major Task: Chemistry," of Attachment 1 (pages 25-26), states, in part:

Plant activities that could potentially cause mechanical damage (i.e., fuel moves in the SFP [spent fuel pool]) will require that the radiation monitor as listed in the gaseous effluent EALs [emergency action levels] be in service or that a Chemistry Technician be onsite, thereby alleviating a potential delay in sample analysis to determine EAL applicability. Applicable fuel handling procedures will be revised to incorporate this as a prerequisite prior to fuel handling activities.

Please provide clarification as to why an equivalent statement was not included in Attachment 5, "Summary of Regulatory Commitments," of the TMI license amendment request to capture this commitment.

#### **TMI-RAI-2**

Section 5.2.11, "Major Functional Area: Public Information," Item c. "Major Task: Media Monitoring and Rumor Control," of Attachment 1 (page 42), states in part:

The Media Monitoring Staff and Rumor Control staff is listed in the TMI SEP [site emergency plan] as full augmentation positions that are ***filled on an as needed basis***.

However, in Section 5.3.6, “Joint Information Center (JIC),” of Attachment 1 (pages 54-55), those positions are simply referred to as Non-Minimum Augmented Staff “proposed to be removed from the SEP and will be managed and controlled by EIPs [emergency plan implementing procedures]. The full augmented positions ***will still be assigned to ERO teams, be expected to maintain Fitness-for-Duty during assigned duty weeks, and are required to respond to the EOF*** [emergency operations facility] ***at an Alert or higher classification.***”

Please clarify which of the above highlighted parameters apply to the Media Monitoring Staff and Rumor Control Staff.

### **TMI-RAI-3**

Section 5.3.5, “Emergency Operations Center (EOF),” of Attachment 1 (pages 52-54), lists the Regulatory Liaison and Dose Assessor positions as part of the current EOF ERO “Non-Minimum Augmented Staff.” However, shortly thereafter the following statement is included:

As stated above the proposed change made the following ***minimum Staff positions*** ERO Non-Minimum Augmented Staff:

- Environmental Coordinator
- Regulatory Liaison
- Dose Assessor

The Environmental Coordinator position is included in Table 5.3 (page 54), “Emergency Response Organization EOF Minimum Staffing Positions” as being “Relocated to EPIP as Full Augmentation.” The other two positions are not referenced as Minimum Staff in the table.

Please provide additional perspective on, what appears to be, contradictory statements.

**January 31, 2019** – In a letter dated January 31, 2019 from Matthew Young, Chief Reactor Projects Branch 6 Division of Reactor Projects to Bryan Hanson, Sr. VP Exelon Generation and President and Chief Nuclear Officer at Exelon Nuclear with the subject of: Three Mile Island Nuclear Generating Station, Unit 1 – Integrated Inspection Report 5000289/2018004.

Dear Mr. Hanson:

On December 31, 2018, the U.S. Nuclear Regulatory Commission (NRC) completed an inspection at Three Mile Island, Unit 1 (TMI). On January 11, 2019, the NRC inspectors discussed the results of this inspection with Ed Callan, Site Vice President and other members of your staff. The results of this inspection are documented in the enclosed report.

The NRC inspectors did not identify any finding or violation of more than minor significance.

This letter, its enclosure, and your response (if any) will be made available for public inspection and copying at <http://www.nrc.gov/reading-rm/adams.html> and the NRC Public Document Room in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR ) Part 2.390, “Public Inspections, Exemptions, Requests for Withholding.”

## **U.S. NUCLEAR REGULATORY COMMISSION Inspection Report – Inspection Dates October 1 through December 31, 2018**

### **Summary:**

The U.S. Nuclear Regulatory Commission (NRC) continued monitoring Exelon's performance at Three Mile Island, Unit 1 by conducting the baseline inspections described in this report in accordance with the Reactor Oversight Process. The Reactor Oversight Process is the NRC's program for overseeing the safe operation of commercial nuclear power reactors. Refer to <https://www.nrc.gov/reactors/operating/oversight.html> for more information.

No findings or more-than-minor violations were identified.

### **Observations:**

1. The inspectors evaluated a sample of condition reports generated over the course of the past two quarters by departments that provide input to the quarterly trend reports. The inspectors determined that issues were appropriately evaluated by licensee staff for potential trends and resolved within the scope of the corrective action program. Inspectors noted an increase in the number of redundant rod control power supply failures during recent testing. The licensee also noted this increase and as an action for IR 4199429, determined that since infant mortality ended, on average one power supply has failed per year, but in 2018 four failed. The licensee is working with the vendor to determine any possible cause for this increase. The inspectors agreed with these actions and will review the results of the vendor determination.
2. On October 10, 2017, during an ascension to full power following a refueling outage, control rod 5-7 dropped resulting in an immediate downpower and eventual shutdown for troubleshooting and repair. The root cause was determined to be inadequately addressed long term degradation of neoprene insulation on the control rod cable connections in the reactor building. The specific failed connector was replaced as an immediate corrective action and the plant restarted. A corrective action to replace seven connectors with a history of potential degradation was planned for the next forced or refueling outage. As a corrective action to prevent reoccurrence, the licensee would develop and implement inspection and testing to accurately assess the health of the cables and connectors. Due to the corrective action being to develop a program, inspectors selected it for a focused follow up problem identification and resolution (PI&R) sample to review the final plan.

The licensee developed three new testing protocols to be completed on all cables during every outage:

- A phase to phase and phase to neutral megger test of the control rod drive mechanism power cables from the output cabinet breakers to the connectors
- Connector phase to neutral phase resistance measurements of the connectors
- Durometer testing of the neoprene insulation to check hardness and indications of degradation

Inspectors reviewed these new procedures and discussed plans for implementation with engineering staff. Based on the approval of these procedures, inspectors determined that the intent of the original corrective action to prevent reoccurrence appears to have been met. The inspectors also noted the licensee has implemented other contingencies to replace the connectors if the original action is not effective.

**March 4, 2019** – Letter dated March 4, 2019 from Matthew Young, Chief Reactor Projects Branch 6 Division of Reactor Projects to Bryan Hanson Senior Vice President, Exelon Generation President and Chief Nuclear Officer, Exelon Nuclear with a subject of ANNUAL ASSESSMENT LETTER FOR THREE MILE ISLAND STATION, UNIT 1 (REPORT 05000289/2018006)

The NRC has completed its end-of-cycle performance assessment of Three Mile Island Station, Unit 1, reviewing performance indicators (PIs), inspection results, and enforcement actions from January 1, 2018, through December 31, 2018. This letter informs you of the NRC's assessment of your facility during this period and its plans for future inspections at your facility. The NRC concluded that overall performance at your facility preserved public health and safety.

The NRC determined the performance at Three Mile Island Station, Unit 1, during the most recent quarter was within the Licensee Response Column (Column 1) of the NRC's Reactor Oversight Process (ROP) Action Matrix in Inspection Manual Chapter 0305, "Operating Reactor Assessment Program," because all inspection findings had very low safety significance

(i.e., Green), and all PIs were within the expected range (i.e., Green). Therefore, the NRC plans to conduct ROP baseline inspections at Three Mile Island Station, Unit 1.

The enclosed inspection plan lists the inspections scheduled through December 31, 2020. This updated inspection plan now includes planned security inspections which were formerly transmitted under separate correspondence. The NRC provides the inspection plan to allow for the resolution of any scheduling conflicts and personnel availability issues. Routine inspections performed by resident inspectors are not included in the inspection plan. You should be aware that the agency is pursuing potential changes to the ROP, including changes to engineering inspections (SECY-18-0113, "Recommendations for Modifying the Reactor Oversight Process Engineering Inspections"). Should these changes to the ROP be implemented, the engineering and other region-based inspections are subject to change in scope, as well as schedule, beginning in January 2020. In a letter (ML17171A151) dated June 20, 2017, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 50.82(a)(1)(i), you notified the NRC of your intent to permanently cease power operations at Three Mile Island Station, Unit 1 no later than September 30, 2019. Therefore, the inspection schedule is tentative and may be revised. Once you formally notify the NRC in accordance with 10 CFR 50.82(a)(1)(ii) that Three Mile Island Station, Unit 1 is permanently shutdown and that all the nuclear fuel has been removed from the reactor vessel, then Three Mile Island Station, Unit 1 will transition from NRC IMC 0305, "Operating Reactor Assessment Program," and IMC 2515, "Light-Water Reactor Inspection Program – Operations Phase," to IMC 2561, "Decommissioning Power Reactor Inspection Program." The NRC will contact you as soon as possible to discuss changes to the inspection plan should circumstances warrant any changes.

Finally, the Reactor Oversight Process and Inspection Program provides inherent flexibility to permit inspection sampling adjustments using IMC 2515, Appendix G, "Baseline Inspection Guidance for Power Reactors Preparing for Transition to Decommissioning Phase." These



adjustments are be made in order to better inform our assessment of performance during this unique period of operations prior to permanent plant shutdown. In addition, the NRC will be implementing quarterly assessment reviews, consistent with the guidance contained in

IMC 0305, "Operating Reactor Assessment Program," in order to more closely monitor and review overall plant activities to assure that there are no issues emerging that might indicate a decline in focus on the safe operation of the facility.

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's Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC's Website at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

## IP 22 Inspection Activity Plan Report

Unit	Start	End	Activity	CAC	Title	Staff Count
RAD SAFETY 01,02,03,04 1						
1	02/11/2019	02/15/2019	IP 71124.01	000725	Radiological Hazard Assessment and Exposure Controls	
1	02/11/2019	02/15/2019	IP 71124.02	000726	Occupational ALARA Planning and Controls	
ACCESS AUTH & CONTROL, FITNESS FOR DUTY 3						
1	02/25/2019	03/01/2019	IP 71130.01	000733	Access Authorization	
1	02/25/2019	03/01/2019	IP 71130.02	000734	Access Control	
1	02/25/2019	03/01/2019	IP 71130.06	000738	Protection of Safeguards Information	
1	02/25/2019	03/01/2019	IP 71130.08	000740	Fitness For Duty Program	
1	02/25/2019	03/01/2019	IP 71151	001338	Performance Indicator Verification	
TMI REQUAL INSP WITH P/F RESULTS 2						
1	03/17/2019	03/22/2019	IP 71111.11A	000703	Licensed Operator Requalification Program and Licensed Operator Performance (Annual)	
1	03/17/2019	03/22/2019	IP 71111.11B	000704	Licensed Operator Requalification Program and Licensed Operator Performance (Biennial)	
Radwaste 1						
1	03/18/2019	03/22/2019	IP 71124.08	000732	Radioactive Solid Waste Processing and Radioactive Material Handling, Storage, and Transportation	
EP EXERCISE INSPECTION 5						
1	05/06/2019	05/10/2019	IP 71114.01	000716	Exercise Evaluation	
1	05/06/2019	05/10/2019	IP 71151	001397	Performance Indicator Verification	
TMI INITIAL OL EXAM 5						
1	05/12/2019	05/17/2019	OV	000956	VALIDATION OF INITIAL LICENSE EXAMINATION (OV)	
1	06/09/2019	06/14/2019	EXAD	000500	LICENSE EXAM ADMINISTRATION (EXAD)	
RAD SAFETY REMP 1						
1	06/10/2019	06/14/2019	IP 71124.07	000731	Radiological Environmental Monitoring Program	
1	06/10/2019	06/14/2019	IP 71151	000746	Performance Indicator Verification	
Triennial Heat Sink 1						
1	06/16/2019	06/22/2019	IP 71111.07T	000700	Heat Sink Performance -Triennial	

This report does not include INPO and OUTAGE activities.  
This report shows only on-site and announced inspection procedures.

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## Three Mile Island

01/01/2019 - 12/31/2020

# IP 22 Inspection Activity Plan Report

Unit	Start	End	Activity	CAC	Title	Staff Count
50.59 PROCESS 3						
1	07/14/2019	07/20/2019	IP 71111.17T 000709 Evaluations of Changes, Tests, and Experiments			
RAD SAFETY OUT 01,02,03,04 1						
1	09/30/2019	10/04/2019	IP 71124.01 000725 Radiological Hazard Assessment and Exposure Controls			
1	09/30/2019	10/04/2019	IP 71124.02 000726 Occupational ALARA Planning and Controls			
1	09/30/2019	10/04/2019	IP 71124.03 000727 In-Plant Airborne Radioactivity Control and Mitigation			
1	09/30/2019	10/04/2019	IP 71124.04 000728 Occupational Dose Assessment			
Inservice Inspection 1						
1	10/06/2019	10/19/2019	IP 71111.08P 000702 Inservice Inspection Activities (PWR)			
EQ PROGRAM 3						
1	11/04/2019	11/08/2019	IP 71111.21N 000714 Design Bases Assurance Inspection (Programs)			
1	11/18/2019	11/22/2019	IP 71111.21N 000714 Design Bases Assurance Inspection (Programs)			
RAD SAFETY 01,02,03,04 1						
1	11/18/2019	11/22/2019	IP 71124.01 000725 Radiological Hazard Assessment and Exposure Controls			
1	11/18/2019	11/22/2019	IP 71124.02 000726 Occupational ALARA Planning and Controls			
1	11/18/2019	11/22/2019	IP 71124.03 000727 In-Plant Airborne Radioactivity Control and Mitigation			
1	11/18/2019	11/22/2019	IP 71124.04 000728 Occupational Dose Assessment			
1	11/18/2019	11/22/2019	IP 71151 000746 Performance Indicator Verification			
Rad Safety Insp 1						
1	01/06/2020	01/10/2020	IP 71124.01 000725 Radiological Hazard Assessment and Exposure Controls			
1	01/06/2020	01/10/2020	IP 71124.02 000726 Occupational ALARA Planning and Controls			
1	01/06/2020	01/10/2020	IP 71124.03 000727 In-Plant Airborne Radioactivity Control and Mitigation			
1	01/06/2020	01/10/2020	IP 71124.04 000728 Occupational Dose Assessment			
PI&R Biennial Team Inspection 4						
1	01/20/2020	01/24/2020	IP 71152B 000747 Problem Identification and Resolution			
1	02/10/2020	02/14/2020	IP 71152B 000747 Problem Identification and Resolution			
THREE MILE ISLAND EP PROGRAM INSPECTION 1						
1	03/09/2020	03/13/2020	IP 71114.02 000717 Alert and Notification System Testing			
1	03/09/2020	03/13/2020	IP 71114.03 000718 Emergency Response Organization Staffing and Augmentation System			

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## Three Mile Island

01/01/2019 - 12/31/2020

### IP 22 Inspection Activity Plan Report

Unit	Start	End	Activity	CAC	Title	Staff Count
THREE MILE ISLAND EP PROGRAM INSPECTION 1						
1	03/09/2020	03/13/2020	IP 71114.05	000720	Maintenance of Emergency Preparedness	
1	03/09/2020	03/13/2020	IP 71151	001397	Performance Indicator Verification	
Rad Safety RETS 1						
1	03/23/2020	03/27/2020	IP 71124.06	000730	Radioactive Gaseous and Liquid Effluent Treatment	
1	03/23/2020	03/27/2020	IP 71151	000746	Performance Indicator Verification	
TRIENNIAL FIRE PROTECTION 4						
1	05/04/2020	05/08/2020	IP 71111.05T	000696	Fire Protection (Triennial)	
1	05/18/2020	05/22/2020	IP 71111.05T	000696	Fire Protection (Triennial)	
Material Control and Accountability 1						
1	06/01/2020	06/05/2020	IP 71130.11	000742	Material Control and Accounting (MC&A)	
Rad Safety Rad Insts 1						
1	07/06/2020	07/10/2020	IP 71124.05	000729	Radiation Monitoring Instrumentation	
CYBER FULL IMP 4						
1	07/20/2020	07/24/2020	IP 71130.10P	000741	Cyber Security	
1	08/03/2020	08/07/2020	IP 71130.10P	000741	Cyber Security	
Rad Safety Insp 1						
1	12/14/2020	12/18/2020	IP 71124.01	000725	Radiological Hazard Assessment and Exposure Controls	
1	12/14/2020	12/18/2020	IP 71124.02	000726	Occupational ALARA Planning and Controls	
1	12/14/2020	12/18/2020	IP 71124.03	000727	In-Plant Airborne Radioactivity Control and Mitigation	
1	12/14/2020	12/18/2020	IP 71124.04	000728	Occupational Dose Assessment	
1	12/14/2020	12/18/2020	IP 71151	000746	Performance Indicator Verification	

This report does not include INPO and OUTAGE activities.

This report shows only on-site and announced inspection procedures.

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**April 18, 2019** – Letter dated April 18, 2019 from Justin C. oole, Project Manager Plant Licensing Branch I Division of Operating Reactor Licensing Office of Nuclear Reactor Regulation to Bryan C. Hanson Senior Vice President Exelon Generation Company, LLC President and Chief Nuclear Officer Exelon Nuclear with a subject of HREE MILE ISLAND NUCLEAR STATION, UNITS 1 AND 2 - ISSUANCE OF AMENDMENT NO. 296 FOR UNIT 1 RE: CHANGES TO EMERGENCY PLAN FOR POST-SHUTDOWN AND PERMANENTLY DEFUELED CONDITION (EPID L-2018-LLA-0073)

The U.S. Nuclear Regulatory Commission (the Commission) has issued the enclosed Amendment No. 296 to Renewed Facility Operating License No. DPR-50 for the Three Mile

Island Nuclear Station, Unit 1, in response to your application dated March 19, 2018, as supplemented by letters dated August 13, 2018, and November 20, 2018.

The amendment revises the on-shift staffing and the emergency response organization in the site emergency plan for the post-shutdown and permanently defueled condition.

In accordance with the Possession-Only License No. DPR-73 Post-Defueling Monitored Storage Safety Analysis Report for the Three Mile Island Nuclear Station, Unit 2, the emergency plan for Unit 1 is considered to encompass Unit 2. Therefore, an amendment to the Unit 2 license is not required.

A copy of the related safety evaluation is also enclosed. Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

EXELON GENERATION COMPANY, LLC DOCKET NO. 50-289  
THREE MILE ISLAND NUCLEAR STATION, UNIT 1 AMENDMENT TO FACILITY OPERATING  
LICENSE

Amendment No. 259 Renewed License No. DPR-50

1. The Nuclear Regulatory Commission (the Commission or NRC) has found that:

1. The application for amendment by Exelon Generation Company, LLC (the licensee), dated March 19, 2018, as supplemented by letters dated August 13, 2018, and November 20, 2018, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
2. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
3. There is reasonable assurance: (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
4. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
5. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
6. Accordingly, by the Amendment No. 296, Renewed Facility Operating License No. DPR-50 is hereby amended to authorize revision to the Three Mile Island Nuclear Station, Unit 1 Emergency Plan as set forth in the licensee's application dated March 19, 2018, as supplemented by letters dated August 13, 2018, and November 20, 2018, and evaluated in the NRC staff's safety evaluation for this amendment.
7. This license amendment is effective following the docketing of the certifications required by 10 CFR 50.82(a)(1)(i) and (ii) that Three Mile Island Nuclear Station, Unit 1 has been permanently shut down and defueled, and shall be implemented within 90 days of the effective date of the amendment, but will not exceed December 31, 2019.

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION RELATED  
TO AMENDMENT NO. 296 TO RENEWED FACILITY OPERATING LICENSE NO. DPR-50

EXELON GENERATION COMPANY, LLC. THREE MILE ISLAND NUCLEAR STATION, UNITS  
1 AND 2 DOCKET NOS. 50-289 AND 50-320

INTRODUCTION

By letter dated June 20, 2017 (Reference 1), in accordance with Sections 50.82(a)(1)(i) and 50.4(b)(8) to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities," Exelon Generation Company, LLC (Exelon, or the licensee) informed the U.S. Nuclear Regulatory Commission (NRC or Commission) that Three Mile Island Nuclear Station (TMI), Unit 1 (TMI-1), would permanently cease power operations on or about September 30, 2019. Upon the NRC's docketing of the Exelon certification that all fuel has been permanently removed from the reactor vessel and placed into the spent fuel pool (SFP) pursuant to 10 CFR 50.82(a)(2), the license for TMI-1 will no longer authorize operation of the reactor or emplacement or retention of fuel into the reactor vessel. The irradiated fuel will be stored in the SFP until an onsite independent spent fuel storage installation (ISFSI) is built at TMI.

By application dated March 19, 2018 (Reference 2), as supplemented by letters dated August 13, 2018 (Reference 3), and November 20, 2018 (Reference 4), Exelon requested approval by the NRC of the proposed changes to the TMI site emergency plan (SEP), as required under 10 CFR 50.54(q)(4) prior to implementation by the licensee, to support the planned permanent cessation of operations and permanent defueling of the TMI-1 reactor. The proposed changes would revise the TMI SEP emergency response organization (ERO) on-shift and augmented staffing, commensurate with the reduced spectrum of credible accidents for a permanently shutdown and defueled nuclear power reactor facility. As a result of the transition from an operating facility to a permanently defueled facility, the proposed changes will properly reflect the conditions of the facility, while continuing to maintain effectiveness of the TMI SEP.

In addition, the proposed changes also relocate full augmentation positions from the TMI SEP to be maintained and controlled in the emergency preparedness implementing procedures (EIPs).

TMI, Unit 2 (TMI-2), has a possession-only license and is currently maintained in accordance with the NRG-approved SAFSTOR condition (method in which a nuclear facility is placed and maintained in a condition that allows it to be safely stored and subsequently decontaminated)

known as post-defueling monitored storage. In its application dated March 19, 2018, Exelon states, in part:

Exelon maintains the emergency planning responsibilities for TMI-2, which is owned by First Energy Corporation, through a service agreement. This License Amendment Request (LAR) does not impact Exelon's ability to maintain the service agreement.

The supplemental letters dated August 13, 2018, and November 20, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally

noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on July 17, 2018

(83 FR 33268).

### Conclusion

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) there is reasonable assurance that such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

**July 18, 2019** – Letter dated July 18, 2019 from Lisa M. Regner, Acting Branch Chief Plant Licensing Branch III Division of Operating Reactor Licensing Office of Nuclear Reactor Regulation to Bryan C. Hanson Senior Vice President Exelon Generation Company, LLC President and Chief Nuclear Officer (CNO) Exelon Nuclear with a subject of BRAIDWOOD STATION, UNITS 1 AND 2; BYRON STATION, UNIT NOS. 1 AND 2; CALVERT CLIFFS NUCLEAR POWER PLANT, UNITS 1 AND 2; CLINTON POWER STATION, UNIT NO. 1; DRESDEN NUCLEAR POWER STATION, UNITS 2 AND 3; JAMES A. FITZPATRICK NUCLEAR POWER PLANT; LASALLE COUNTY STATION, UNITS 1 AND 2; LIMERICK GENERATING STATION, UNITS 1 AND 2; NINE MILE POINT NUCLEAR STATION, UNITS 1 AND 2; PEACH BOTTOM ATOMIC POWER STATION, UNITS 2 AND 3; QUAD CITIES NUCLEAR POWER STATION, UNITS 1 AND 2; AND R. E. GINNA NUCLEAR POWER PLANT — PROPOSED ALTERNATIVE TO USE ASME CODE CASES N-878 AND N-880 (EPID L-2018-LLR-0077)

By application dated May 30, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18151A028), as supplemented by letters dated July 26, 2018; January 8, 2019; May 1, 2019; and June 4, 2019 (ADAMS Accession Nos. ML18208A345, ML19008A187, ML19122A307, and ML19155A214, respectively), Exelon Generation Company, LLC (Exelon, the licensee) submitted a request for a proposed alternative to the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.55a, "Codes and standards," and the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code for Braidwood Station (Braidwood), Units 1 and 2; Byron Station (Byron), Unit Nos. 1 and 2; Calvert Cliffs Nuclear Power Plant (Calvert Cliffs), Units 1 and 2; Clinton Power Station (Clinton), Unit No. 1; Dresden Nuclear Power Station (Dresden), Units 2 and 3; James A. FitzPatrick Nuclear Power Plant (FitzPatrick); LaSalle County Station (LaSalle), Units 1 and 2; Limerick Generating Station (Limerick), Units 1 and 2; Nine Mile Point Nuclear Station (NMP), Units 1 and 2; Peach Bottom Atomic Power Station (Peach Bottom), Units 2 and 3; Quad Cities Nuclear Power Station (Quad Cities), Units 1 and 2; and R. E. Ginna Nuclear Power Plant (Ginna). The application also requested to use the proposed alternative at Three Mile Island Nuclear Station (TMI), Unit 1. However, the licensee withdrew the request for TMI by letter dated June 17, 2019 (ADAMS Accession No. ML19169A031).

The proposed alternative would allow the licensee to use ASME Code Case N-878, "Alternative to QA [Quality Assurance] Program Requirements of IWA-4142, Section XI, Division 1," and Code Case N-880, "Alternative to Procurement Requirements of IWA-4143 for Small Nonstandard Welded Fittings, Section XI, Division 1."

The U.S. Nuclear Regulatory Commission (NRC) staff has reviewed the subject request and concludes, as set forth in the enclosed safety evaluation, that the licensee has adequately addressed the regulatory requirements set forth in 10 CFR 50.55a(z)(1). Therefore, the NRC staff authorizes the licensee to use the proposed alternative described in its application, as supplemented, at Braidwood, Byron, Calvert Cliffs, Clinton, Dresden, FitzPatrick, LaSalle, Limerick, NMP, Peach Bottom, Quad Cities, and Ginna. This authorization is for the remainder of the current 10-year inservice inspection (ISI) intervals at Braidwood Units 1 and 2, Byron Unit Nos. 1 and 2, Calvert Cliffs Units 1 and 2, Clinton, Dresden Units 2 and 3, FitzPatrick, LaSalle Units 1 and 2, Limerick Units 1 and 2, NMP Unit 2, Peach Bottom Units 2 and 3, Quad Cities Units 1 and 2, and Ginna, as specified in the licensee's June 4, 2019, letter. In addition, this authorization is for the duration of the fourth 10-year ISI interval at Clinton, the fifth 10-year ISI interval at NMP Unit 1, and the sixth 10-year ISI interval at Ginna, as specified in the licensee's June 4, 2019, letter.

All other ASME Code requirements for which relief was not been specifically requested and approved remain applicable, including third-party review by the Authorized Nuclear Inservice Inspector.

### CONCLUSION

As set forth above, the NRC staff determined that the licensee's proposed alternative to use ASME Code Cases N-878 and N-880 in lieu of the specified ASME BPV Code requirements in paragraphs IWA-4142 and IWA-4143 provides an acceptable level of quality and safety. Accordingly, the staff concludes that the licensee has adequately addressed the regulatory requirements set forth in 10 CFR 50.55a(z)(1). Therefore, the NRC staff authorizes the licensee to use the proposed alternative described in its application, as supplemented, at Braidwood, Byron, Calvert Cliffs, Clinton, Dresden, FitzPatrick, LaSalle, Limerick, NMP, Peach Bottom, Quad Cities, and Ginna. This authorization is for the remainder of the current 10-year ISI intervals at Braidwood Units 1 and 2, Byron Unit Nos. 1 and 2, Calvert Cliffs Units 1 and 2, Clinton, Dresden Units 2 and 3, FitzPatrick, LaSalle Units 1 and 2, Limerick Units 1 and 2, NMP Unit 2, Peach Bottom Units 2 and 3, Quad Cities Units 1 and 2, and Ginna, as specified in the licensee's June 4, 2019, letter. In addition, this authorization is for the duration of the fourth 10-year ISI interval at Clinton, the fifth 10-year ISI interval at NMP Unit 1, and the sixth 10-year ISI interval at Ginna, as specified in the licensee's June 4, 2019, letter.

The NRC approval of this alternative does not imply or infer the NRC approval of ASME Code Cases N-878 or N-880 for generic use. All other ASME Code requirements for which relief was not been specifically requested and approved remain applicable, including third-party review by the ANII.

**July 19, 2019** – letter dated July 19, 2019 from Blake A. Purnell, Project Manager Plant Licensing Branch III Division of Operating Reactor Licensing Office of Nuclear Reactor Regulation to Bryan C. Hanson Senior Vice President Exelon Generation Company, LLC President and Chief Nuclear Officer (CNO) Exelon Nuclear with a subject of BRAIDWOOD STATION, UNITS 1 AND 2; BYRON STATION, UNIT NOS. 1 AND 2; CALVERT CLIFFS NUCLEAR POWER PLANT, UNITS 1 AND 2; CLINTON POWER STATION, UNIT NO. 1; LASALLE COUNTY STATION, UNITS 1 AND 2; LIMERICK GENERATING STATION, UNITS 1 AND 2; NINE MILE POINT NUCLEAR STATION, UNIT 2; AND THREE MILE ISLAND NUCLEAR STATION, UNIT 1 – SUPPLEMENTAL INFORMATION NEEDED TO SUPPORT

## REQUEST FOR WITHHOLDING INFORMATION REGARDING PROPOSED ALTERNATIVE TO USE ASME CODE CASE N-879 (EPID L-2019-LLR-0037)

By letter<sup>1</sup> to the U.S. Nuclear Regulatory Commission (NRC) dated April 30, 2019, Exelon Generation Company, LLC (Exelon) submitted a request for a proposed alternative to use American Society of Mechanical Engineers Code Case N-879. The letter included five enclosures, each with a separate affidavit. The affidavits were all dated March 15, 2019, and executed by William H. Lennon, Chief Executive Officer of Lokring Technology, LLC (Lokring). The affidavits requested that information contained in the enclosures be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* Section 2.390. The letter and affidavits have been made publicly available.

The NRC staff has reviewed the affidavits and determined that supplemental information is needed to support the request to withhold information contained in the enclosures from public disclosure. The NRC staff discussed the need for supplemental information with Exelon and Lokring personnel on July 18, 2019. The staff requests that the supplemental information identified in the enclosure to this letter be provided within 30 days from the date of this letter. If the supplemental information is not provided within this timeframe, the staff may deny the request for withholding.

SUPPLEMENTAL INFORMATION NEEDED  
REQUEST FOR WITHHOLDING INFORMATION  
REGARDING PROPOSED ALTERNATIVE TO USE ASME CODE CASE N-879 EXELON  
GENERATION COMPANY, LLC  
DOCKET NOS. STN 50-456, STN 50-457, STN 50-454, STN 50-455, 50-317, 50-318, 50-461,  
50-373, 50-374, 50-352, 50-353, 50-220, 50-410, AND 50-289

By letter<sup>1</sup> to the U.S. Nuclear Regulatory Commission (NRC) dated April 30, 2019, Exelon Generation Company, LLC (Exelon) submitted a request for a proposed alternative to use American Society of Mechanical Engineers (ASME) Code Case N-879. The letter included five enclosures, each with a separate affidavit. The affidavits were all dated March 15, 2019, and executed by William H. Lennon, Chief Executive Officer of Lokring Technology, LLC (Lokring). The affidavits requested that information contained in the enclosures be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390.

The NRC staff has reviewed the affidavits and enclosures and has determined that supplemental information is needed to support the request for withholding from public disclosure. The affidavits imply that each enclosure should be withheld in their entirety since the enclosures do not contain portion marking to indicate the specific information to be withheld.

However, the NRC staff has identified significant discrepancies between the claims in the affidavit and the information in the enclosures. These discrepancies include, but are not limited to, the following:

1. The enclosures included information (e.g., test methods and results, drawings) provided in the public portion of the license amendment request and during a public meeting on January 23, 2019 (ADAMS Accession No. ML19036A883).
2. The enclosures included ASME Code information which is not owned by Lokring and is publicly available.



3. The Lokring Website provides information which appears to be similar to the type of information in the enclosures.
4. The enclosures include forms and reports provided to Lokring by other vendors that appear to be standard forms not owned by Lokring. Information in these forms include company names and addresses, table headings, job numbers, part numbers, and standard wording that would not typically be considered proprietary.

<sup>1</sup> Agencywide Documents Access and Management System (ADAMS) Package Accession No. ML19122A014.

### **Requested Supplemental Information**

1. Provide public and non-public versions of the enclosures. The non-public versions of the enclosures must be portion-marked to identify the specific information requested to be withheld along with the bases for withholding.
2. In accordance with 10 CFR 2.390, provide a revised affidavit to support the request for withholding the portion-marked information in the revised non-public enclosures.
3. Identify any information requested to be withheld that is publicly available. This should include the identification of requirements in codes, standards, or regulations that are part of the current licensing bases for the facilities.

**July 25, 2019** – email dated July 25, 2019 from Blake Purnell to Francis Mascitelli (GenCo-Nuc) cc James Barstown (GenCo-Nuc) and Lisa Regner with a subject of Exelon Generation Company, LLC - Acceptance of Fleet License Request Regarding High Radiation Area Ad By application dated June 26, 2019 (Agencywide Documents Access and Management System Accession No. ML19178A304), Exelon Generation Company, LLC (the licensee) submitted a license amendment request for Braidwood Station, Units 1 and 2; Byron Station, Unit Nos. 1 and 2; Calvert Cliffs Nuclear Power Plant, Units 1 and 2; Clinton Power Station, Unit No. 1; Dresden Nuclear Power Station, Units 2 and 3; James A. FitzPatrick Nuclear Power Plant; LaSalle County Station, Units 1 and 2; Limerick Generating Station, Units 1 and 2; Nine Mile Point Nuclear Station, Units 1 and 2; Peach Bottom Atomic Power Station, Units 2 and 3; Quad Cities Nuclear Power Station, Units 1 and 2; R. E. Ginna Nuclear Power Plant; and Three Mile Island Nuclear Station, Unit 1. Except for Calvert Cliffs, the proposed amendments would revise the technical specifications for high radiation area administrative controls. The proposed amendments for Calvert Cliffs would add technical specification requirements for high radiation area administrative controls.

The purpose of this e-mail is to provide the results of the NRC staff's acceptance review of this amendment request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

Consistent with Section 50.90 of Title 10 of the Code of Federal Regulations (10 CFR), an amendment to the license must fully describe the changes requested, and following as far as applicable, the form prescribed for original applications. Section 50.34 of 10 CFR addresses the content of technical information required. This section stipulates that the submittal address the design and operating characteristics, unusual or novel design features, and principal safety considerations.

The NRC staff has reviewed your application and concluded that it does provide technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed amendment in terms of regulatory requirements and the protection of public health and safety and the environment. Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. You will be advised of any further information needed to support the NRC staff's detailed technical review by separate correspondence.

Based on the information provided in your submittal, the NRC staff has estimated that the review of this licensing request will take approximately 250 hours to complete. The NRC staff expects to complete this review by July 31, 2020. If there are emergent complexities or challenges in our review that would cause changes to the initial forecasted completion date or significant changes in the forecasted hours, the reasons for the changes, along with the new estimates, will be communicated during the routine interactions with the assigned project manager.

These estimates are based on the NRC staff's initial review of the application and they could change, due to several factors including requests for additional information, unanticipated addition of scope to the review, and review by NRC advisory committees or hearing-related activities. Additional delay may occur if the submittal is provided to the NRC in advance or in parallel with industry program initiatives or pilot applications.

**September 19, 2019** – Letter dated September 19, 2019 from James Danna, Chief Plant Licensing Branch 1 Division of Operating Reactor Licensing Office of Nuclear Reactor Regulation to Bryan Hanson, Senior Vice President Exelon Generation Company, President and Chief Nuclear Officer Exelon Nuclear with subject of Three Mile Island Nuclear Station unit 1 – Relief from the requirements of the American society of mechanical engineers code re: examination and testing for containment unbonded post-tensioning system (EPID L-2018-LLR-0132)

By letter dated October 16, 2018 (Agencywide Documents and Access Management System Accession No. ML18289A363), Exelon Generation Company, LLC (the licensee) submitted Relief Request (RR) RR-18-01 to the U.S. Nuclear Regulatory Commission (NRC) for the use of alternatives to certain American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Section XI requirements at the Three Mile Island Nuclear Station (TMI), Unit 1.

Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 50.55a(z)(1), the licensee requested to use the proposed alternative to defer execution of physical testing of the Reactor Building post-tensioning system on the basis that the alternative provides an acceptable level of quality and safety. In RR-18-01, the licensee proposed a deviation from certain containment Inservice Inspection requirements specified in 10 CFR 50.55a and, by reference therein, ASME Section XI, Subsection IWL. Specifically, the licensee proposed that Table IWL 2500-1, "Examination Category L-B, Unbonded Post-Tensioning System," requirements normally scheduled to be performed during the 45<sup>th</sup> year surveillance, to be performed during the

50<sup>th</sup> year surveillance, which is a 5-year extension request. Containment liner and penetration assembly ISI requirements specified in Subsection IWE will continue to be implemented in accordance with the licensee's current ISI plan.

The NRC staff has determined, as set forth in the enclosed safety evaluation, that the proposed alternative was submitted in a timely manner and provides an acceptable level of quality and safety. Accordingly, the NRC staff concludes that the licensee has adequately addressed the regulatory requirements set forth in 10 CFR 50.55a(z)(1). Therefore, the NRC staff authorizes the use of proposed alternative in RR-18-01, in accordance with 10 CFR 50.55a(z)(1) for TMI, Unit 1, for a one-time deferral of the physical testing of the post-tensioning system, to be completed no later than the 50<sup>th</sup> year surveillance.

All other ASME Code, Section XI requirements for which relief was not specifically requested and approved, remain applicable, including third-party review by the Authorized Nuclear Inservice Inspector.

If you have any questions, please contact the Project Manager, Justin Poole, at 301-415-2048

## INTRODUCTION

By letter dated October 16, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18289A363), Exelon Generation Company, LLC (Exelon, the licensee), submitted to the U.S. Nuclear Regulatory Commission (NRC) Relief Request (RR) RR-18-01 associated with the fourth 10-year Inservice Inspection (ISI) Interval for the Three Mile Island Nuclear Station, Unit 1 (TMI-1).

Specifically, pursuant to the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.55a “Codes and Standards,” specifically 10 CFR 50.55a(z)(1), the licensee proposed an alternative to the ISI examination requirements of the American Society of Mechanical Engineers (ASME) Boiler & Pressure Vessel Code, Section XI, Subsection IWL, endorsed by reference in 10 CFR 50.55a. The ASME Code Table IWL 2500-1, “Examination Category L-B, Unbonded Post-Tensioning System,” defines the examination categories for the Reactor Building concrete and post-tensioning (P-T) system.

### 1. Component(s) for Which the Alternative is Requested

The licensee proposed an alternative to the physical testing requirements of the Reactor Building concrete and P-T system for the containment fourth ISI interval (April 20, 2011, through April 19, 2022). The licensee proposed a one-time 5-year extension for Examination Category L-B of Table IWL 2500-1 for the TMI-1 P-T system ISI requirements, which deviates from the examination and physical testing frequency requirements specified in ASME Section XI, Subsection IWL.

### 2.2 Proposed Alternative

In alternative RR-18-01, the licensee proposed to perform a visual examination only of the TMI-1 concrete containment and accessible steel hardware without tendon end anchorage cover removal and associated physical testing of the P-T system during the 45<sup>th</sup> year ISI surveillance. Examination and physical testing requirements of ASME Section XI, Table IWL-2500-1,

Enclosure

Examination Category L-B, Item Numbers L2.10 through L2.50, would be performed only if the general and detailed visual examination results identify conditions where observations indicate that there could be degradation of tendon hardware, as documented by the Responsible Engineer (RE) in an engineering evaluation. The RE is responsible for the approving, instructing, and training of personnel performing general and detailed visual examinations pursuant to IWL-2320.

RR-18-01 stated that this one-time (5-year) deferral of the physical testing of the P-T system would be performed during the 50<sup>th</sup> year ISI surveillance and would be completed during the subsequent fifth ISI interval. The licensee's proposed alternative to the 10 CFR 50.55a requirement basis, pursuant to 10 CFR 50.55a(z)(1), is on the premise that the proposed alternative would provide an acceptable level of quality and safety.

### 2.3 Code Addition and Addenda of Record

The licensee stated that the current code of record for the fourth containment ISI interval at TMI-1 is the ASME Boiler and Pressure Vessel Code, Section XI, 2004 Edition, no Addenda. The fourth ISI interval began on April 20, 2011, and is currently scheduled to end April 19, 2022.

### Reason for Request

The licensee proposed to perform a visual examination (ASME Section XI, Table IWL-2500-1, Examination Category L-A, Item Numbers L1.11 and L1.12) only of the concrete containment and accessible steel hardware that is visible without tendon end anchorage cover removal during the 45<sup>th</sup> year surveillance. Physical testing would be performed only if the visual examination results indicate a need for such testing as determined by the RE. All ASME Section XI, Table IWL-2500-1, Examination Category L-B, examinations from the 45<sup>th</sup> year surveillance will be deferred to the 50<sup>th</sup> year surveillance.

The licensee stated that the proposed alternative to 10 CFR 50.55a, requesting a one-time deferral of the physical testing of the P-T system for one surveillance cycle, will continue to provide an acceptable level of quality and safety based on projected performance and physical testing (if required). The licensee also provided some additional benefits to the deferral of the physical testing, such as less exposure of personnel to industrial safety hazards and undesirable conditions eliminated for one surveillance cycle by this proposed relief request.

### 2.6 Duration of the Alternative

The licensee requested the duration of the proposed alternative to be a one-time (5-year) deferral of the physical testing of the post-tensioning system. The relief request will remain in effect for the 45<sup>th</sup> year surveillance through the remainder of the current fourth ISI interval, which is scheduled to end on April 19, 2022. A complete ASME Section XI IWL examination

(Examination Category L-A and L-B) will be performed during the subsequent 50<sup>th</sup> year IWL surveillance.

### Containment General Design Description

The TMI-1 Reactor Building is a reinforced, post-tensioned concrete containment structure with a cylindrical wall, a flat foundation mat, and a shallow dome roof. The foundation slab is

conventionally reinforced with mild steel reinforcing; the cylindrical wall is prestressed with a P-T system in the vertical and horizontal directions. The dome roof is prestressed using a three-layered P-T system with tendon layers intersecting at 60 degrees. The inside surface of the building is lined with a carbon steel liner to ensure a high degree of leak tightness during operating and accident conditions. The prestressing system used is the BBRV system described in detail in Appendix 5B of the TMI-1 Updated Final Safety Analysis Report.

### 3.2 Review of the Licensee's Justification for Deviation from ASME Code, Section XI, Subsection IWL P-T System Examination and Physical Testing Requirements

Enclosure 1 of the relief request (hereinafter referred to as "the report") provides a plant-specific and generalized summary of P-T system performance observed during past periodic examinations conducted at 24 nuclear power plant sites. Both the plant-specific and industry operating experience for 41 unbonded post-tensioned concrete containments surveilled provide the basis for the proposed extension of the examination interval. The report stated that the examination results demonstrate that prescriptive requirements in IWL for a 45<sup>th</sup> year of required surveillance are overly conservative and that an acceptable level of quality and safety can be maintained by performing physical testing and examination in accordance with ASME

Section XI, Table IWL-2500-1, "Examination Category L-B," during the 50<sup>th</sup> year surveillance rather than the 45<sup>th</sup> year surveillance as mandated by regulatory requirements of 10 CFR 50.55a.

The report also discussed industry-wide historical basis for examination and testing of the containment P-T systems including TMI-1 specific observations that provide the foundation for proposed deviation from the ASME Section XI, Subsection IWL, examination and testing frequency of requirements in Table IWL-2500-1, Examination Category L-B. The table specifies two categories for visual examination of concrete surfaces: Examination Category L-A for all concrete surfaces and Category L-B for concrete surfaces surrounding tendon anchorages. Concrete surfaces are examined for evidence of damage or degradation, such as concrete cracks.

Specifically, with respect to TMI-1, the report stated that P-T system ISIs conducted between 1975 and 2013 demonstrated that the system is continuing to perform its intended function and that it can be expected to do so until well past the April 2034 expiration of the extended operating period license. The relief request proposes that TMI-1 defer such ASME Section XI, Examination Category L-B examinations and testing from the 45<sup>th</sup> year surveillance to the 50<sup>th</sup> year surveillance and only perform a general visual examination and a detailed visual examination (as determined to be required by the RE) of accessible concrete and exposed steel hardware as required by Table IWL-2500-1, Examination Category L-A, of ASME Code Section XI.

In Section 5, "Proposed Alternative and Basis for Use," of the relief request, the licensee provided a summary of the results of the report with respect to the examination and physical testing requirements of Section XI, Table IWL-2500-1, Item Numbers L2.10, L2.20, L2.30, L2.40, and L2.50. Section 4.0, "TMI-1 Examination History and Results Analysis/Evaluation," of the report included TMI-1 specific observations that provide a basis for deviation from the Section XI examination and testing requirements included in Table IWL 2500-1, "Examination Category L-B," Item Numbers L2.10 through L2.50 and are summarized below.

The report provided a comprehensive historical basis for examination and testing of containment P-T systems including TMI-1 P-T specific observations that constitute a basis for deviation from the ASME Section XI requirements in Table IWL 2500-1, "Examination Category L-B." Section 4.1, "Tendon Force Trends and Forecasts," of the report also provided comprehensive past evaluations of TMI-1 P-T system force measurements/examination results for hoop tendons, vertical tendons, dome tendons, and common tendons. The report also evaluated P-T system hardware, tendon mechanical properties, corrosion protection medium (CPM) chemical properties and free water analysis, and consolidated performance of the steam generator replacement tendons installed during the 2009 refueling outage. Tendons affected by repair and replacement activities associated with the containment wall opening created for the steam generator replacement project were also examined pursuant to Subsection IWL 2521.2 of ASME Code Section XI.

#### Item Number L2.10, Tendon Force Trends and Forecasts

Section 4.1 of the report stated that the tendon pre-stress loads are predicted to remain acceptable during the proposed 50<sup>th</sup> year surveillance. The report included plots that show that the statistical mean force in each of the tendon groups projected by log-linear regression trending and 95 percent lower confidence limit computations to remain above the specified minimum required (prestress force) value (MRV) from years 10 through the March 2034 license expiration. Figure 3 "Hoop Tendon Force Trend/Measured Force & UCL – Year 10 through Year 40 Data," Figure 7 "Vertical Tendon Force Trend/Measured Force & UCL – Year 10 through Year 40 Data," and Figure 11 "Dome Tendon Force Trend/Measured Force & UCL – Year 10 through Year 40 Data," of the report contain data points and trending for loss of tendon prestress like that considered by the NRC staff during the review of the TMI-1 license renewal application and found to be acceptable through March 2034, as noted in NUREG-1928. The figures in the relief request are augmented by the 40<sup>th</sup> year surveillance lift-off force data. The NRC staff reviewed the lift-off force data against the data included in the last surveillance and concluded that sampled and common tendon lift-off forces remained above their respective group MRVs. In particular, the NRC staff noted that "Topical Report 213, 40<sup>th</sup> Reactor Building Tendon Surveillance (Period 10)," Revision 0, (hereinafter referred to as the Topical Report, ADAMS Package Accession No. ML14189A283) shows that the surveilled group average losses of sampled and common dome, horizontal, and vertical tendons to be 17.89, 18.29, and 17.38 percent less than the original seated forces and to remain above the respective MRVs during the first 40 years of plant life. The NRC staff confirmed that the augmented results

provide a similar reasonable assurance as that reached in NUREG-1928 of prestressed tendon force adequacy.

#### Item Number L2.20, Wire Examination and Test Results

Section 4.3, "Wire Examination and Test Results Evaluation," of the report stated that tensile tests on three samples cut from the extracted wire, demonstrated that the ultimate tensile strength and elongation, at failure, for each tested wire were above the specified minimum values and remained essentially unchanged over time. The report also stated that examinations and tests conducted over almost 40 years have shown that wire condition, strength, and ductility are not changing over time. Visual examination of the wires extracted from test sample designated hoop, vertical, and dome tendons between 1975 and 2013 has uncovered no evidence of damage or active corrosion.

The NRC staff confirmed that the adequacy of the sampled tendon wire testing is consistent with IWL-2523 and the results following the review of the most recent surveillance data in the topical report, are acceptable. The topical report states that:

- • There were no defects, cracks, or damage on the removed tendon wires.
  - • Corrosion was within acceptable levels.
  - • Wire diameter measurements were all within acceptable tolerance limits.
  - • Ultimate tensile stress of the sample wires exceeded the specified minimum of 240 ksi.
  - • The yield stress for all wire samples exceeded the minimum of 204 ksi.
  - • Elongation of sampled wires at failure was above the minimum required of 4.0 percent.
- Item Number L2.30, End Anchorage Condition

In Section 4.2, "End Anchorage Condition," of the report, the licensee summarized the results of end anchorage examinations performed periodically over the life of the plant. During each of the surveillances, end anchorage areas were visually examined for evidence of corrosion, presence of free water, discontinuous wires, damage to or distortion of load bearing components and cracks in the concrete adjacent to the bearing plates; there have been no findings of active corrosion on the anchor heads, shims and wires. The licensee stated that no free water has been found in the end caps, on anchor heads, shims or on wires; no hardware damage, cracking or distortion has been found during visual examinations; and no evidence of structural cracks in the vicinity or surveillance sample tendon end anchorages. The licensee stated that through the most recent surveillance in 2013, tendon, anchorage hardware and adjacent concrete have performed well throughout the life of the plant. The NRC staff reviewed the information provided in the relief request against the topical report and confirmed that all inspected anchorage components were found to have limited corrosion (levels A or B) and that no cracks wider than 0.010 inch were found in the 24-inch perimeter of the concrete around the bearing plates throughout the tendon surveillance.

#### Item Numbers L2.40 and L2.50, CPM and Free Water Testing

As discussed in Section 4.4, "Corrosion Protection Medium Testing," of the report, CPM was collected at the ends of the sample tendons during each of the 11 surveillances including the augmented surveillance of the steam generator replacement tendons. The reported surveillances spanned a period of 38 years from 1975 to 2013 (3<sup>rd</sup> – 40<sup>th</sup> year surveillances).

Each CPM sample was tested for the presence of three corrosive ions (chlorides, nitrates and sulfides), absorbed water (since 1977), and reserve alkalinity (since 1975). A summary of the test results stated that all ion concentrations are well below the ASME Section XI, Table IWL-2525-1, upper limit of 10 parts per million for all three ions and show no trend of increasing over time; are well below the 10 percent (of dry weight) limit on water content; and with three exceptions, met the Table IWL-2525-1 criteria for reserve alkalinity.

The data reported during these surveillances also did not show evidence of active corrosion on the end anchorage hardware within the CPM coverage area (i.e., within the volume bounded by the tendon end caps). The NRC staff reviewed the topical report and confirmed that:

- • No free water was observed during the tendon end inspections.

- Grease samples had base numbers less than the lowest test limit values.
- All other grease sample results were within the acceptance limits of Table IWL-2525-1.

The NRC staff, however, noted in the topical report that three out of five sampled dome tendons indicated CPM replenishment to exceed the IWL-3221.4 limit. The NRC staff noted that the licensee resolved the as-found grease void condition issue through Inspection Report 1585403, "Evaluation of Dome Grease Voids that Exceed Acceptance Criteria," which was made part of the topical report. The report concluded the as-found condition to be acceptable for the small number of affected dome tendons because: (i) there has been no evidence of significant leakage at the tendon end caps during their 40-year service life, implying that this condition existed since the original construction; (ii) the "uniqueness" of the TMI-1 duct design and construction of schedule 40 pipes (the sheathing (pipe) is cast into containment structures' concrete walls and dome) to ensure that tendons within the ducts are fully protected from water intrusion; (iii) the shop coating of Visconorust 1601 Amber on the tendon wires and further coating during CPM installation ensures that bare tendon wires are not exposed to atmospheric conditions in segments of duct not completely filled with CPM; and (iv) there was no evidence of corrosion on either anchorage components of sampled tendons nor on the tested wire.

#### Examination and Testing of Tendons Affected by Steam Generator Replacement and Repair Activities

Section 4.5, "SGR Tendon Examination and Test Results Evaluation," of the report discussed the steam generator replacement during the 2009 refueling outage which required an opening in the side wall of the Reactor Building and detensioning of 30 hoop and 45 vertical tendons. Of this population, 22 hoop and 10 vertical tendons were replaced with new tendons fabricated using low relaxation wire while the remainder were retensioned. As required by IWL-2521.2, these tendons are treated as a separate population examined and tested during an Augmented Examination surveillance in 2010 as well as during the 40<sup>th</sup> year surveillance performed in 2013. The licensee concluded that based on evaluations of visual examinations, tendon force measurements, wire tests, visual examination of end anchorage conditions, and CPM analyses performed in conjunction with the augmented and 40<sup>th</sup> year surveillance, that the steam generator replacement tendons are performing satisfactorily and that the corrosion protection system is functioning as intended. The NRC staff reviewed the topical report and confirmed that the examination and testing of the tendons affected by steam generator replacement and repair activities, including measurement of the sampled tendon lift-off forces, were performed in accordance with ASME Section XI, Subsection IWL, requirements and the results were found to be acceptable.

#### License Renewal and Additional Supporting Actions

In Section 5 of the relief request, the licensee discussed completion of the 2014 license renewal commitments inspection at TMI-1 which included Commitment 25 associated with the ASME Section XI, Subsection IWL, Program credited for managing Reactor Building degradation. The NRC concluded that the commitment is being implemented and there is reasonable assurance that the effects of aging will be managed during the extended period of operation. Visual examinations being performed for ASME Section XI, Examination Category L-A, are expected to identify conditions that would allow water intrusion into the tendons and gross leakage of CPM,



which would be precursors for providing an environment that could allow corrosion of the tendon wires or inaccessible tendon hardware covered by the tendon end cap.

The licensee stated that TMI-1 implements other inspections of the Reactor Building concrete and exposed exterior metal components including annual monitoring of the tendon end caps for leakage. External visual inspection of the Reactor Building exterior is performed by a qualified design engineer each refueling outage (RFO) cycle. Structural monitoring inspections of the building are performed at least every five years but are generally performed every second RFO to allow access to areas which are not accessible during operation. The licensee concluded that these examinations, performed at TMI-1, provide an additional defense-in-depth that supports the proposed one-time deferral of ASME Section XI, Table IWL-2500-1, Examination Category L-B, examinations and tests of the P-T system and will continue to provide an acceptable level of quality and safety.

### 3.3 Assessment of Quality and Safety

Based on the of the licensee's justification for deviation from the ASME Section XI examination and testing requirements, the NRC staff finds that reasonable assurance exists that the structural integrity and intended safety function of the Reactor Building containment P-T system is maintained; therefore, the licensee's proposed alternative provides an acceptable level of quality and safety.

### 4.0 CONCLUSION

As set forth above, the NRC staff has determined that it has the regulatory authority to authorize the proposed alternative, that the proposal was submitted in a timely manner, and that the proposed alternative provides an acceptable level of quality and safety. Accordingly, the NRC staff concludes that the licensee has adequately addressed the regulatory requirements set forth in 10 CFR 50.55a(z)(1).

Based on the licensee presenting over 40 years of favorable examination and testing results including plant specific operating experience to TMI-1 with no active P-T system hardware degradation conditions identified, acceptable and noted projected satisfactory performance of the containment P-T system, and technical evaluations performed by the licensee that demonstrate applied tendon prestress remaining force is acceptable through the end of the renewed license period, the NRC staff authorizes the use of the proposed alternative RR-18-01 for a one-time deferral of the physical testing of the containment P-T system, no later than the 50<sup>th</sup> year scheduled surveillance.

This authorization is limited to those components described in Section 2.1 of this safety evaluation.

All other ASME Code Section XI requirements for which the alternative was not specifically requested and authorized in this proposed alternative remain applicable, including a third-party review by the Authorized Nuclear Inservice Inspector.

**October 1, 2019** – Letter dated October 1, 2019 from Anthony Dimitriadis, Chief Decommissioning, ISFSI and Reactor HP Branch Division of Nuclear Materials Safety to Bryan Hanson, Senior Vice President, Exelon Generation President and Chief Nuclear Officer, Exelon Nuclear with subject line of Termination of Reactor Oversight Process for Three Mile Island Nuclear Station unit 1 and commencement of decommissioning inspection program

This letter is to inform you that oversight activities by the U.S. Nuclear Regulatory Commission (NRC) at the Three Mile Island Nuclear Station (TMI), Unit 1 will no longer be performed in accordance with our operating power reactor inspection program. The NRC's oversight of your future activities at TMI Unit 1 will be conducted in accordance with our decommissioning power reactor inspection program and will be led by our Region I Division of Nuclear Materials Safety (DNMS).

On June 20, 2017, Exelon Generation Company, LLC (Exelon) notified the NRC of its intent to permanently shut down TMI Unit 1 (ADAMS Accession Number: ML17171A151). On September 26, 2019, Exelon certified cessation of power operations and the permanent removal of fuel from the TMI Unit 1 reactor vessel (ADAMS Accession Number: ML19269E480). The NRC will no longer use Inspection Manual Chapter (IMC) 0305, "Operating Reactor Assessment Program," IMC 0608, "Performance Indicator Program," and IMC 2515, "Light-Water Reactor Inspection Program" when conducting oversight activities and assessing site performance. Therefore, it is also no longer necessary to report Reactor Oversight Process performance indicator data for TMI Unit 1. The results of inspection activities completed under IMC 2515 will be provided in future correspondence. Although the inspection program for NRC oversight at your facility has changed, all license commitments remain in effect until altered by formal action from the NRC.

The NRC's oversight of your licensed activities as you progress through decommissioning will be conducted under the provisions in IMC 2561, "Decommissioning Power Reactor Inspection Program." The objectives of the decommissioning inspection program are to verify that decommissioning activities are being conducted safely, that spent fuel is safely being stored, and that site operations and license termination activities are in conformance with applicable regulatory requirements, licensee commitments, and management controls.

As defined in IMC 2561, TMI Unit 1 is currently in the "Post-Operation Transition Phase" of decommissioning and the inspections as listed in IMC 2561, Appendix A, "Core Inspection Procedures" for that phase will be conducted at TMI Unit 1. In addition, the inspection procedures listed in IMC 2561, Appendix B, "Discretionary Procedures for Decommissioning Power Reactors" could be performed based on site activities and conditions.

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

**October 16, 2019** – Letter dated October 16, 2019 from Justin Poole, Project Manager Plant Licensing Branch 1, Division of Operating Reactor Licensing Office of Nuclear Reactor Regulation to Bryan Hanson, Senior Vice President, Exelon Generation Company, President and Chief Nuclear Officer with the subject

of Three Mile Island Nuclear Station Unit 1 – exemptions from the requirements of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) (EPID L-2019-LLE-0009)

The U.S. Nuclear Regulatory Commission (NRC) has approved the enclosed exemptions from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.82(a)(8)(i)(A) and Section 50.75(h)(1)(iv), for Exelon Generation Company, LLC. This action is in response to your application dated April 12, 2019, which requested the exemptions to allow the use of funds from the decommissioning trust fund for spent fuel management activities, without prior NRC notice, for Three Mile Island Nuclear Station, Unit 1.

A copy of the exemptions is enclosed. The exemptions have been forwarded to the Office of the Federal Register for publication. If you have any questions, please contact me at (301) 415-2048 or via e-mail at Justin.Poole@nrc.gov.

**NUCLEAR REGULATORY COMMISSION Docket No. 50-289**  
**Exelon Generation Company, LLC Three Mile Island Nuclear Station, Unit 1 Exemptions**  
**I. Background.**

Exelon Generation Company, LLC (Exelon, the licensee) is the holder of Renewed Facility Operating License No. DPR-50 for the Three Mile Island Nuclear Station, Unit 1 (TMI-1). The facility is located in Dauphin County, Pennsylvania.

By letter dated June 20, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17171A151), Exelon submitted a certification in accordance with Section 50.82(a)(1)(i) of Title 10 of the *Code of Federal Regulations* (10 CFR), stating its determination to permanently cease operations at TMI-1 no later than September 30, 2019. By letter dated September 26, 2019 (ADAMS Accession No. ML19269E480), Exelon submitted to the NRC a certification in accordance with 10 CFR 50.82(a)(1)(ii), stating that as of September 26, 2019, all fuel had been permanently removed from the TMI-1 reactor vessel. By separate letters dated April 5, 2019 (ADAMS Accession Nos. ML19095A009, ML19095A010, and ML19095A041), Exelon submitted the TMI-1 spent fuel management plan (SFMP), site-specific decommissioning cost estimate (DCE), and post-shutdown decommissioning activities report (PSDAR), respectively.

**II. Request/Action.**

By letter dated April 12, 2019 (ADAMS Accession No. ML19102A085), Exelon submitted

a request for exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv). The requested exemption from 10 CFR 50.82(a)(8)(i)(A) would permit Exelon to use funds from the TMI-1 Decommissioning Trust Fund (DTF) for spent fuel management activities in accordance with the TMI-1 site-specific DCE. The exemption from 10 CFR 50.75(h)(1)(iv) would also permit Exelon to make these withdrawals without prior notification of the NRC, similar to withdrawals for decommissioning activities made in accordance with 10 CFR 50.82(a)(8).

The 10 CFR 50.82(a)(8)(i)(A) requirement restricts the use of DTF withdrawals to expenses for legitimate decommissioning activities consistent with the definition of decommissioning that appears in 10 CFR 50.2. The definition of "decommission" in 10 CFR 50.2 reads as follows:

to remove a facility or site safely from service and reduce residual radioactivity to a level that permits- (1) Release of the property for unrestricted use and termination of the license; or (2) Release of the property under restricted conditions and termination of the license.

This definition does not include activities associated with spent fuel management activities. Therefore, an exemption from 10 CFR 50.82(a)(8)(i)(A) is needed to allow Exelon to use funds from the DTF for spent fuel management activities. The requirements of 10 CFR 50.75(h)(1)(iv) also restrict the use of DTF disbursements (other than for ordinary and incidental expenses) to decommissioning expenses until final radiological decommissioning is completed. Therefore, partial exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) are needed to allow Exelon to use funds from the TMI-1 DTF for spent fuel management activities in accordance with the TMI-1 site-specific DCE.

The requirements of 10 CFR 50.75(h)(1)(iv) further provide that, except for withdrawals being made under 10 CFR 50.82(a)(8) or for payments of ordinary administrative costs and other incidental expenses of the fund in connection with the operation of the fund, no disbursement may be made from the DTF without written notice to the NRC at least 30 working days in advance. Therefore, an exemption from 10 CFR 50.75(h)(1)(iv) is also needed to allow Exelon to use funds from the TMI-1 DTF for spent fuel management activities at TMI-1 without prior NRC notification.

### **III. Discussion.**

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested

person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50: (1) when the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) when any of the special circumstances listed in 10 CFR 50.12(a)(2) are present. These special circumstances include, among other things:

(a) Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; and

(b) Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.

#### **A. Authorized by Law**

The requested exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) would allow Exelon to use a portion of the funds from the TMI-1 DTF for spent fuel management activities at TMI-1 without prior notice to the NRC, in the same manner that withdrawals are made under 10 CFR 50.82(a)(8) for decommissioning activities. As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR part 50 when the exemptions are authorized by law. The NRC staff has determined, as explained below, that there is reasonable assurance of adequate funding for radiological decommissioning because the licensee's use of the DTF for activities associated with spent fuel management will not negatively impact the availability of funding for radiological decommissioning. Accordingly, the exemptions are authorized by law because granting the licensee's proposed exemptions will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations.

## **B. No Undue Risk to Public Health and Safety**

The underlying purpose of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) is to provide reasonable assurance that adequate funds will be available for the radiological decommissioning of power reactors. As explained in further detail in Section D below, based on the NRC staff's review of Exelon's site-specific DCE and the staff's independent cash flow analysis provided in the enclosed Table 1, "NRC Cash Flow Analysis of TMI-1

Decommissioning Trust Funds and Associated Costs, including Spent Fuel Management," the NRC staff finds that the use of the TMI-1 DTF for spent fuel management activities at TMI-1 will not adversely impact Exelon's ability to terminate the TMI-1 license (i.e., complete radiological decommissioning) as planned, consistent with the schedule and costs contained in the PSDAR.

Furthermore, an exemption from 10 CFR 50.75(h)(1)(iv) to allow the licensee to make withdrawals from the DTF for spent fuel management activities without prior written notification to the NRC will not affect the sufficiency of funds in the DTF to accomplish radiological decommissioning because such withdrawals are still constrained by the provisions of 10 CFR 50.82(a)(8)(i)(B) - (C) and are reviewable under the annual reporting requirements of 10 CFR 50.82(a)(8)(v) - (vii).

There are no new accident precursors created by using the DTF in the proposed manner. Thus, the probability of postulated accidents is not increased. Also, based on the above, the consequences of postulated accidents are not increased. No changes are being made in the types or amounts of effluents that may be released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, the requested exemptions will not present an undue risk to the public health and safety.

## **C. Consistent with the Common Defense and Security**

The requested exemptions would allow Exelon to use funds from the TMI-1 DTF for spent fuel management activities at TMI-1. Spent fuel management under 10 CFR 50.54(bb) is an integral part of the planned decommissioning and license termination process and will not adversely affect Exelon's ability to physically secure the site or protect special nuclear material. This change to enable the use of a portion of the funds from the DTF for spent fuel management activities has no relation to security issues. Therefore, the common defense and security is not impacted by the requested exemptions.

## **D. Special Circumstances**

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(ii), are present whenever application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the regulation.

The underlying purpose of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv), which restricts withdrawals from DTFs to expenses for radiological decommissioning activities, is to provide reasonable assurance that adequate funds will be available for radiological decommissioning of power reactors and license termination. Strict application of these requirements would prohibit the withdrawal of funds from the TMI-1 DTF for spent fuel management activities, until final radiological decommissioning at TMI-1 has been completed.

The April 1, 2019, annual report on the status of decommissioning funding for TMI-1 (ADAMS Accession No. ML19091A140), and the PSDAR both report a DTF balance of \$669.6 million as of December 31, 2018. The cash flow analysis in Table 2 of the April 12, 2019, application is based on a beginning DTF

balance of \$662.9 million as of December 31, 2018. The licensee stated that the beginning DTF balance was adjusted to account for 2017 and 2018 site radiological decommissioning planning and 2018 spent fuel management planning costs that would be reimbursed if the exemptions were granted. The Exelon analysis in the TMI-1 site-specific DCE, PSDAR, and exemption requests project the total radiological decommissioning cost of TMI-1 to be approximately \$1 billion in 2018 dollars and the spent fuel management costs to be \$158.6 million in 2018 dollars. This amounts to total estimated costs of approximately \$1.16 billion for decommissioning and spent fuel management, with license termination occurring in 2081.

The NRC staff performed an independent cash flow analysis of the DTF over the 60 year SAFSTOR period (assuming an annual real rate of return of two percent, as allowed by 10 CFR 50.75(e)(1)(ii)) and determined the projected earnings of the DTF. The results of the staff's analysis are presented in the enclosed Table 1. In its analysis, the NRC staff used the lesser opening DTF balance of \$662.9 million as a conservative estimate that reflects less money available to cover radiological decommissioning and spent fuel management costs.

As shown in the enclosed Table 1, the NRC staff confirmed that the current funds in the DTF and projected earnings are expected to be available and sufficient to complete all NRC required radiological decommissioning activities at TMI-1, and also to pay for spent fuel management activities. Therefore, the NRC staff finds that Exelon has provided reasonable assurance that adequate funds will be available for the radiological decommissioning of TMI-1, even with the disbursement of funds from the DTF for spent fuel management activities. Consequently, the NRC staff concludes that application of the requirements of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv), that funds from the DTF only be used for radiological decommissioning activities and not for spent fuel management activities, is not necessary to achieve the underlying purpose of the rule; thus, special circumstances are present supporting approval of the exemption requests.

In its submittal, Exelon also requested exemption from the requirement of 10 CFR 50.75(h)(1)(iv) concerning prior written notification to the NRC of withdrawals from the DTF to fund activities other than radiological decommissioning. The underlying purpose of notifying the NRC prior to withdrawal of funds from the DTF is to provide opportunity for NRC intervention, when deemed necessary, if the withdrawals are for expenses other than those authorized by 10 CFR 50.75(h)(1)(iv) and 10 CFR 50.82(a)(8) that could result in there being insufficient funds in the DTF to accomplish radiological decommissioning.

By granting the exemptions to 10 CFR 50.75(h)(1)(iv) and 10 CFR 50.82(a)(8)(i)(A), the NRC staff considers that withdrawals consistent with the licensee's submittal dated April 12, 2019, are authorized. As stated previously, the NRC staff has determined that there are sufficient funds in the DTF to complete radiological decommissioning activities as well as to conduct spent fuel management activities consistent with the PSDAR, site-specific DCE, and the April 12, 2019, exemption requests. Pursuant to the requirements in 10 CFR 50.82(a)(8)(v) and (vii), licensees are required to monitor and annually report to the NRC the status of the DTF and the licensee's funding for managing spent fuel. These reports provide the NRC staff with awareness of, and the ability to take action on, any actual or potential funding deficiencies. Additionally, 10 CFR 50.82(a)(8)(vi) requires that the annual financial assurance status report must include additional financial assurance to cover the estimated cost of completion if the sum of the balance of any remaining decommissioning funds, plus earnings on such funds calculated at not

greater than a two-percent real rate of return, together with the amount provided by other financial assurance methods being relied upon, does not cover the estimated cost to complete the decommissioning. The requested exemption would not allow the withdrawal of funds from the DTF for any other purpose that is not currently authorized in the regulations without prior notification to the NRC. Therefore, the granting of this exemption to 10 CFR 50.75(h)(1)(iv) to allow the licensee to make withdrawals from the DTF to cover authorized expenses for spent fuel management activities without prior written notification to the NRC will still meet the underlying purpose of the regulation.

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(iii), are present whenever compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated. The licensee stated that the DTF contains funds in excess of the estimated costs of radiological decommissioning and that these excess funds are needed for spent fuel management activities. Preventing access to those excess funds in the DTF because spent fuel management activities are not associated with radiological decommissioning would create an unnecessary financial burden without any corresponding safety benefit. The adequacy of the DTF to cover the cost of activities associated with radiological decommissioning and pay for costs associated with spent fuel management is supported by the staff's independent cash flow analysis in the enclosed Table 1. If the licensee cannot use its DTF for spent fuel management, it would need to obtain additional funding that would not be recoverable from the DTF, or the licensee would have to modify its decommissioning approach and methods. The NRC staff concludes that either outcome would impose an unnecessary and undue burden significantly in excess of that contemplated when

10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) were adopted.

Since the underlying purposes of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) would

be achieved by allowing Exelon to use a portion of the TMI-1 DTF for spent fuel management

activities without prior NRC notification, and since compliance with the regulations would result in an undue hardship or other costs that are significantly in excess of those contemplated when the regulations were adopted, the special circumstances required by 10 CFR 50.12(a)(2)(ii) and

10 CFR 50.12(a)(2)(iii) exist and support the approval of the requested exemptions.

## **E. Environmental Considerations**

In accordance with 10 CFR 51.31(a), the Commission has determined that the granting of the exemptions will not have a significant effect on the quality of the human environment (see Environmental Assessment and Finding of No Significant Impact published in the *Federal Register* on October 16, 2019 (84 FR 55342)).

## **IV. Conclusions.**

In consideration of the above, the NRC staff finds that the proposed exemptions confirm the adequacy of funding in the TMI-1 DTF to complete radiological decommissioning of the site and to terminate the license and also to cover estimated spent fuel management activities.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants Exelon exemptions from the requirements of

10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) to allow them to use of a portion of the funds from the TMI-1 DTF for spent fuel management activities, without prior NRC notification, consistent with the PSDAR and site-specific DCE dated April 5, 2019.

The exemptions are effective upon issuance.

**December 12, 2019** – email dated December 12, 2019 from Justin Poole to Leslie Holden (Exelon Nuclear), Robert Brady (Exelon Nuclear), Francis Mascitelli (Exelon Nuclear), cc James Danna with the subject of TMI-1 acceptance of requested licensing action re: amendment request to remove permanently defueled technical specification 3.1.4 (EPID L-2019-LLA-0250)

By letter dated November 12, 2019, Exelon Generation Company, LLC submitted license amendment request for Three Mile Island Nuclear Station, Unit 1. The purpose of this e-mail is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this amendment request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

The NRC staff has reviewed your application and concluded that it does provide technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed amendment in terms of regulatory requirements and the protection of public health and safety and the environment. Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. If additional information is needed, you will be advised by separate correspondence.

Based on the information provided in your submittal, the NRC staff has estimated that this licensing request will take approximately 198 hours to complete. The NRC staff expects to complete this review by December 2020. If there are emergent complexities or challenges in our review that would cause changes to the initial forecasted completion date or significant changes in the forecasted hours, the reasons for the changes, along with the new estimates, will be communicated during the routine interactions with the assigned project manager.

These estimates are based on the NRC staff's initial review of the application and they could change, due to several factors including requests for additional information, unanticipated addition of scope to the review, and review by NRC advisory committees or hearing-related activities. Additional delay may occur if the submittal is provided to the NRC in advance or in parallel with industry program initiatives or pilot applications.



**January 22, 2020** – Letter dated January 22, 2020 from Ho Nieh, Director, Office of Nuclear Reactor Regulation to Bryan Hanson, Senior Vice President Exelon Generation Company with the subject line of: Three Mile Island Nuclear Station, Unit 1 – withdrawal of order ea-12-051, “order modifying licenses with regard to reliable spent fuel pool instrumentation: (EPID L-2019-JLD-0019).

By letter dated March 12, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12054A679), the U.S. Nuclear Regulatory Commission (NRC, the Commission) issued Order EA-12-051 to Exelon Generation Company, LLC (Exelon, the licensee). This order requires certain actions at Three Mile Island Nuclear Station, Unit 1 (TMI-1) associated with the Fukushima Near-Term Task Force recommendations. Specifically, Order EA-12-051 requires that reliable spent fuel pool (SFP) instrumentation be installed and maintained in the event of a beyond-design-basis external event.

Section IV of Order EA-12-051 (the Order) required that Exelon submit to the Commission for review an overall integrated plan by February 28, 2013, describing how TMI-1 will achieve compliance with the requirements of the Order. The licensee responded to the Order by letter dated February 28, 2013 (ADAMS Accession No. ML13063A540). By letter dated

January 20, 2016 (ADAMS Accession No. ML16020A026), the licensee notified the NRC that full compliance with the Order had been achieved at TMI-1. The NRC staff issued a safety evaluation describing its review of the TMI-1 order compliance plan on February 14, 2017 (ADAMS Accession No. ML17025A409), and documented a compliance inspection at the TMI-1 site by letter dated September 11, 2017 (ADAMS Accession No. ML17255A131).

Section IV of the Order also stipulates that the NRC’s Director of the Office of Nuclear Reactor Regulation may, in writing, relax or rescind any of the conditions of the Order upon demonstration by the licensee of good cause.

By letter dated June 20, 2017 (ADAMS Accession No. ML17171A151), Exelon submitted to the NRC a certification of permanent cessation of operations for TMI-1 in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.82(a)(1)(i). In this letter, Exelon provided notification to the NRC of its intent to permanently cease operations at TMI-1 on or about September 30, 2019. By letter dated September 26, 2019 (ADAMS Accession

No. ML19269E480), Exelon certified to the NRC that, as of September 26, 2019, all fuel has been permanently removed from the TMI-1 reactor vessel and placed in the SFP. Further, Exelon confirmed its understanding that, under 10 CFR 50.82(a)(2), the 10 CFR Part 50 license for TMI-1 no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel.

B. Hanson - 2 -

By letter dated November 11, 2019 (ADAMS Accession No. ML19315A004), Exelon requested withdrawal of Order EA-12-051. The request was based upon the docketing of the 10 CFR 50.82(a)(1)(i) and (ii) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel.

The licensee's letter dated November 11, 2019, asserts that good cause exists to withdraw the requirements of Order EA-12-051. The licensee's letter observes that Section III of the Order states that the Commission determined that all power reactor licensees and construction permit holders must have a reliable means of remotely monitoring wide-range SFP levels to support effective prioritization of event mitigation and recovery actions in the event of a beyond-design-basis external event. According to the licensee, this statement forms the basis of the Order and reflects the need to effectively deploy limited resources to mitigate very low frequency events with the potential to challenge both the reactor and the SFP. The licensee further states that with TMI-1 permanently shut down and defueled, decision-makers would not have to prioritize actions and the focus of the facility staff would be the SFP condition.

The licensee for TMI-1 has docketed the 10 CFR 50.82(a)(1)(i) and (ii) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel. In addition, the licensee has acknowledged, consistent with 10 CFR 50.82(a)(2), that the 10 CFR Part 50 license for TMI-1 no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel. The NRC staff finds that the safety of the fuel in the SFP has become the primary safety function for site personnel. In the event of a challenge to the safety of fuel stored in the SFP, the focus of the facility staff would be the SFP condition, without the possibility of a concurrent challenge to the reactor and primary containment safety functions. Thus, in the event of a beyond-design-basis external event, effective prioritization of event mitigation and recovery actions is simplified, and the application of the Order requirements is no longer necessary to serve the Order's underlying purpose.

Based on the above, the NRC staff concludes that the licensee has demonstrated good cause for the withdrawal of Order EA-12-051. Accordingly, the NRC is withdrawing its March 12, 2012, Order EA-12-051 with respect to TMI-1. All other regulatory requirements remain applicable and are not impacted by this withdrawal.

**January 28, 2020** – email dated January 28, 2020 from Sujata Goetz, Project Manager Susquehanna Steam Electric Station Nuclear Regulatory Commission, Office of the Nuclear Reactor Regulation to Shane Jurek with a subject of: Acceptance review of LAR to revise the dose consequences analysis for a loss of coolant accident (EPID L-2020-LLA-0000)

By letter dated January 2, 2020 (Agencywide Document and Access Management System (ADAMS) Accession No. ML20002B254, Susquehanna Nuclear, LLC submitted a license amendment request (LAR) for Susquehanna Unit 1 and Unit 2. The LAR would modify the current licensing basis for the design basis accident loss of coolant accident analysis, technical specification (TS) 5.5.2, "Primary Coolant Sources Outside Containment."

The purpose of this e-mail is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this amendment request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

The NRC staff has reviewed your application and concluded that it does provide technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed amendment in terms of regulatory requirements and the protection of public health and safety and the

environment. Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. If additional information is needed, you will be advised by separate correspondence.

Based on the information provided in your submittal, the NRC staff has estimated that this licensing request will take approximately 450 hours to complete. The NRC staff expects to complete this review in approximately 12 months which is February 2021. If there are emergent complexities or challenges in our review that would cause changes to the initial forecasted completion date or significant changes in the forecasted hours, the reasons for the changes, along with the new estimates, will be communicated during the routine interactions with the assigned project manager.

These estimates are based on the NRC staff's initial review of the application and they could change, due to several factors including requests for additional information, unanticipated addition of scope to the review, and review by NRC advisory committees or hearing-related activities. Additional delay may occur if the submittal is provided to the NRC in advance or in parallel with industry program initiatives or pilot applications.

If you have any questions, please contact me.

**February 4, 2020** – Letter dated February 4, 2020 from Anthony Dimitriadis, Chief Decommissioning, ISFSI and Reactor HP Branch, Division of Nuclear Materials Safety to Trevor Orth, Site Decommissioning Director, Exelon Nuclear, Three Mile Island 1, 2625 River Rd. Middletown, PA 17057 with subject line of: NRC Inspection Report number 05000289/20190101, Exelon Generation Co, LLC, Three Mile Island Unit 1, Middletown, PA.

On October 1, 2019 to December 31, 2019, the U.S. Nuclear Regulatory Commission (NRC) completed an on-site inspection under Inspection Manual Chapter 2561, "Decommissioning Power Reactor Inspection Program," at the permanently shut down Three Mile Island Unit 1, (TMI-1). The inspectors examined activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and the conditions of your license. The inspection consisted of observations by the inspectors, interviews with personnel, and a review of procedures and records. The results of the inspection were discussed with you and other members of the TMI-1 staff on January 15, 2020, and are described in the enclosed report. No findings of safety significance were identified.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response, if any, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select Radioactive Waste; Decommissioning of Nuclear Facilities; then Regulations, Guidance

and Communications. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents; then Enforcement Policy (Under 'Related Information'). You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

No reply to this letter is required. Please contact Steve Hammann, at 610-337-5399, if you have any questions regarding this matter.

NRC Inspection Report No. 05000289/2019010

Executive Summary:

An announced TMI-1 decommissioning on-site inspection was performed October 1, 2019 to December 31, 2019. The inspection included a review of organization and management oversight, corrective action program (CAP), spent fuel pool (SFP) safety, and maintenance and surveillance. The inspection consisted of observations by the inspectors, interviews with site personnel, a review of procedures and records, and plant walk-downs. The NRC's program for overseeing the safe operation of a shut-down nuclear power reactor is described in Inspection Manual Chapter (IMC) 2561, "Decommissioning Power Reactor Inspection Program."

Based on the results of this inspection, no findings of safety significance were identified.

Observations and Findings:

The inspectors verified that management oversight was adequate for the Post-Operation Transition phase of decommissioning and that the decommissioning organization was appropriately implemented upon cessation of operations. The inspectors determined that training programs had been appropriately implemented and workers were able to check their training qualifications via computerized system.

The inspectors determined that issues had been identified and entered into the CAP and evaluated commensurate with their safety significance. Also, the Employee Concerns Program was appropriately implemented onsite and employees were aware that it is an avenue for which to report issues. The inspectors verified audits had been performed by qualified individuals independent of the organization being audited and quality assurance oversight of major activities was being performed.

The inspectors determined that Exelon was safely storing spent fuel in wet storage. The inspectors verified SFP chemistry and cleanliness controls were being adequately implemented. The inspectors verified surveillance requirements for water level and temperature of the SFP were adequate and procedures provided guidance to restore SFP water level if required. The inspectors also verified the CFH

rounds were adequate to satisfy the associated technical specification requirements for the SFP.

The inspectors verified that the maintenance and surveillance program for systems and components had been conducted in accordance with the technical specifications requirements

and established procedures. The inspectors noted during the plant walk-downs that housekeeping and plant material condition standards were being maintained. The inspectors determined that workers followed work plans, surveillance procedures and industrial safety protocols and were aware of job controls specified in work instructions. The inspectors determined that the maintenance backlog had been reviewed by site management on a regular basis.

**February 11, 2020** – Email dated February 11, 2020 from Justin Poole, Project Manager, US Nuclear Regulatory Commission to Leslie Holden of Exelon Nuclear and Robert Brady of Exelon Nuclear with a cc to James Danna with the Subject of TMI-1 acceptance of requested licensing action re: exemption request from 10 CFR 140.11(a)(4) primary and secondary liability insurance requirements (EPID L-2020-LLE-0002)

By letter dated January 3, 2020, Exelon Generation Company, LLC submitted an exemption request for Three Mile Island Nuclear Station, Unit 1. The purpose of the e-mail is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this exemption request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

The NRC staff has reviewed your application and concluded that it does provide technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed exemption in terms of regulatory requirements and the protection of public health and safety and the environment. Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. If additional information is needed, you will be advised by separate correspondence.

Based on the information provided in your submittal, the NRC staff has estimated that this licensing request will take approximately 200 hours to complete. The NRC staff expects to complete this review by February 2021. If there are emergent complexities or challenges in our review that would cause changes to the initial forecasted completion date or significant changes in the forecasted hours, the reasons for the changes, along with the new estimates, will be communicated during the routine interactions with the assigned project manager.

These estimates are based on the NRC staff's initial review of the application and they could change, due to several factors including requests for additional information, and unanticipated addition of scope to the review. Additional delay may occur if the submittal is provided to the NRC in advance or in parallel with industry program initiatives or pilot applications.

**May 19, 2020** – Letter dated May 19, 2020 from Justin C. Poole, Project Manager Projects Licensing Branch I Division of Operating Reactor Licensing Office of Nuclear Reactor Regulation to Mr. Bryan C. Hanson Senior Vice President Exelon Generation Company, LLC with subject line of THREE MILE ISLAND NUCLEAR STATION, UNIT 1 – PARTIAL

## EXEMPTION FROM CERTAIN RECORD RETENTION REQUIREMENTS (EPID L-2019-LLE-0018)

The U.S. Nuclear Regulatory Commission has granted the enclosed partial exemption from the recordkeeping requirements of Sections 50.71(c) and 50.59(d)(3) of Title 10 of the *Code of Federal Regulations* (10 CFR) and Criterion XVII of Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to 10 CFR Part 50, as requested in your letter dated July 12, 2019. The partial exemption granted will eliminate the requirements to maintain records that are no longer necessary since Three Mile Island Nuclear Station, Unit 1, has permanently shut down and has submitted its certification of permanent fuel removal in accordance with 10 CFR 50.82(a)(1).

A copy of the partial exemption is enclosed. The partial exemption has been forwarded to the Office of the Federal Register for publication.

If you have any questions concerning this evaluation, please contact me at (301) 415-2048 or by e-mail to [Justin.Poole@nrc.gov](mailto:Justin.Poole@nrc.gov).

### **NUCLEAR REGULATORY COMMISSION Docket No. 50-289 Exelon Generation Company, LLC Three Mile Island Nuclear Station, Unit 1 Exemption I. Background.**

Exelon Generation Company, LLC (Exelon or the licensee) is the holder of Renewed Facility Operating License No. DPR-50 for Three Mile Island Nuclear Station, Unit 1 (TMI-1). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in effect. The TMI-1 facility is located in Dauphin County, Pennsylvania.

By letter dated June 20, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17171A151), Exelon submitted a certification in accordance with Section 50.82(a)(1)(i) of Title 10 of the *Code of Federal Regulations* (10 CFR), stating its determination to permanently cease operations at TMI-1 no later than September 30, 2019. By letter dated September 26, 2019 (ADAMS Accession No. ML19269E480), Exelon submitted to the NRC a certification in accordance with 10 CFR 50.82(a)(1)(ii), stating that as of September 26, 2019, all fuel had been permanently removed from the TMI-1 reactor vessel. However, the licensee is still authorized to possess and store irradiated nuclear fuel. Irradiated fuel is currently being stored onsite in a spent fuel pool (SFP). TMI-1 is currently designing and constructing an independent spent fuel storage installation (ISFSI) facility, which is expected to be completed in early 2021 and that will allow for dry cask storage. The irradiated fuel will be stored in the ISFSI until it is shipped offsite. With the reactor emptied of fuel, the

reactor, reactor coolant system, and secondary system will no longer be in operation and will have no function related to the safe storage and management of irradiated fuel.

### **II. Request/Action.**

By letter dated July 12, 2019 (ADAMS Accession No. ML19193A005), Exelon submitted a partial exemption request for NRC approval from the record retention requirements of: (1) 10 CFR Part 50, Appendix B, Criterion XVII, which requires certain records (e.g., results of

inspections, tests, and materials analyses) be maintained, consistent with applicable regulatory requirements; (2) 10 CFR 50.59(d)(3), which requires that records of changes in the facility must be maintained until termination of a license is issued pursuant to 10 CFR Part 50; and (3) 10 CFR 50.71(c), which requires certain records to be retained for the period specified by the appropriate regulation, license condition, or technical specification (TS), or until termination of the license, if not otherwise specified.

The licensee requested the partial exemptions because it wants to eliminate:

(1) records associated with structures, systems, and components (SSCs) and activities that were applicable to the nuclear unit, which are no longer required by the 10 CFR Part 50 licensing basis (i.e., removed from the Updated Final Safety Analysis Report (UFSAR) and/or TSs by appropriate change mechanisms; and (2) records associated with the storage of spent nuclear fuel in the SFP once all fuel has been removed from the spent fuel pool and the TMI-1 license no longer allows storage of fuel in the SFP. The licensee cites record retention partial exemptions granted to Oyster Creek Nuclear Generating Station (ADAMS Accession No. ML18122A306); Millstone Power Station, Unit 1 (ADAMS Accession No. ML070110567); Zion Nuclear Power Station, Units 1 and 2 (ADAMS Accession No. ML111260277); Vermont Yankee Nuclear Power Station (ADAMS Accession No. ML15344A243); San Onofre Nuclear Generating Station, Units 1, 2, and 3 (ADAMS Accession No. ML15355A055); Kewaunee Power Station (ADAMS Accession No. ML17069A394); and Fort Calhoun Station (ADAMS Accession No. ML17172A730), as examples of the NRC granting similar requests.

Records associated with residual radiological activity and with programmatic controls necessary to support decommissioning, such as security and quality assurance, are not affected by the partial exemption request because they will be retained as decommissioning records, as required by 10 CFR Part 50, until the termination of the TMI-1 license. In addition, the licensee did not request an exemption associated with any other recordkeeping requirements for the storage of spent fuel at its ISFSI under 10 CFR Part 50 or the general license requirements of 10 CFR Part 72. No exemption was requested from the decommissioning records retention requirements of 10 CFR 50.75 or any other requirements of 10 CFR Part 50 applicable to decommissioning and dismantlement.

### **III. Discussion.**

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security. However, the Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are described in 10 CFR 50.12(a)(2).

Many of the TMI-1 reactor facility SSCs are planned to be abandoned in place pending dismantlement. Abandoned SSCs will no longer be operable or maintained. Following permanent removal of fuel from the SFP, those SSCs required to support safe storage of spent fuel in the SFP will also be abandoned. In its July 12, 2019, partial exemption request, the licensee stated that the basis for eliminating records associated with reactor facility SSCs and activities is that these SSCs have been (or will be) removed from service per regulatory change processes, dismantled or demolished, and no longer have any function regulated by the NRC.

The licensee recognizes that some records related to the nuclear unit will continue to be under NRC regulation primarily due to residual radioactivity. The radiological and other necessary programmatic controls (such as security, quality assurance, etc.) for the facility and the implementation of controls for the defueled condition and the decommissioning activities are and will continue to be appropriately addressed through the license and current plant documents such as the UFSAR and TSs. Except for future changes made through the applicable change process defined in the regulations (e.g., 10 CFR 50.48(f), 10 CFR 50.59, 10 CFR 50.90, 10 CFR 50.54(a), 10 CFR 50.54(p), 10 CFR 50.54(q), etc.), these programmatic elements and their associated records are unaffected by the requested partial exemption.

Records necessary for SFP SSCs and activities will continue to be retained through the period that the SFP is needed for safe storage of irradiated fuel. Analogous to other plant records, once the SFP is permanently emptied of fuel, there will be no need for retaining SFP-related records.

Exelon's general justification for eliminating records associated with TMI-1 SSCs that have been or will be removed from service under the NRC license, dismantled, or demolished, is that these SSCs will not in the future serve any TMI-1 functions regulated by the NRC. Exelon's decommissioning plans for TMI-1 are described in the Post Shutdown Decommissioning Activities Report dated April 5, 2019 (ADAMS Accession No. ML19095A041). The licensee's decommissioning process involves evaluating SSCs with respect to the current facility safety analysis; progressively removing them from the licensing basis where necessary through appropriate change mechanisms (e.g., 10 CFR 50.59 or by NRC-approved TS changes, as applicable); revising the defueled safety analysis report and/or UFSAR as necessary; and then proceeding with an orderly dismantlement.

Exelon intends to retain the records required by its license as the state of the facility transitions through decommissioning. However, equipment abandonment will obviate the regulatory and business needs for maintenance of most records. As the SSCs are removed from the licensing basis, Exelon asserts that the need for its records is, on a practical basis, eliminated. Therefore, Exelon is requesting partial exemptions from the associated records retention requirements for SSCs and historical activities that are no longer relevant. Exelon is not requesting to be exempted from any recordkeeping requirements for storage of spent fuel at an ISFSI under 10 CFR Part 50 or the general license requirements of 10 CFR Part 72.

#### **A. The Exemption is Authorized by Law.**

As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from 10 CFR Part 50 requirements if it makes certain findings. As described here and in the sections below, the NRC staff has determined that special circumstances exist to grant the partial exemption. In addition, granting the licensee's proposed partial exemption will not result in a violation of the Atomic Energy Act of 1954, as amended; other laws; or the Commission's regulations. Therefore, the granting of the partial exemption request from the recordkeeping requirements of 10 CFR 50.71(c); 10 CFR Part 50, Appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) is authorized by law.

#### **B. The Exemption Presents no Undue Risk to Public Health and Safety.**



As SSCs are prepared for SAFSTOR and eventual decommissioning and dismantlement, they will be removed from NRC licensing basis documents through appropriate change mechanisms, such as through the 10 CFR 50.59 process or through a license amendment request approved by the NRC. These change processes involve either a determination by the licensee or an approval from the NRC that the affected SSCs no longer serve any safety purpose regulated by the NRC. Therefore, the removal of the SSCs would not present an undue risk to public health and safety. In turn, elimination of records associated with these removed SSCs would not cause any additional impact to public health and safety.

The granting of the partial exemption request from the recordkeeping requirements of 10 CFR 50.71(c); 10 CFR Part 50, Appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) for the records described is administrative in nature and will have no impact on any remaining decommissioning activities or on radiological effluents. The granting of the partial exemption request will only advance the schedule for disposition of the specified records. Because these records contain information about SSCs associated with reactor operation and contain no information needed to maintain the facility in a safe condition when the facility is permanently defueled and the SSCs are dismantled, the elimination of these records on an advanced timetable will have no reasonable possibility of presenting any undue risk to the public health and safety.

### **C. The Exemption is Consistent with the Common Defense and Security.**

The elimination of the recordkeeping requirements does not involve information or activities that could potentially impact the common defense and security of the United States. Upon dismantlement of the affected SSCs, the records have no functional purpose relative to maintaining the safe operation of the SSCs, maintaining conditions that would affect the ongoing health and safety of workers or the public, or informing decisions related to nuclear security.

Rather, the partial exemption requested is administrative in nature and would only advance the current schedule for disposition of the specified records. Therefore, the partial exemption request from the recordkeeping requirements of 10 CFR 50.71(c); 10 CFR Part 50, Appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) for the types of records described is consistent with the common defense and security.

### **D. Special Circumstances.**

Paragraph 50.12(a)(2) of 10 CFR states, in part:

The Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are present whenever—...

(ii) Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; or

(iii) Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted...

Criterion XVII of Appendix B to 10 CFR Part 50 states, in part: "Sufficient records shall be maintained to furnish evidence of activities affecting quality."

Paragraph 50.59(d)(3) of 10 CFR states, in part: "The records of changes in the facility must be maintained until the termination of an operating license issued under this part..."

Paragraph 50.71(c) of 10 CFR, states, in part:

Records that are required by the regulations in this part or part 52 of this chapter, by license condition, or by technical specifications must be retained for the period specified by the appropriate regulation, license condition, or technical specification. If a retention period is not otherwise specified, these records must be retained until the Commission terminates the facility license....

In the statement of considerations for the final rulemaking, "Retention Periods for Records" (53 FR 19240; May 27, 1988), in response to public comments received during the rulemaking process, the NRC stated that records must be retained "for NRC to ensure compliance with the safety and health aspects of the nuclear environment and for the NRC to accomplish its mission to protect the public health and safety." In the statement of considerations, the Commission also explained that requiring licensees to maintain adequate records assists the NRC "in judging compliance and noncompliance, to act on possible noncompliance, and to examine facts as necessary following any incident."

These regulations apply to licensees in decommissioning. During the decommissioning process, safety-related SSCs are retired or disabled and subsequently removed from NRC licensing basis documents by appropriate change mechanisms. Appropriate removal of an SSC from the licensing basis requires either a determination by the licensee or an approval from the NRC that the SSC no longer has the potential to cause an accident, event, or other problem that would adversely impact public health and safety.

The records subject to removal under this partial exemption request are associated with SSCs that had been important to safety during power operation or operation of the SFP, but are no longer capable of causing an event, incident, or condition that would adversely impact public health and safety, as evidenced by their appropriate removal from the licensing basis documents. If the SSCs no longer have the potential to cause these scenarios, then it is reasonable to conclude that the records associated with these SSCs would not reasonably be necessary to assist the NRC in determining compliance and noncompliance, taking action on possible noncompliance, or examining facts following an incident. Therefore, their retention would not serve the underlying purpose of the rule.

In addition, once removed from the licensing basis documents (e.g., UFSAR or TSs), SSCs are no longer governed by the NRC's regulations, and therefore, are not subject to compliance with the safety and health aspects of the nuclear environment. As such, retention of records associated with SSCs that are or will no longer be part of the facility serves no safety or regulatory purpose, nor does it serve the underlying purpose of the rule of maintaining compliance with the safety and health aspects of the nuclear environment in order to accomplish the NRC's mission. Therefore, special circumstances are present that the NRC may consider, pursuant to 10 CFR 50.12(a)(2)(ii), to grant the partial exemption request.

Records that continue to serve the underlying purpose of the rule, that is, to maintain compliance and to protect public health and safety in support of the NRC's mission, will continue to be retained pursuant to other regulations in 10 CFR Part 50 and 10 CFR Part 72. Retained records that are not subject to the proposed partial exemption include those associated with programmatic controls, such as those pertaining to residual radioactivity, security, and quality assurance, as well as records associated with the ISFSI and spent fuel assemblies.

The retention of records required by 10 CFR 50.71(c); 10 CFR Part 50, Appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) provides assurance that records associated with SSCs will be captured, indexed, and stored in an environmentally suitable and retrievable condition. Given the volume of records associated with the SSCs, compliance with the records retention rule results in a considerable cost to the licensee. Retention of the volume of records associated with the SSCs during the operational phase is appropriate to serve the underlying purpose of determining compliance and noncompliance, taking action on possible noncompliance, and examining facts following an incident, as discussed.

However, the cost effect of retaining operational phase records beyond the operations phase until the termination of the license was not fully considered or understood when the records retention rule was put in place. For example, existing records storage facilities are eliminated as decommissioning progresses. Retaining records associated with SSCs and activities that no longer serve a safety or regulatory purpose would, therefore, result in an unnecessary financial and administrative burden. As such, compliance with the rule would result in an undue cost in excess of that contemplated when the rule was adopted. Therefore, special circumstances are present that the NRC may consider, pursuant to 10 CFR 50.12(a)(2)(iii), to grant the partial exemption request.

## **E. Environmental Considerations.**

Pursuant to 10 CFR 51.22(b) and (c)(25), the granting of an exemption from the requirements of any regulation in Chapter I of 10 CFR Part 50 meets the eligibility criteria for categorical exclusion provided that: (1) there is no significant hazards consideration; (2) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (3) there is no significant increase in individual or cumulative public or occupational radiation exposure; (4) there is no significant construction impact; (5) there is no significant increase in the potential for or consequences from radiological accidents; and (6) the requirements from which an exemption is sought are among those identified in 10 CFR 51.22(c)(25)(vi).

The partial exemption request is administrative in nature. The partial exemption request has no effect on SSCs and no effect on the capability of any plant SSC to perform its design function. The partial exemption request would not increase the likelihood of the malfunction of any plant SSC.

The probability of occurrence of previously evaluated accidents is not increased since most previously analyzed accidents will no longer be able to occur, and the probability and consequences of the remaining fuel handling accident are unaffected by the partial exemption request. Therefore, the partial exemption request does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The partial exemption request does not involve a physical alteration of the plant. No new or different types of equipment will be installed, and there are no physical modifications to existing equipment associated with the partial exemption request. Similarly, the partial exemption request will not physically change any SSCs involved in the mitigation of any accidents. Thus, no new initiators or precursors of a new or different kind of accident are created. Furthermore, the partial exemption request does not create the possibility of a new accident as a result of new failure modes associated with any equipment or personnel failures. No changes are being made to parameters within which the plant is normally operated or in the setpoints that initiate protective or mitigative actions, and no new failure modes are being introduced. Therefore, the partial exemption request does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The partial exemption request does not alter the design basis or any safety limits for the plant. The partial exemption request does not impact station operation or any plant SSC that is relied upon for accident mitigation. Therefore, the partial exemption request does not involve a significant reduction in a margin of safety.

For these reasons, the NRC staff has determined that approval of the partial exemption request involves no significant hazards consideration because granting the licensee's partial exemption request from the recordkeeping requirements of 10 CFR 50.71(c); 10 CFR Part 50, Appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) at the decommissioning TMI-1 does not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety (10 CFR 50.92(c)). Likewise, there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite and no significant increase in individual or cumulative public or occupational radiation exposure.

The partial exempted regulations are not associated with construction, so there is no significant construction impact. The partial exempted regulations do not concern the source term (i.e., potential amount of radiation involved for an accident) or accident mitigation; therefore, there is no significant increase in the potential for, or consequences from, radiological accidents. Allowing the licensee partial exemption from the record retention requirements for which the exemption is sought involves recordkeeping requirements, as well as reporting requirements of an administrative, managerial, or organizational nature.

Therefore, pursuant to 10 CFR 51.22(b) and 10 CFR 51.22(c)(25), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

#### **IV. Conclusions.**

The NRC staff has determined that the granting of the partial exemption request from the recordkeeping requirements of 10 CFR 50.71(c); 10 CFR Part 50, Appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) will not present an undue risk to the public health and safety. The destruction of the identified records, following permanent removal of the related SSCs and/or SFP from service, will not impact remaining decommissioning activities; plant operations, configuration, and/or radiological effluents; operational and/or installed SSCs that are quality-related or important to safety; or nuclear security. The NRC staff has determined that the destruction of the identified records at that time is administrative in nature and does not involve

information or activities that could potentially impact the common defense and security of the United States.

The purpose for the recordkeeping regulations is to assist the NRC in carrying out its mission to protect the public health and safety by ensuring that the licensing and design basis of the facility are understood, documented, preserved, and retrievable in such a way that will aid the NRC in determining compliance and noncompliance, taking action on possible noncompliance, and examining facts following an incident. Since the TMI-1 SSCs that were safety-related or important to safety have been or will have been removed from the licensing basis and permanently removed from service prior to destruction of the related records, the NRC staff has determined that the records identified in the partial exemption request will no longer be required to achieve the underlying purpose of the records retention rule.

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12, the partial exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants Exelon a partial exemption from the recordkeeping requirements of 10 CFR 50.71(c); 10 CFR Part 50, Appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) for TMI-1 only to the extent necessary to allow the licensee to advance the schedule to remove records associated with SSCs that have been or will have been removed from NRC licensing basis prior to the destruction of the related documents by appropriate change mechanisms (e.g., 10 CFR 50.59 or by NRC-approved license amendment request, as applicable).

This exemption is effective upon issuance.

Dated: May 19, 2020.

For the Nuclear Regulatory Commission.

Craig G. Erlanger, Director,  
Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

**October 19, 2020** – Letter from Anthony Dimitriadis, Chief Decommissioning, ISFSI, and Reactor Health Physics Branch Division of Nuclear Materials Safety to Gregory H. Halnon President & CNO, GPU Nuclear, Inc. with a subject of GPU NUCLEAR, INC., THREE MILE ISLAND NUCLEAR STATION, UNIT 2 – NRC INSPECTION REPORT 05000320/2020002

On August 19 - September 30, 2020, the U.S. Nuclear Regulatory Commission (NRC) conducted an inspection of the Three Mile Island Nuclear Station Unit 2 (TMI-2). An on-site inspection was performed August 19, 2020. Additional inspection activities (in office reviews) were conducted remotely as a consequence of the COVID-19 public health emergency (PHE) during the inspection period. The inspection examined activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations, and the conditions of your license. The inspection consisted of plant walk-downs by the inspector, interviews with personnel, and a review of procedures and records. The results of the inspection were discussed with you and Trevor Orth, Site Decommissioning Director, Exelon Generating Company (Exelon), and other members of Exelon management and staff on September 30, 2020, at the conclusion of the inspection and are described in the enclosed report. No findings of safety significance were identified.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response, if any, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response, if any, should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select Radioactive Waste; Decommissioning of Nuclear Facilities; then Regulations, Guidance and Communications. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents; then Enforcement Policy (Under 'Related Information'). You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

No reply to this letter is required. Please contact Steve Hammann (610-337-5399) if you have any questions regarding this matter.

## U.S. NUCLEAR REGULATORY COMMISSION REGION I

### INSPECTION REPORT

Inspection number: 05000320/2020002

Docket number: 05000320

License number: DPR-73

Licensee: GPU Nuclear, Inc. (GPUN)

Facility: Three Mile Island Nuclear Station, Unit 2 (TMI-2) Middletown, PA

Inspection dates: August 19 – September 30, 2020

Inspectors: Steve Hammann Senior Health Physicist Decommissioning, ISFSI, and Reactor Health Physics Branch Division of Nuclear Materials Safety

Approved by: Anthony Dimitriadis, Chief Decommissioning, ISFSI, and Reactor Health Physics Branch Division of Nuclear Materials Safety

### EXECUTIVE SUMMARY

GPU Nuclear, Inc. (GPUN)

Three Mile Island Station, Unit 2 (TMI-2) NRC Inspection Report No. 05000320/2020002

A routine announced safety inspection was conducted on August 19 – September 30, 2020, of TMI-2. An on-site inspection was performed August 19, 2020. Additional inspection activities were conducted remotely during the inspection period as a consequence of the COVID-19 public health emergency (PHE). The inspection included a review of radiological controls programs, maintenance, plant support activities, management oversight, and the corrective action program (CAP) while in Post-Defueling Monitored Storage (PDMS) status. The inspection consisted of interviews with GPUN and Exelon Generating Company (Exelon) personnel, a

review of procedures and records, and plant walk-downs. There are currently no ongoing decommissioning activities being conducted at TMI-2. The NRC's program for overseeing the safe operation of a shut-down nuclear power reactor is described in Inspection Manual Chapter (IMC) 2561, "Decommissioning Power Reactor Inspection Program."

Based on the results of this inspection, no findings of safety significance were identified.

## **REPORT DETAILS**

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### **1.0 Background**

GPUN retains the license for TMI-2 and maintains the facility. GPUN is a wholly-owned subsidiary of FirstEnergy Corp. As part of the sale of TMI-2, GPUN entered into an agreement with AmerGen (now Exelon) to conduct services for TMI-2. Under this agreement, Exelon provides all services, materials, and equipment required to maintain TMI-2 in PDMS status. Services provided by Exelon include maintenance, surveillance testing, and implementation of the activities required in the Safety Analysis Report (SAR), Technical Specification (TS), and the GPUN PDMS Quality Assurance (QA) Plan.

In December 1993, TMI-2 received a possession-only license from the NRC to enter PDMS. Currently, TMI-2 is in long-term monitored storage. In June 2013, GPUN submitted to the NRC a Post-Shutdown Decommissioning Activities Report (PSDAR) (ADAMS No. ML13190A366) pursuant to 10 Code of Federal Regulations (CFR) 50.82(a)(4). GPUN submitted Revision 1 of their PSDAR in November 2013 (ADAMS No. ML13323A497) and Revision 2 in December 2015 (ML15338A222).

The NRC's program for overseeing the safe operation of a shut-down nuclear power reactor is described in IMC 2561.

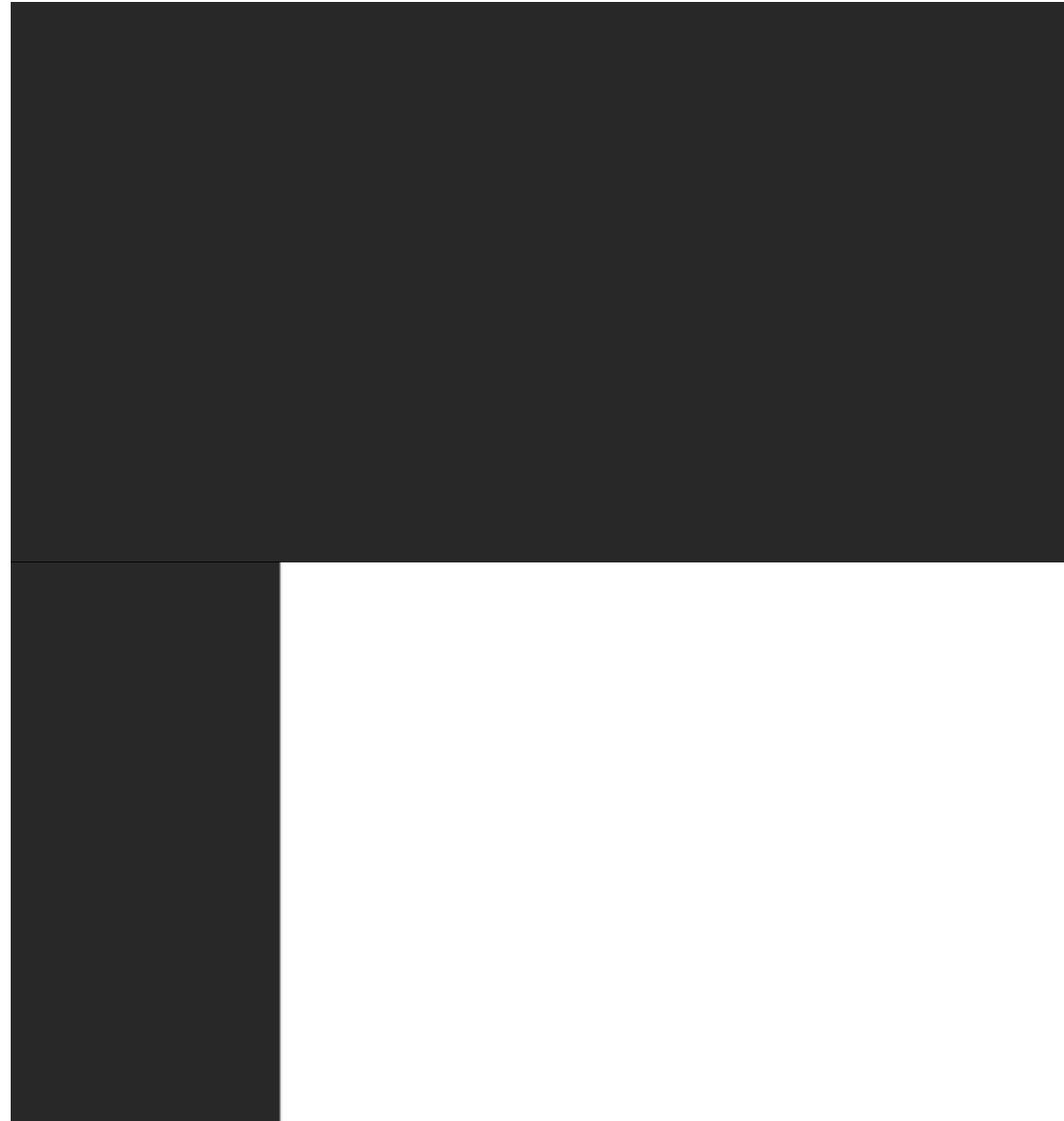
### **2.0 Post-Defueling Monitored Storage Performance and Status Review**

a. Inspection Scope [Inspection Procedures (IPs) 36801, 37801, 40801, 62801, 71801, 83750, 84750, 86750]

A routine announced safety inspection was conducted on August 19 – September 30, 2020 of TMI-2. The inspection consisted of interviews with GPUN and Exelon personnel, a review of procedures and records, and plant walk-downs. The inspector reviewed the PDMS program as outlined in the PDMS SAR, TS, and PSDAR. The inspection included a review of radiological programs, maintenance, plant support activities, management oversight, and the CAP while in PDMS status. The inspector also assessed the material condition of TMI-2 facilities during plant tours of the auxiliary building, fuel handling building, and the control building.

The inspector reviewed activities, components, and documentation associated with the following PDMS programs: occupational exposure, radioactive effluent control, and site radiological environmental monitoring program (REMP). The inspector reviewed the offsite dose calculation manual, the radioactive effluent release permits, the annual REMP report, the groundwater

monitoring program, and the annual effluent report, which included a summary of the radioactive waste management and transportation programs.



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## Enclosure

The inspector reviewed surveillances of containment isolation, unfiltered leak rate from containment, and containment air locks as required by the TS. The inspector reviewed the CAP and audit reports associated with TMI-2 to determine if issues were being appropriately identified, assessed, and reviewed and that corrective actions were being appropriately implemented.

## 2. Observations and Findings



The inspector confirmed that there were no design changes since the last inspection requiring 50.59 evaluations. The inspector confirmed that no dismantlement or decommissioning activities were performed since the previous inspection and confirmed that all required reporting submittals were completed in accordance with regulatory requirements. The inspector also verified that the maintenance and surveillance program for systems and components had been conducted in accordance with the established site procedures.

The inspector reviewed the annual radiological effluent, REMP reports and supporting analyses and determined that all calculated doses were well below regulatory dose criteria of 10 CFR 50, Appendix I. The inspector noted that there were no radioactive waste shipments from TMI-2 during calendar year 2019.

The inspector determined that scheduled QA audits were conducted timely, and findings or issues identified by these reviews were entered into the station's CAP as Action Reports (AR). Based on the review of ARs, the inspector noted that required corrective actions appear to be appropriately and timely implemented.

### 3. Conclusions

Based on the results of this inspection, no findings of safety significance were identified.

## 3.0 Exit Meeting Summary

On September 30, 2020, the inspector presented the inspection results to Gregory Halnon, President and CNO, GPUN, and Trevor Orth, Site Decommissioning Director, Exelon, and other members of Exelon management and staff. The inspector confirmed that no proprietary information was retained by the inspectors or documented in this report.

Partial List of persons contacted:

Licensee

G. Halnon, GPUN President and CNO, GPUN

T. Orth, Site Decommissioning Director, Exelon

B. Brady, Regulatory Assurance, Exelon

E. Hertkorn, PDMS Supervisor, Exelon

R. Holmes, Manager Site Radiation Protection, Exelon G. Wright, PDMS Manager, Work Manager, Exelon

## ITEMS OPEN, CLOSED, AND DISCUSSED

None

## LIST OF DOCUMENTS REVIEWED

1038, Rev. 91, Administrative Controls, Fire Protection Program TMI Unit 2, Rev. 13, Fire Protection Program Evaluation

2104-1A, Rev. 10, Reactor Building Entry

2104-29, Rev. 11, TMI-2 Miscellaneous Liquid Radwaste Disposal (WDL) in PDMS

2301-1, Rev. 23, PDMS Daily Checks  
2301-4.3, Rev. 6, TMI-2 Reactor Building (Containment) PDMS Radiological Surveys  
2303-6.1, Rev. 6, TMI-2 Reactor Building Unfiltered Leak Rate Test  
2303-11.20A, Rev. 7, Operability Check of the TMI-2 Equipment Hatch Personnel Airlock Doors  
2303-11.20B, Rev. 7, Operability Check of the TMI-2 Ante Room Personnel Airlock Doors  
AR 04247808, 04256518, 04257681, 04288096, 04290820, 04312721, 04320610, 04321393,

04357175

AR list June 2019-July 2020

Biennial 10 CFR 50.59 and PDMS SAR Report, April 13, 2020

DD-24, Rev. 2, Maintenance Department Description

Decommissioning Nuclear Safety Review Board, Three Mile Island Nuclear Generating Station

## **PARTIAL LIST OF PERSONS CONTACTED**

Unit 2, August 5, 2020 Meeting Minutes  
Drawing Numbers 302-2042, 302-2219  
ER-AA-200, Rev. 4, Preventive Maintenance Program  
Liquid Permit Post-Release Data, L-20200608-858-B  
MA-AA-716,230, Rev. 11, Predictive Maintenance Program MA-AA-1000, Rev. 22, Conduct of Maintenance Manual NOSA-TMI-19-12, TMI-2 Post Defueling Monitored Storage Audit Report  
OP-2TM-2244-201, Rev 1, Verification of TMI-2 Containment Isolation OP-TM-122-951, Rev. 1, Unit 2 Flood Protection Actions  
Operations, PDMS, Daily Log Sheet, August 19, 2020  
PDMS Manual For Three Mile Island Unit 2, Rev. 0  
PDMS Quality Assurance Plan, Rev. 18  
PDMS Safety Analysis Report, Update 13  
PDMS Total Work Order Backlog – August 2020  
Post Shutdown Decommissioning Activities Report (PSDAR), Rev. 2 RWP TM-2-20-00201,00202, 00203, 00209  
Survey # 2020-073994, 075479, 075522, 075580, 075632, 078918 Technical Specifications for PDMS, License 50-320, Amendment 63

TMI-2 Collective Exposure 2019

Work Orders 04664360-01, 04664364-01, 049288483, 04935228, 05031909

## **LIST OF ACRONYMS USED**

AR Action Report  
CAP Corrective Action Program  
CFR Code of Federal Regulations  
Exelon Exelon Generating Company  
GPUN GPU Nuclear, Inc.  
IMC Inspection Manual Chapter  
IP Inspection Procedure  
NRC Nuclear Regulatory Commission  
PDMS Post-Defueling Monitored Storage  
PSDAR Post-Shutdown Decommissioning Activities Report PHE Public Health Emergency  
QA Quality Assurance  
REMP Radiological Environmental Monitoring Program SAR Safety Analysis Report

TMI-2 Three Mile Island Station, Unit 2  
TS Technical Specifications

## **LIST OF DOCUMENTS REVIEWED (Cont'd)**

Attachment

**October 22, 2020** – Letter from Anthony M. Dimitriadis, Chief Decommissioning, ISFSI, and Reactor HP Branch Division of Nuclear Materials Safety to Trevor L. Orth Site Decommissioning Director Exelon Nuclear Three Mile Island Unit 1 with subject of NRC INSPECTION REPORT NO. 05000289/2020004, EXELON GENERATION CO., LLC, THREE MILE ISLAND UNIT 1, MIDDLETOWN, PA

On September 30, 2020, the U.S. Nuclear Regulatory Commission (NRC) completed its quarterly inspection under Inspection Manual Chapter 2561, "Decommissioning Power Reactor Inspection Program," at the permanently shutdown Three Mile Island Nuclear Station, Unit 1 (TMI-1). On-site inspections were performed August 24-25, and September 23-24, 2020. Additional inspection activities (in office reviews) were conducted remotely as a consequence of the COVID-19 public health emergency (PHE) during the inspection period. The inspection examined activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and the conditions of your license. The inspection consisted of plant walkdowns and observations by the inspectors, interviews with site personnel, and a review of procedures and records. The results of the inspection were discussed with you and other members of the TMI-1 staff on September 30, 2020 and are described in the enclosed report. No findings of safety significance were identified.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response, if any, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response, if any, should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select Radioactive Waste; Decommissioning of Nuclear Facilities; then Regulations, Guidance and Communications. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents; then Enforcement Policy (Under 'Related Information'). You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

No reply to this letter is required. Please contact Steve Hammann, at 610-337-5399, if you have any questions regarding this matter.

U.S. NUCLEAR REGULATORY COMMISSION Region 1

Inspection Report

Inspection number: 05000289/2020004  
Docket number: 05000289  
License numbers: DPR-50  
Licensee: Exelon Generation Co., LLC (Exelon)

Facility: Three Mile Island, Unit 1 (TMI-1)

Location: Middletown, PA 17057

Inspection dates: July 1, 2020 to September 30, 2020

Inspectors: Stephen Hammann, Senior Health Physicist Decommissioning, ISFSI, and  
Reactor HP Branch Division of Nuclear Materials Safety, Region I

Jeff Rady, Emergency Preparedness Inspector Plant Support Branch  
Division of Reactor Safety, Region 1

Approved by: Anthony Dimitriadis, Chief Decommissioning, ISFSI, and Reactor HP Branch  
Division of Nuclear Materials Safety, Region I

## **EXECUTIVE SUMMARY**

Exelon Generation Co., LLC  
Three Mile Island Unit 1  
NRC Inspection Report No. 05000289/2020004

An announced decommissioning inspection was performed TMI-1 from July 1, 2020, to September 30, 2020. The inspection included a review of effluent and environmental monitoring, and emergency preparedness. The inspection consisted of observations by the inspectors, interviews with site personnel, a review of procedures and records, and plant walk-downs. The NRC's program for overseeing the safe operation of a shut-down nuclear power reactor is described in Inspection Manual Chapter (IMC) 2561, "Decommissioning Power Reactor Inspection Program."

Based on the results of this inspection, no findings of safety significance were identified.

### **1.0 Background**

On September 26, 2019, Exelon sent a letter [Agency Documentation and Management System (ADAMS) Accession Number ML19269E480] to the NRC certifying the permanent cessation of activities and certifying that the fuel had been permanently removed from the reactor. This met the requirements of 10 Code of Federal Regulations (CFR) 50.82(a)(1)(i) and 50.82(a)(1)(ii). TMI-1 is currently in the Post-Operation Transition phase of decommissioning as described in IMC 2561.

### **2.0 Post-Operation Transition Performance and Status Review**

1. Inspection Scope [Inspection Procedures (IP) 84750]

The inspectors reviewed activities and documentation associated with effluent and environmental monitoring programs to determine if the licensee effectively controlled, monitored, and quantified releases of radioactive materials in liquid and gaseous forms to the environment. The inspectors reviewed procedures, diagrams of effluent systems, the annual radiological environmental monitoring program (REMP) report, the annual radioactive effluent report, and the Off-Site Dose Calculation Manual (ODCM). The inspectors reviewed liquid and gaseous discharge permits to verify the releases were within the limits specified in the regulations and technical specifications and reviewed the implementation of TMI-1's radiological groundwater protection program to determine if it meets regulatory requirements. The inspectors also reviewed corrective actions related to the effluent release and environmental monitoring programs.

The inspectors accompanied operations and chemistry personnel on walkdowns of liquid and gaseous monitoring systems and discharge points to determine the material condition of equipment. The inspectors accompanied a chemistry technician during the collection and exchange of environmental air samples to verify sampling techniques are in accordance with procedures. The inspectors walked down selected dosimetry stations and monitoring wells to determine accessibility, material condition, and whether they were located as described in the ODCM.

## 2. Observations and Findings

The inspectors verified that effluent releases to the environment had been properly controlled, monitored, and quantified as required by NRC regulations. The inspectors verified that the annual radiological effluent and the annual REMP reports demonstrated that calculated doses were below regulatory dose criteria of 10 CFR 50, Appendix I. The inspectors verified the groundwater protection program had been adequately implemented. The inspectors determined that equipment was in good material condition and checked, calibrated and maintained as specified in the ODCM. The inspectors verified samples were taken in accordance with procedures and sampling stations were accessible and as described in the ODCM.

## 3.0 Decommissioning Emergency Preparedness Program Evaluation

### 1. Inspection Scope (IP 82501)

The inspectors reviewed Exelon's Emergency Preparedness (EP) program at TMI to determine whether the EP program had been maintained in a state of operational readiness. The inspection consisted of interviews with Exelon personnel and a review of procedures and records.

The inspectors reviewed the alert and notification system (ANS) procedures and the Federal Emergency Management Agency approved ANS design report to ensure compliance with design report commitments for system maintenance and testing.

The inspectors conducted a review of the TMI-1 Emergency Response Organization (ERO) augmentation staffing requirements and the process for notifying and augmenting the ERO to ensure the system was adequate to allow meeting ERO augmentation staffing and facility activation time commitments. The inspectors reviewed the ERO duty roster, applicable station procedures, augmentation test results, on-shift staffing

analysis, and corrective action reports. The inspectors also reviewed a sample of ERO responder training records to determine if training and qualifications were up to date.

The inspectors reviewed 10 CFR 50.54(q) evaluations to determine whether changes made to the licensee's EP program continue to meet commitments, NRC requirements, and have not resulted in a reduction in effectiveness of the TMI-1 emergency plan.

## **2. Observations and Findings**

The inspectors noted that Exelon maintained and tested the siren ANS in accordance with its design. The inspectors determined that the ERO staffing levels are sufficient to ensure augmentation can occur within the time requirements specified in the TMI-1 emergency plan.

The inspectors also noted that changes made to the TMI-1 emergency plan did not reduce its effectiveness and that screenings and evaluations contain the appropriate level of detail and basis to support the change. However, this review is not a formal safety evaluation and does not constitute formal NRC approval of the changes. Therefore, these changes remain subject to future NRC inspection in their entirety.

## **4.0 Exit Meeting Summary**

On September 30, 2020, the inspectors presented the inspection results to Mr. Trevor Orth, Site Decommissioning Director, and other members of Exelon's staff. The inspectors verified that no proprietary information was retained by the inspectors or documented in this report.

## **PARTIAL LIST OF PERSONS CONTACTED**

T. Orth, Site Decommissioning Director  
R. Bauman, Chemistry Technician Specialist, EIS  
B. Brady, Licensing and Regulatory Affairs  
E. Carreras, Emergency Preparedness Manager  
R. Holmes, Radiation Protection Manager  
D. Jordan, Decommissioning Specialist, Environmental T. Fitting, Chemistry Technician  
D. Musser, Environmental Specialist  
J. Piazza, Sr. Decommissioning Project Manager  
G. Rodriguez, Jr., Emergency Preparedness Specialist

## **ITEMS OPEN, CLOSED, AND DISCUSSED**

None

## **LIST OF DOCUMENTS REVIEWED**

### **Reports**

2019 Annual Radiological Effluent Release Report  
2019 Annual Radiological Environmental Operating Report  
Monthly Siren Test Reports, dated 4/18 to 2/20  
NOSA-TMI-18-03, 2018 Emergency Preparedness Audit Report, dated 4/18/18 NOSA-TMI-19-03, 2019 Emergency Preparedness Audit Report, dated 4/10/19  
TMI 2018 Drill and Exercise Performance Evaluation Report, dated 7/11/18  
TMI 2018 Medical Drill Evaluation Report, dated 12/11/18  
TMI 2019 Emergency Exposure Drill Evaluation Report, dated 11/21/19  
Three Mile Island U-1, Defueled Safety Analysis Report  
Three Mile Island Nuclear Station Units 1 and 2, Annual Radiological Groundwater Protection

Program Report, 1 January through 31 December 2019

## **Procedures**

CY-AA-130-201, Rev. 8, Radiochemistry Quality Control  
CY-AA-170-100, Rev. 2, Radiological Environmental Monitoring Program  
CY-AA-170-300, Rev. 3, Offsite Dose Calculation Manual Administration  
CY-AA-170-1000, Rev. 11, Radiological Environmental Monitoring Program and Meteorological

### **Program Implementation**

CY-AA-170-1100, Rev. 4, Quality Assurance for Radiological Monitoring Programs CY-ES-237, Rev. 1, Air Iodine and Air Particulate Sample Collection for Radiological Analysis CY-ES-239, Rev. 0, Collection/Exchange of Field Dosimeters for Radiological Analysis CY-ES-244-F-03, Rev. 2, Radiological Environmental Monitoring Program Site Specific

### **Sample Collection Information for Three Mile Island Nuclear Station**

CY-TM-170-203, Rev. 8, Unit Vent (RM-A-8 and RM-A-9) Sampling  
CY-TM-170-1001, Rev. 2, Radiological Environmental Monitoring Program (REMP) Data

### **Review**

CY-TM-170-2001, Rev. 2, Releasing Radioactive Liquid Waste  
CY-TM-170-2005, Rev. 1, Dose Calculations For Liquid And Gas Effluents CY-TM-170-2007, Rev. 2, Non-Routine Effluent Releases  
CY-TM-170-2011, Rev. 3, Releasing Radioactive Gaseous Effluents Waste Gas Tanks A (B)

### **(C)**

CY-TM-170-2012, Rev. 3, Releasing Radioactive Gaseous Effluents Reactor Building Purges-

### **TMI-1**

CY-TM-170-2020, Rev. 3, Radiological Abnormal Release or Discharge  
EN-AA-407, Rev. 10, Response to Inadvertent Releases of Licensed Material to Groundwater  
EN-AA-408, Rev. 1, Radiological Groundwater Protection Program, Revision 0 EN-AA-408-4000, Rev. 10, Radiological Groundwater Protection Program Implementation EP-AA-120-1001, 10 CFR 50.54(q) Change Evaluation, Revision 10  
EP-MA-124-1001-F-03, Technical Support Center Inventory, Revision J  
EP-TM-111, Emergency Classification and Protective Action Recommendations, Revision 0 EP-TM-112-200, TSC Activation and Operation, Revision 0  
EP-TM-112-300, Operations Support Center Activation and Operation, Revision 0 EP-TM-112-

300-F-01, Operations Support Center Director Checklist, Revision A EP-TM-114-100, TMI State/Local Notifications, Revision 0  
OP-AA-102-102, General Area Checks and Operator Field Rounds, Revision 18

### **Corrective Action Documents**

04135885, 04142392, 04185118, 04185145, 04204017, 04224446, 04232824, 04240530, 04247356, 04247436, 04274041, 04279199, 04287902, 04302446, 04307523, 04323922, 04365238, 04365505

### **Miscellaneous**

10CFR 50.54(q)(2) Evaluation for EP-AA-1009, Exelon Nuclear Radiological Emergency Plan Annex for Three Mile Island Station (TMI), Revisions 28 and 29

10CFR 50.54(q)(2) Evaluation for EP-TM-1000, Exelon Nuclear Three Mile Island Stations EN-TM-408-4160, Rev. 4, RGPP Reference Material for Three Mile Island

Equipment Changeout Form, Radeco AVS-28, 5/7/2020  
EP-AA-1009, Addendum 1, TMI On-Shift Staffing Technical Basis, Revision 3  
EP-AA-1009, Addendum 2, Evacuation Time Estimates for Three Mile Island Plume Exposure

Pathway Emergency Planning Zone, Revision 1  
EP-AA-1009, Addendum 3, Emergency Action Levels for TMI Station, Revision 2 EP-AA-1009, Radiological Emergency Plan Annex for TMI Station, Revision 30 EP-TM-1000, TMI Station Radiological Emergency Plan, Revision 2  
Offsite Dose Calculation Manual (ODCM), Rev. 6  
Radiological Emergency Plan, Revisions 0 and 1  
Release Permits: L-20190422-656-B, G-20191223-472-C, G-20190913-443-C

### **LIST OF ACRONYMS USED**

ADAMS Agency Documentation and Management System  
ANS Alert and Notification System  
CFR Code of Federal Regulations  
ERO Emergency Response Organization

EP Emergency Preparedness  
EXELON Exelon Generation Co., LLC  
IMC Inspection Manual  
Chapter IP Inspection Procedure

NRC U.S. Nuclear Regulatory Commission  
ODCM Off-Site Dose Calculation Manual  
REMP Radiological Environmental Monitoring Program  
TMI-1 Three Mile Island, Unit 1

**November 2, 2020** – Letter from Anthony Dimitriadis, Chief Decommissioning, ISFSI, and Reactor Health Physics Branch Division of Nuclear Materials Safety Region 1 to Trevor L. Orth Site Decommissioning Director Exelon Nuclear Three Mile Island Unit 1 with subject line of THREE MILE ISLAND NUCLEAR STATION, UNIT 1 – NRC INSPECTION REPORT NO. 07200077/2020001



On September 23, 2020, the U.S. Nuclear Regulatory Commission (NRC) completed an inspection of the Three Mile Island Nuclear Station, Unit 1 Independent Spent Fuel Storage Installation (ISFSI) pre-operational activities. The purpose of the inspection was to determine whether ISFSI activities were conducted safely and in accordance with NRC requirements. On-site inspections were performed on July 1, 2020. Additional inspection activities (in-office reviews of information supplied by Exelon) were conducted remotely as a consequence of the COVID-19 public health emergency (PHE) during the inspection period from January 22, 2020 to September 23, 2020. The inspection consisted of observations by the inspectors, interviews with site personnel, and a review of procedures and records. The results of this inspection were discussed with Stephen Minnick, Senior Manager, Site Project Management, and other members of your staff on October 14, 2020, and are described in the enclosed report. No findings of safety significance were identified.

In accordance with 10 Code of Federal Regulations (CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure, and your response (if any) will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select Radioactive Waste; Decommissioning of Nuclear Facilities; then Regulations, Guidance and Communications. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents; then Enforcement Policy (Under 'Related Information'). You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

No reply to this letter is required. Please contact Elizabeth Andrews at 610-337-5117 if you have any questions regarding this matter.

US Nuclear Regulatory Commission

Region 1

Docket number: 07200077

License number: DPR-50

Report number: 07200077/2020001

Licensee: Exelon Generation Co., LLC (Exelon)

Facility: Three Mile Island Nuclear Station, Unit 1

Location: Middletown, Pennsylvania 17057

Dates: January 22, 2020 to September 23, 2020

Inspectors: E. Andrews, Health Physicist Decommissioning, ISFSI, and Reactor HP Branch  
Division of Nuclear Materials Safety, Region I

M. Henrion, Health Physicist  
Decommissioning, ISFSI, and Reactor HP Branch Division of Nuclear Materials  
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R. Rodriguez, Structural Engineer  
Materials and Structural Branch  
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K. Warner, Senior Health Physicist Decommissioning, ISFSI, and Reactor HP  
Branch Division of Nuclear Materials Safety, Region I

Approved by: Anthony Dimitriadis, Chief Decommissioning and ISFSI, and Reactor HP Branch  
Division of Nuclear Materials Safety, Region I

## **EXECUTIVE SUMMARY**

Exelon Generation Company, LLC Three Mile Island Nuclear Station, Unit 1 NRC Inspection  
Report No. 07200077/2020001

This report covered on-site inspections and in-office reviews by Nuclear Regulatory Commission regional based inspectors of activities related to Three Mile Island Nuclear Station, Unit 1 (TMI-1) pre-operational activities of dry cask storage of spent fuel during the inspection period from January 22, 2020 to September 23, 2020. Additional inspection activities were conducted remotely during the inspection period as a consequence of the COVID-19 public health emergency (PHE). The inspection included a review of the structural analysis and observation of the construction of an independent spent fuel storage installation (ISFSI) storage pad at TMI-1. The inspection consisted of observations by the inspectors, interviews with site personnel, a review of procedures, calculations and records, and ISFSI pad walk-downs. The NRC's program for overseeing the safe operation of dry storage of spent fuel at an ISFSI is described in Inspection Manual Chapter 2690, "Inspection Program for Dry Storage of Spent Reactor Fuel at Independent Spent Fuel Storage Installations and for 10 CFR Part 71 Transportation Packagings."

Based on the results of this inspection, no findings of safety significance were identified.

## **REPORT DETAILS**

1. **1.0 Independent Spent Fuel Storage Installation**
2. 1.1 Onsite Fabrication of Components and Construction of an ISFSI (Inspection Procedure 60853)

1. Inspection Scope

The inspectors conducted a review of licensee and vendor activities in preparation for the concrete placement #1 for the Independent Spent Fuel Storage Installation (ISFSI) which will store spent fuel previously generated by the licensee. The inspectors walked down the construction area of the ISFSI pad and examined the rebar installation to verify that the rebar size, spacing, splice length, and concrete coverage on each side complied

with licensee-approved drawings, specifications, procedures, and other associated documents. Additionally, the inspectors evaluated the pad to determine if compliance with applicable codes, the Certificate of Compliance, and Technical Specifications was met. The inspectors also evaluated the concrete formwork installation for depth, straightness, and horizontal bracing to verify the overall dimensions and orientation for compliance with the licensee-approved drawings. The inspectors interviewed licensee and contract personnel to verify knowledge of the planned work. The inspectors observed the actual concrete placement and vibration for the ISFSI slab, and observed tests for concrete slump and air content, temperature measurements, and the collection and preparation of cylinder samples for compression tests, to verify that the work was implemented in accordance with the approved specifications and procedures. The inspectors verified that the pad was being finished in accordance with approved specifications and Code requirements. Following completion of the 7-day and 28-day compression tests by an independent laboratory, the inspectors reviewed the results to verify that the acceptance criteria were met. The inspectors noted that all tested samples for concrete placement #1 satisfied the acceptance criteria.

## 2. Findings

No findings of significance were identified.

### 1.2 Review of 10 CFR 72.212(b) Evaluations (Inspection Procedure 60856) a. Inspection Scope

The inspectors performed an in-office review of ISFSI pad design documentation to determine if the storage pad would adequately support both static and dynamic loads, as required by 10 CFR 72.212(b)(5)(ii). The inspectors reviewed and verified that the assumptions the licensee used in the seismic and liquefaction analyses for the storage pad were appropriate. The inspectors verified that the analysis and design methodology used for the TMI-1 ISFSI pad complied with applicable standards consistent with recommendations of NUREG 1536 and Inspection Procedure 60856 "Review of 10 CFR 72.212(b) Evaluations," as appropriate. The inspectors also determined that the various design loads were in accordance with TMI-1's Final Safety Analysis Report.

### 1 Enclosure

#### b. Findings

No findings of significance were identified.

## 2.0 Exit Meeting

The inspection results were discussed with Stephen Minnick, Senior Manager, Site Project Management, and other members of the Exelon staff, on October 14, 2020. The inspectors verified that no proprietary information was retained by the inspectors or documented in this report.

ATTACHMENT: SUPPLEMENTAL INFORMATION

## SUPPLEMENTARY INFORMATION

## **PARTIAL LIST OF PERSONS CONTACTED**

S. Minnick, Senior Manager, Site Project Management R. Brady, TMI DO Regulatory Assurance Manager

P. Mullens, Manager, ISFSI Engineering Lead

J. Troiano, Project Manager

## **ITEMS OPENED, CLOSED, AND DISCUSSED**

None

## **LIST OF DOCUMENTS REVIEWED**

Procedures

30076-P-05, ISFSI Storage Pad Construction Work Record and Inspection Forms at Three Mile

Island Unit 1, Revision 1

30076-P-07, ISFSI Pad Site Preparation Work Record and Inspection Form at Three Mile

Island, Revision 0

Condition Reports 4351192

Miscellaneous

2020-TMI-014, Report of Concrete Compression Test Results, dated August 3, 2020 C-1101-114-003, ISFSI Storage Pad Design, Revision 001

C-1101-114-004, ISFSI Bearing Capacity and Settlement, Revision 0

C-1101-114-005, ISFSI Liquefaction Potential Evaluation, Revision 0

C-1101-114-006, ISFSI static/Dynamic Soil Properties, Revision 0

EC 625301, Geotechnical Investigation, Revision 1

EC 625303, ISFSI Site Preparation, Revision 0

EC 625304, ISFSI Storage Pad, Revision 0

EXLNTM110-CALC-001, Time Histories for SSI of the ISFSI, Revision 0 EXLNTM110-CALC-

002, Soil Properties for SSI of the ISFSI, Revision 0 EXLNTM110-CALC-003, Soil Structure

Interaction Analysis of the ISFSI, Revision 0

NAC International Certificate of Personnel Qualification, dated February 27, 2020

Pennsy Supply – Concrete Quality Requirement, Attachment A

Pennsy Supply Concrete – Landisville Annual On-Line Verification, dated February 25, 2020

Pennsy Supply Concrete – Paxton Street Annual On-Line Verification, dated May 29, 2020 RCA

CAR 20-02, TMI ISFSI Pad – In-Process Reinforcing Steel Placed out of Tolerance,

Revision 2

Rebar Certificate of Compliance, dated June 2020

Rebar Receipt Inspection Forms, dated June 2020

Reinforcing Steel Purchase Order, dated February 10, 2020 SP-1101-43-030, ISFSI Pad/Heavy

Haul Path Excavation and Fill, Revision 0 SP-1101-43-031, Cast-in-Place Concrete – ISFSI,

Revision 0

## **LIST OF ACRONYMS USED**

ADAMS Agencywide Document Access and Management System CFR Code of Federal Regulations  
ISFSI Independent Spent Fuel Storage Installation  
NRC U.S. Nuclear Regulatory Commission

PHE public health emergency  
TMI-1 Three Mile Island Nuclear Station, Unit 1

**December 3, 2020** –

**NUCLEAR REGULATORY COMMISSION**

**[Docket Nos. 50-289 and 50-320]**

**Exelon Generation Company, LLC**

**Three Mile Island Nuclear Station, Units 1 and 2  
Exemptions**

**I. Background.**

Exelon Generation Company, LLC (Exelon, the licensee) is the holder of U.S. Nuclear Regulatory Commission (NRC, the Commission) Renewed Facility Operating License No. DPR-50 for Three Mile Island Nuclear Station, Unit 1 (TMI-1). Three Mile Island Nuclear Station, Unit 2 (TMI-2) has a possession-only license and is currently maintained in accordance with the NRC-approved SAFSTOR condition known as post-defueling monitored storage. Exelon maintains the emergency planning responsibilities for TMI-2, which is owned by GPU Nuclear, Inc., through a service agreement. These licenses are subject to the rules, regulations, and orders of the NRC. The licensed facilities consist of permanently shutdown pressurized-water reactors (PWR) located in Dauphin County, Pennsylvania.

By letter dated June 20, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17171A151), Exelon submitted a certification to the NRC that it would permanently cease power operations at TMI-1 on or about September 30, 2019. On September 20, 2019, Exelon permanently ceased power operations at TMI-1. By letter dated September 26, 2019 (ADAMS Accession No. ML19269E480), Exelon certified the permanent removal of fuel from the TMI-1 reactor vessel. In accordance with paragraph 50.82(a)(2) of Title 10 of the *Code of Federal*

*Regulations* (10 CFR), upon the docketing of those certifications, the license for TMI-1 no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel. The facility is still authorized to possess and store irradiated (i.e., spent) nuclear fuel. Spent fuel is currently stored onsite in the TMI-1 spent fuel pool (SFP). A dry cask independent spent fuel storage installation is under construction to store the TMI-1 spent fuel. Since the license for TMI-2 had previously been modified to allow possession but not operation of the facility, the certifications of permanent cessation of operations and permanent removal of fuel are, by rule, deemed to have been submitted for TMI-2. Spent fuel for TMI-2 has already been removed from the site, though residual contamination and radiological materials exist.

During normal power reactor operations, the forced flow of water through the reactor coolant system removes heat generated by the reactor. The reactor coolant system, operating at high temperatures and pressures, transfers this heat through the steam generator tubes converting non-radioactive feedwater to steam, which then flows to the main turbine generator to produce electricity. Many of the accident scenarios postulated in the updated safety analysis reports for operating power reactors involve failures or malfunctions of systems, which could affect the fuel in the reactor core and, in the most severe postulated accidents, would involve the release of large quantities of fission products. With the permanent cessation of operations and the permanent removal of the fuel from the reactor vessels at TMI, such accidents are no longer possible. The reactor, reactor coolant system, and supporting systems are no longer in operation and have no function related to the storage of the spent fuel. Therefore, emergency planning (EP) provisions for postulated accidents involving failure or malfunction of the reactor, reactor coolant system, or supporting systems are no longer



The EP requirements of 10 CFR 50.47, "Emergency plans," and Appendix E to 10 CFR Part 50, "Emergency Planning and Preparedness for Production and Utilization Facilities," continue to apply to nuclear power reactors that have permanently ceased operation and have permanently removed all fuel from the reactor vessel. There are no explicit regulatory provisions distinguishing EP requirements for a power reactor that is permanently shut down and defueled from those for a reactor that is authorized to operate. To reduce or eliminate EP requirements that are no longer necessary due to the decommissioning status of the facility, Exelon must obtain exemptions from those EP regulations. Only then can Exelon modify the TMI emergency plan to reflect the reduced risk associated with the permanently shutdown and defueled condition of TMI

## **II. Request/Action.**

By letter dated 2019 (ADAMS Accession No. ML19182A104), Exelon requested exemptions from certain EP requirements in 10 CFR Part 50 for TMI. Specifically, Exelon requested exemptions from certain planning standards in 10 CFR 50.47(b) regarding onsite and offsite radiological emergency preparedness plans for nuclear power reactors; from certain requirements in 10 CFR 50.47(c)(2) for July 1, the establishment of plume exposure and ingestion pathway emergency planning for nuclear power reactors; and from certain requirements in 10 CFR Part 50, Appendix E, Section IV, which establish the elements that make up the content of emergency plans. In letters dated October 9, 2019, and December 10, 2019 (ADAMS Accession Nos. ML19282C285 and ML19344C115, respectively), Exelon provided supplemental information and responses to the NRC staff's requests for additional information concerning the proposed exemptions.



The information provided by Exelon included justifications for each exemption requested. The exemptions requested by Exelon would eliminate the requirements to maintain formal offsite radiological emergency preparedness plans reviewed by the Federal Emergency Management Agency (FEMA) under the requirements of 44 CFR Part 350 and would reduce the scope of onsite EP activities at TMI. The licensee stated that the application of all of the standards and requirements in 10 CFR 50.47(b), 10 CFR 50.47(c), and 10 CFR Part 50, Appendix E is not needed for adequate emergency response capability, based on the substantially lower onsite and offsite radiological consequences of accidents still possible at the permanently shutdown and defueled facility, as compared to an operating facility. If offsite protective actions were needed for a highly unlikely beyond-design-basis accident that could challenge the safe storage of spent fuel at TMI, provisions exist for offsite agencies to take protective actions using a comprehensive emergency management plan (CEMP) under the National Preparedness System to protect the health and safety of the public. A CEMP in this context, also referred to as an emergency operations plan, is addressed in FEMA's Comprehensive Preparedness Guide 101, "Developing and Maintaining Emergency Operations Plans," which is publicly available at [http://www.fema.gov/pdf/about/divisions/npd/CPO\\_101\\_V2.pdf](http://www.fema.gov/pdf/about/divisions/npd/CPO_101_V2.pdf). Comprehensive Preparedness Guide 101 is the foundation for State, territorial, Tribal, and local EP in the United States. It promotes a common understanding of the fundamentals of risk-informed planning and decisionmaking and helps planners at all levels of government in their efforts to develop and maintain viable, all-hazards, all-threats emergency plans. An emergency operations plan is flexible enough for use in all emergencies. It describes how people and property will be protected; details who is responsible for carrying out specific actions; identifies the personnel, equipment,

facilities, supplies and other resources available; and outlines how all actions be coordinated. A CEMP is often referred to as a synonym for “all-hazards planning.” will ...

will be coordinated with the local emergency response system, including the use of local facilities, supplies and other resources available; and outlines how all actions will be coordinated. A CEMP is often referred to as a synonym for "all-hazards planning."

## III. CEMP

In accordance with the "All-Hazards Emergency Response Plan" (AHERP), the AHERP is a plan that is developed by the local emergency response system, including the use of local facilities, supplies and other resources available; and outlines how all actions will be coordinated. A CEMP is often referred to as a synonym for "all-hazards planning."

The AHERP is a plan that is developed by the local emergency response system, including the use of local facilities, supplies and other resources available; and outlines how all actions will be coordinated. A CEMP is often referred to as a synonym for "all-hazards planning."

facilities, supplies and other resources available; and outlines how all actions will be coordinated. A CEMP is often referred to as a synonym for "all-hazards planning."

**Discussion.....**

In accordance with 10 CFR 50.12, "Specific exemptions," the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when: (1) the exemptions are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security; and (2) any of the special circumstances listed in 10 CFR 50.12(a)(2) are present. These special circumstances include, among other things, that the application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

As noted previously, the regulations contained in 10 CFR 50.47(b) and Appendix E to 10 CFR Part 50 apply to both operating and shutdown power reactors. The NRC has consistently acknowledged that the risk of an offsite radiological release at a power reactor that has permanently ceased operations and permanently removed fuel from the reactor vessel is significantly lower, and the types of possible accidents are significantly fewer, than at an operating power reactor. However, the EP regulations do not recognize that once a power reactor permanently ceases operation, the risk of a large radiological release from credible emergency accident scenarios is significantly reduced. The reduced risk for any significant offsite radiological release is based on two factors. One factor is the elimination of accidents applicable only to an operating power reactor, resulting in fewer credible accident scenarios. The second factor is the reduced

short-lived radionuclide inventory and decay heat production due to radioactive decay. Due to the permanently defueled status of the reactor, no new spent fuel will be added to the SFP and the radionuclides in the current spent fuel will continue to decay as the spent fuel ages. The spent fuel will produce less heat due to radioactive decay, increasing the available time to mitigate a loss of water inventory from the SFP. The NRC's NUREG/CR-6451, "A Safety and Regulatory Assessment of Generic BWR [Boiling Water Reactor] and PWR Permanently Shutdown Nuclear Power Plants," dated August 1997 (ADAMS Accession No. ML082260098), and the NRC's NUREG-1735, "Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants," dated February 2001 (ADAMS Accession No. ML010430088), confirmed that for permanently shutdown and defueled power reactors that are bounded by the assumptions and conditions in the report, the risk of offsite radiological release is significantly less than for an operating power reactor.

In the past, EP exemptions similar to those requested for TWI have been granted to permanently shutdown and defueled power reactor licensees. However, the exemptions did not relieve the licensees of all EP requirements. Rather, the exemptions allowed the licensees to modify their emergency plans commensurate with the credible site-specific risks that were consistent with a permanently shutdown and defueled status. Specifically, the NRC's approval of these prior exemptions was based on the licensee's demonstration that: (1) the radiological consequences of design-basis accidents would not exceed the limits of the U.S. Environmental Protection Agency (EPA) early phase Protective Action Guides (PAGs) of one roentgen equivalent man at the exclusion area boundary; and (2) in the highly unlikely event of a beyond-design-basis accident resulting in a loss of all modes of heat transfer from the fuel stored in the SFP, there is sufficient time to initiate appropriate mitigating actions, and if needed, for off-site



With respect to design-basis accidents at TMI, the licensee provided an analysis demonstrating that following permanent cessation of power operations at TMI-1, the radiological consequences of the remaining design-basis accidents with potential for offsite radiological release (a fuel handling accident in the Fuel Handling Building, where the SFP is located for TMI-1, and a fire in the Reactor Building with the Reactor Building will not

exclusion area boundary.

Purge System in operation for TMI-2) exceed the limits of the EPA PAGs at the With respect to beyond-design-basis accidents at TMI, the licensee analyzed a drain down of the SFP water that would effectively impede any decay heat removal. The analysis demonstrates that at 488 days (approximately 16 months) after permanent cessation of power operations, there would be 10 hours after the assemblies have been uncovered until the limiting fuel assembly (for decay heat and adiabatic heat-up analysis) reaches 900 degrees Celsius (°C), the temperature used to assess the potential onset of fission product release. The analysis conservatively assumed that the heat-up time starts when the SFP has been completely drained, although it is likely that site personnel will start to respond to an incident when drain down starts. The analysis also does not consider the period of time from the initiating event causing loss of inventory until cooling is lost.

SFP

The NRC reviewed the licensee's justification for the requested exemptions against the criteria in 10 CFR 50.12(a) and determined, as described below, that the criteria in 10 CFR 50.12(a) will be met, and that the exemptions should be granted 488 days after TMI-1 has permanently ceased power operations. An assessment of the Exelon EP exemptions is described in SECY-20-0041, "Request by Exelon Generation7

Company, LLC for Exemptions from Certain Emergency Planning Requirements for the Three Mile Island Nuclear Station," dated May 5, 2020 (ADAMS Package Accession No. ML19311C762). The Commission approved the NRC staff's recommendation to grant the exemptions in the staff requirements memorandum to SECY-20-0041, dated July 27, 2020 (ADAMS Accession No. ML20209A439). Descriptions of the specific exemptions requested by Exelon and the NRC staff's basis for granting each exemption are provided in SECY-20-0041. The NRC staff's detailed review and technical basis for the approval of the specific EP exemptions requested by Exelon are provided in the NRC staff's safety evaluation associated with this exemption (ADAMS Accession No. ML19311C762).

**A. The Exemption is Authorized by Law.**

The licensee has proposed exemptions from certain requirements in 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR Part 50, Appendix E, Section IV, that would allow Exelon to revise the TMI Emergency Plan to reflect the permanently shutdown and defueled condition of the facility. As stated above, in accordance with 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50. The NRC staff has determined that granting of the licensee's proposed exemptions will not result in a violation of the Atomic Energy Act of 1954, as amended, or the NRC's regulations. Therefore, the exemptions are authorized by law.

**B. The Exemption Presents no Undue Risk to Public Health and Safety.**

As stated previously, Exelon provided an analysis that shows that the radiological consequences of design-basis accidents will not exceed the limits of the EPA early



phase PAGs at the exclusion area boundary. Therefore, formal offsite radiological

emergency preparedness plans required under 10 CFR Part 50 will no longer be needed

for operation at the exclusion area boundary offsite boundary. Based on the

analysis performed, and the design basis accident analysis, the results of the

analysis are as follows:

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analysis show that the exclusion area boundary is adequate for the purpose of

phase PAGs at the exclusion area boundary. Therefore, formal offsite radiological  
emergency preparedness plans required under 10 CFR Part 50 will no longer be needed ..

for protection of the public beyond the exclusion area boundary, based on the radiological consequences of design-basis accidents still possible at TMI 488 days after TMI-1 has permanently ceased power operations.

Although highly unlikely, there is one postulated beyond-design-basis accident that might result in significant offsite radiological releases. However, NUREG-1738 confirms that the risk of beyond-design-basis accidents is greatly reduced at permanently shutdown and defueled reactors. The NRC staff's analyses in NUREG-1738 conclude that the event sequences important to risk at permanently shutdown and defueled power reactors are limited to large earthquakes and cask drop events. For EP assessments, this is an important difference relative to operating power reactors, where typically a large number of different sequences make significant contributions to risk. As described in NUREG-1738, relaxation of offsite EP requirements in 10 CFR Part 50 beyond a few months after shutdown resulted in only a small change in risk. The report further concludes that the change in risk due to relaxation of offsite EP requirements is small because the overall risk is low, and because even under current EP requirements for operating power reactors, EP was judged to have marginal impact on evacuation effectiveness for the severe earthquakes that dominate SFP risk. All other sequences including cask drops (for which offsite radiological emergency preparedness plans are expected to be more effective) are too low in likelihood to have a significant impact on risk.

Therefore, granting exemptions to eliminate the requirements of 10 CFR Part 50 to maintain offsite radiological emergency preparedness plans and to reduce the scope of onsite EP activities will not present an undue risk to the public health and safety

**C. The Exemption is Consistent with the Common Defense and Security.**

The requested exemptions only involve EP requirements under 10 CFR Part 50 and will allow Exelon to revise the TMI Emergency Plan to reflect the permanently shutdown and defueled condition of the facility. Physical security measures at TMI are not affected by the requested EP exemptions. The discontinuation of formal offsite radiological emergency preparedness plans and the reduction in scope of the onsite activities at TMI will not adversely affect Exelon's ability to physically secure the site or protect special nuclear material. Therefore, the proposed exemptions are consistent with common defense and security.

**D. Special Circumstances.**

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(ii), are present whenever application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The underlying purpose of 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR Part 50, Appendix E, Section IV, is to provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency, to establish plume exposure and ingestion pathway emergency planning zones for nuclear power plants, and to ensure that licensees maintain effective offsite and onsite radiological emergency preparedness plans. The standards and requirements in these regulations were developed by considering the risks associated with operation of a power reactor at its licensed full-power level. These risks include the potential for a reactor accident with offsite radiological dose consequences.



As discussed previously in Section III, because TMI will be permanently shut down and defueled, there will no longer be a risk of a significant offsite radiological release from a design-basis accident exceeding EPA early phase PAGs at the exclusion area boundary and the risk of a significant offsite radiological release from a beyond-design-basis accident is greatly reduced when compared to an operating power reactor. The NRC staff has confirmed the reduced risks at TMI by comparing the generic risk assumptions in the analyses in NUREG-1738 to site-specific conditions at TMI and determined that the risk values in NUREG-1738 bound the risks presented at TMI. As indicated by the results of the research conducted for NUREG-1738, and more recently for NUREG-2161, "Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark I Boiling Water Reactor," dated September 2014 (ADAMS Accession No. ML14255A365), while other consequences can be extensive, accidents from SFPs with significant decay time have little potential to cause relaxed. The licensee's analysis of a beyond-design-basis accident involving a complete loss of SFP water inventory, based on an adiabatic heat-up analysis of the limiting fuel assembly for decay heat, shows that 488 days after permanent cessation of power operations at TMI-1, the time for the limiting fuel assembly to reach 900 °C is at least 10 hours after the assemblies have been uncovered assuming a loss of all cooling means.

The only analyzed beyond-design-basis accident scenario that progresses to a condition where a significant offsite release might occur, involves the highly unlikely event where the SFP drains in such a way that all modes of cooling or heat transfer assumed to be unavailable, which is referred to as an adiabatic heat-up of the spent fuel. The licensee's analysis of this beyond-design-basis accident shows that 488 days after

permanent cessation of power operations at TMI-1, at least 10 hours would be available between the time that all cooling means are lost to the fuel (at which time adiabatic heat-up is conservatively assumed to begin), until the fuel cladding reaches a temperature of 1652 degrees Fahrenheit (900 °C), which is the temperature associated with rapid cladding oxidation and the potential for a significant radiological release. This analysis conservatively does not include the period of time from the initiating event causing a loss of SFP water inventory until all cooling means are lost.

The NRC staff has verified Exelon's analyses and its calculations. The analyses provide reasonable assurance that in granting the requested exemptions to Exelon, there is no design-basis accident that will result in an offsite radiological release exceeding the EPA early phase PAGs at the exclusion area boundary. In the highly unlikely event of a beyond-design-basis accident affecting the SFP that results in a complete loss of heat removal via all modes of heat transfer, there will be over 10 hours available before an offsite release might occur and, therefore, at least 10 hours to initiate appropriate mitigating actions to restore a means of heat removal to the spent fuel. If a radiological release were projected to occur under this highly unlikely scenario, a minimum of 10 hours is considered sufficient time for offsite authorities to implement protective actions using a CEMP approach to protect the health and safety of the public.

Exemptions from the offsite EP requirements in 10 CFR Part 50 have previously been approved by the NRC when the site-specific analyses show that at least 10 hours is available following a loss of SFP coolant inventory accident with no air cooling (or other methods of removing decay heat) until cladding of the hottest fuel assembly reaches the rapid oxidation temperature. The NRC staff concluded in its previously granted exemptions, as it does with Exelon's requested EP exemptions, that if a minimum of 10 hours is available to initiate mitigative actions consistent with plant



conditions or, if needed, for offsite authorities to implement protective actions using CEMP approach, then formal offsite radiological emergency preparedness plans, required under 10 CFR Part 50, are not necessary at permanently shutdown and defueled facilities.

Additionally, TMI committed to maintaining SFP makeup strategies in its application. The multiple strategies for providing makeup to the SFP include: using existing plant systems for inventory makeup; an internal strategy that relies on the fire protection system with redundant pumps (one diesel-driven and one electric motor-driven); and an off-site fire truck that can take suction from the Susquehanna River. These strategies will continue to be required as condition 2.c.(17), "Mitigation Strategy License Condition," of the TMI-1 Renewed Facility Operating License. Considering the very low probability of beyond-design-basis accidents affecting the SFP, these diverse strategies provide multiple methods to obtain additional makeup or spray to the SFP before the onset of any postulated offsite radiological release.

For all of the reasons stated above, the NRC staff finds that the licensee's requested exemptions meet the underlying purpose of all of the standards in 10 CFR 50.47(b), and requirements in 10 CFR 50.47(c)(2) and 10 CFR Part 50, Appendix E, and satisfy the special circumstances provision in 10 CFR 50.12(a)(2)(ii) in view of the greatly reduced risk of offsite radiological consequences associated with the permanently shutdown and defueled state of the TMI facility 488 days after permanent cessation of power operations of TMI-1.

The NRC staff has concluded that the exemptions being granted by this action will maintain an acceptable level of emergency preparedness at TMI and, if needed, that there is reasonable assurance that adequate offsite protective measures can and will be taken by State and local government agencies using a CEMP approach in the highly



unlikely event of a radiological emergency at TMI. Since the underlying purpose of the rules, as exempted, would continue to be achieved, even with the elimination of the requirements under 10 CFR Part 50 to maintain formal offsite radiological emergency preparedness plans and the reduction in the scope of the onsite emergency planning activities at TMI, the special circumstances required by 10 50.12(a)(2)(ii) exist.

In accordance with 10 CFR 51.31(a), the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment as discussed in the NRC staff's Finding of No Significant Impact and associated Environmental Assessment published in the *Federal Register* on

September 22, 2020 (85 FR 59565).

#### **IV. Conclusions.**

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, Exelon's request for exemptions from certain EP requirements in 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR Part 50, Appendix E, Section IV, and as summarized in Enclosure 2 to SECY-20-0041, are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants Exelon's exemptions from certain EP requirements in 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR Part 50, Appendix E, Section IV, as discussed and evaluated in detail in the NRC staff's safety evaluation associated with this exemption. The exemptions are effective as of 488 days after permanent cessation of power operations of TMI-1.

**January 5, 2021** – Letter from Anthony Dimitriadis, Chief Decommissioning, ISFSI, and Reactor Health Physics Branch Division of Nuclear Materials Safety Region 1 to Trevor L. Orth Site Decommissioning Director Exelon Nuclear Three Mile Island Unit 1 with subject of THREE MILE ISLAND NUCLEAR STATION, UNIT 1 – NRC INSPECTION REPORT NO. 07200077/2020002

On December 2, 2020, the U.S. Nuclear Regulatory Commission (NRC) completed an inspection of the Three Mile Island Nuclear Station, Unit 1 Independent Spent Fuel Storage Installation (ISFSI) pre-operational activities. On-site inspections were performed on November 12-13, 2020. Additional inspection activities (in-office reviews via remote means) were conducted remotely as a consequence of the COVID-19 public health emergency (PHE) during the inspection period from May 4, 2020 to December 2, 2020. The inspectors examined activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations, the conditions of your license, and the Certificate of Compliance. The results of this inspection were discussed with you and other members of your staff on December 10, 2020 and are documented in the enclosed report. No findings of safety significance were identified.

In accordance with 10 Code of Federal Regulations (CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure, and your response (if any) will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select Radioactive Waste; Decommissioning of Nuclear Facilities; then Regulations, Guidance and Communications. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents; then Enforcement Policy (Under 'Related Information'). You may also

obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

No reply to this letter is required. Please contact Elizabeth Andrews at 610-337-5117 if you have any questions regarding this matter.

#### U.S. NUCLEAR REGULATORY COMMISSION REGION I

Docket number: 072-00077

License number: DPR-50

report number: 07200077/2020002

Licensee: Exelon Generation Co., LLC (Exelon)

Facility: Three Mile Island Nuclear Station, Unit 1

Location: Middletown, Pennsylvania

Dates: May 4, 2020 – December 2, 2020

Inspectors: E. Andrews, Health Physicist  
S. Hammann, Senior Health Physicist  
M. Henrion, Health Physicist  
P. Koch, Structural Engineer

P. Patel, Structural Engineer  
A. Rigato, Structural Engineer

Approved by: Anthony Dimitriadis, Chief Decommissioning and ISFSI, and Reactor HP Branch  
Division of Nuclear Materials Safety

## **EXECUTIVE SUMMARY**

Exelon Generation Company, LLC Three Mile Island Nuclear Station, Unit 1 NRC Inspection  
Report No. 07200077/2020002

On December 2, 2020, the U.S. Nuclear Regulatory Commission (NRC) completed onsite and remote inspections of the Three Mile Island Nuclear Station, Unit 1 (TMI-1) Independent Spent Fuel Storage Installation (ISFSI) pre-operational activities of dry cask storage. Onsite inspections were performed on November 12-13, 2020. Additional inspection activities (in-office reviews via remote means) were conducted as a consequence of the COVID-19 public health emergency (PHE) during the inspection period from May 4, 2020 to December 2, 2020. The inspection included a review of the structural analysis and observation of the crane to be used during ISFSI campaign at TMI-1. The inspection consisted of observations by the inspectors, interviews with site personnel, a review of procedures, calculations and records, and crane walk-downs. The NRC's program for overseeing the safe operation of dry storage of spent fuel at an ISFSI is described in Inspection Manual Chapter 2690, "Inspection Program for Dry Storage of Spent Reactor Fuel at Independent Spent Fuel Storage Installations and for 10 CFR Part 71 Transportation Packagings."

Based on the results of this inspection, no findings of safety significance were identified.

## **REPORT DETAILS**

1. **1.0 Independent Spent Fuel Storage Installation**
2. 1.1 Onsite Fabrication of Components and Construction of an ISFSI (60853)
1. Inspection Scope

The inspectors performed an in-office review of the recently installed 125-ton, single failure proof TMI-1 Fuel Handling Building crane, MIS-A-2B, to determine if it met the single failure proof criteria of NUREG 0554, "Single-Failure-Proof Cranes for Nuclear Power Plants" for use in dry cask storage operations. The inspectors reviewed and verified that the assumptions the licensee used in the analysis and design methodology were appropriate and complied with applicable standards consistent with recommendations of NUREG 0554 and NUREG 0612, "Control of Heavy Loads at Nuclear Power Plants," as appropriate.

Onsite inspection of the new crane was performed to determine the acceptability and readiness of the crane on November 12-13, 2020. The inspectors observed the crane as installed in the Fuel Handling Building area, the performance of the crane load tests using the site load test procedure, the involvement of Exelon and American Crane & Equipment Corporation personnel in the crane testing process, and operator and maintenance staff training on the crane controls. Additionally, the inspectors reviewed condition reports generated to assess if they had been properly evaluated and if

appropriate actions taken. The crane factory test activities and site functional test procedure were reviewed by the inspectors to confirm their scope was adequate and to verify the crane capability, applicability, and extent of review by project engineering. During the crane load test, the inspectors noted the actual weights totaled the loading requirement for both the 100% and 125% load tests.

2. Findings

No findings of significance were identified.

## **2.0 Exit Meeting**

The inspection results were discussed with Mr. Trevor Orth, Site Decommissioning Director, and other members of the Exelon staff, on December 10, 2020. No proprietary information was retained by the inspectors or documented in this report.

### **ATTACHMENT: SUPPLEMENTAL INFORMATION**

1 Enclosure

### **SUPPLEMENTARY INFORMATION**

#### **PARTIAL LIST OF PERSONS CONTACTED**

T. Orth, Site Decommissioning Director  
R. Brady, TMI DO Regulatory Assurance Manager  
S. Minnick, Senior Manager, Site Project Management M. Menser, Lead Installation Representative  
P. Mullens, Manager – ISFSI Engineering lead  
R. Shacklett, ISFSI Project Manager  
J. Troiano, Project Manager

#### **ITEMS OPENED, CLOSED, AND DISCUSSED**

None

#### **LIST OF DOCUMENTS REVIEWED**

Procedures  
1406, Rev. 18, Crane Operator Qualifications  
MA-AA-716-022, Rev. 14, Control of Heavy Loads Program  
REP-21727-008 R2, Site Functional Test Procedure For 125/15/3 Ton TMI-1 Fuel Handling

Building Crane  
REP-21727-009 R1, Site Load Test Procedure For 125/15/3 Ton TMI-1 Fuel Handling Building

Crane

Condition Reports  
04327621 04341691 04367020 04371782 04373500

## Miscellaneous

American Crane & Equipment Corp. Test Weight Verification and Calibration Logs  
Book 22 – Fuel Handling Building Structural Design Book, Revision 00A  
C-1101-114-007, Fuel Handling Building Replacement Crane – Structural Analyses – ISFSI,

## Revision 0

C-1101-114-008, Fuel Handling Building Replacement Crane – Mechanical Analyses – ISFSI,

## Revision 0

C-1101-114-009, Fuel Handling Building Crane Rail Analysis – ISFSI, Revision 0 DIR-21727-EE-001, Crane Electrical Load – Fuel Handling Building Replacement Crane ISFSI,

## Revision 0

EC 625307, ISFSI – Fuel Handling Building Crane Upgrade, Revision 0 SP-1101-12-173, TMI-1 Fuel Handling Building Single Failure Proof Crane, Revision 2

## 2 Attachment

## LIST OF ACRONYMS USED

ADAMS Agencywide Document Access and Management System CFR Code of Federal Regulations

ISFSI Independent Spent Fuel Storage Installation

NRC U.S. Nuclear Regulatory Commission

PHE public health emergency

TMI-1 Three Mile Island Nuclear Station, Unit 1

**March 24, 2021** – Email from Blake Purnell to Bradley Fewell (Exelon) cc to Nancy Salgado and David Helker (Exelon) with subject of Exelon Generation Company, LLC - Acceptance of License Transfer Application (EPID L-2021-LLM-0000)

By letter dated February 25, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21057A273), Exelon Generation Company, LLC (EGC) on behalf of itself and Exelon Corporation; Exelon FitzPatrick, LLC; Nine Mile Point Nuclear Power Station, LLC; R. E. Ginna Nuclear Power Plant, LLC; and Calvert Cliffs Nuclear Power Plant, LLC (collectively, the Applicants) requested that the U.S. Nuclear Regulatory Commission (NRC) consent to the indirect transfer of control of the following licenses (collectively, the licenses):

- Renewed Facility Operating License Nos. NPF-72 and NPF-77 for Braidwood Station, Units 1 and 2, respectively;
- Renewed Facility Operating License Nos. NPF-37 and NPF-66 for Byron Station, Unit Nos. 1 and 2, respectively;
- Renewed Facility Operating License Nos. DPR-53 and DPR-69 for Calvert Cliffs Nuclear Power Plant (Calvert Cliffs), Units 1 and 2, respectively;
- Facility Operating License No. NPF-62 for Clinton Power Station, Unit No. 1;
- Facility Operating License No. DPR-2 and Renewed Facility Operating License Nos. DPR-19 and

DPR-25 for Dresden Nuclear Power Station, Units 1, 2, and 3, respectively;

- Renewed Facility Operating License No. DPR-59 for James A. FitzPatrick Nuclear Power Plant (FitzPatrick);
- Renewed Facility Operating License Nos. NPF-11 and NPF-18 for LaSalle County Station, Units 1 and 2, respectively;
- Renewed Facility Operating License Nos. NPF-39 and NPF-85 for Limerick Generating Station, Units 1 and 2, respectively;
- Renewed Facility Operating License Nos. DPR-63 and NPF-69 for Nine Mile Point Nuclear Station (NMP), Units 1 and 2, respectively;
- Facility Operating License No. DPR-12 and Subsequent Renewed Facility Operating License Nos. DPR-44 and DPR-56 for Peach Bottom Atomic Power Station, Units 1, 2, and 3, respectively;
- Renewed Facility Operating License Nos. DPR-29 and DPR-30 for Quad Cities Nuclear Power Station, Units 1 and 2, respectively;
- Renewed Facility Operating License No. DPR-18 for R. E. Ginna Nuclear Power Plant (Ginna);
- Renewed Facility Operating License Nos. DPR-70 and DPR-75 for Salem Nuclear Generating Station, Unit Nos. 1 and 2, respectively;
- Renewed Facility License No. DPR-50 for Three Mile Island Nuclear Station, Unit 1;
- Facility Operating License Nos. DPR-39 and DPR-48 for Zion Nuclear Power Station (Zion), Units 1 and 2, respectively;
- Materials License No. SNM-2505 for the independent spent fuel storage installation (ISFSI) at Calvert Cliffs; and
- the general licenses for the ISFSIs at the other facilities.

Specifically, the Applicants requested that the NRC consent to the indirect transfer of control of the licenses to support a proposed transaction in which Exelon Corporation will transfer its 100 percent ownership of EGC to a newly-created subsidiary that will then be spun off to Exelon Corporation shareholders, becoming EGC's new ultimate parent company. Once the spin transaction is completed, the new ultimate parent company, EGC (operating under a new name), and its subsidiaries will no longer

be affiliated with Exelon Corporation. EGC will remain the same Pennsylvania limited liability company and will continue to own and/or operate the facilities, as applicable, and hold the licenses, but it will be renamed and reorganized. The Applicants also requested that the NRC consent to the indirect transfer of control of the licenses for FitzPatrick, NMP, Ginna, and their ISFSIs to support the reorganization of EGC. In addition, the Applicants requested conforming amendments to the specific licenses to reflect the proposed transfer.

The Applicants also requested NRC approval to replace existing nuclear operating services agreements and financial support agreements associated with the ownership and operation of Calvert Cliffs, NMP, Ginna, and FitzPatrick. The application requested NRC approval to transfer the qualified and non-qualified trusts for FitzPatrick from Exelon Generation Consolidation, LLC (a subsidiary of EGC) to the renamed Exelon FitzPatrick, LLC. The application requested amendments to the NMP, Ginna, and Calvert Cliffs licenses to delete conditions referencing the Constellation Energy Nuclear Group, LLC (a subsidiary of EGC) Board and its operating agreement to reflect the internal reorganization of EGC described in the application.

By Order dated November 26, 2019 (ADAMS Accession No. ML19228A130), as modified by Order dated October 21, 2020 (ADAMS Accession No. ML20259A469), the NRC authorized the direct transfer of Facility Operating License Nos. DPR-39 and DPR-48 for Zion, Units 1 and 2, respectively, and Zion's generally licensed ISFSI from ZionSolutions, LLC to EGC. According to the February 25, 2021, application, the Zion license transfer will be completed prior to the spin transaction.

The purpose of this e-mail is to provide the results of the NRC staff's acceptance review of the February 25, 2021, license transfer request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing bases of the plants.

Consistent with Sections 50.80 and 72.50 of Title 10 of the Code of Federal Regulations (10 CFR), an application for transfer of a license shall include as much of the information as described in 10 CFR 50.33, 50.34, 72.22, and 72.28, as applicable, with respect to identity and technical and financial qualifications of the proposed transferee. Consistent with 10 CFR 50.90 and 72.56, as applicable, an amendment to the license must fully describe the changes requested, and following as far as applicable, the form prescribed for original applications. Sections 50.34 and 72.24 of 10 CFR address the content of technical information required for licenses issued under 10 CFR Parts 50 and 72, respectively.

The NRC staff has reviewed your application and concluded that it does provide technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed amendment in terms of regulatory requirements and the protection of public health and safety and the environment. Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review

are identified despite completion of an adequate acceptance review. You will be advised of any further information needed to support the NRC staff's detailed technical review by separate correspondence.

Based on the information provided in your submittal, the NRC staff has estimated that the review of this licensing request will take approximately 700 hours to complete. The NRC staff expects to complete this review by November 30, 2021. If there are emergent complexities or challenges in our review that would cause changes to the initial forecasted completion date or significant changes in the forecasted hours, the reasons for the changes, along with the new estimates, will be communicated during the routine interactions with the assigned project manager. These estimates are based on the NRC staff's initial review of the application and they could change, due to several factors including requests for additional information, unanticipated addition of scope to the review, or hearing-related activities.

If you have any questions, please contact me at (301) 415-1380. Sincerely,

Blake Purnell, Project Manager

Plant Licensing Branch III

Division of Operating Reactor Licensing Office of Nuclear Reactor Regulation U.S. Nuclear Regulatory Commission

Docket Nos. STN 50-456, STN 50-457, 72-73, STN 50-454, STN 50-455, 72-68, 50-317, 50-318, 72-8, 50-461, 72-1046, 50-010, 50-237, 50-249, 72-37, 50-333, 72-12, 50-373, 50-374, 72-70, 50-352, 50-353, 72-65, 50-220, 50-410, 72-1036, 50-171, 50-277, 50-278, 72-29, 50-254, 50-265, 72-53, 50-244, 72-67, 50-272, 50-311, 72-48, 50-289, 72-77, 50-295, 50-304, and 72-1037

**April 5, 2021** – Letter from Blake Purnell, Project Manager Plant Licensing Branch III Division of Operating Reactor Licensing Office of Nuclear Reactor Regulation to David P. Rhoades Senior Vice President Exelon Generation Company, LLC President and Chief Nuclear Officer (CNO) Exelon Nuclear with subject of EXELON GENERATON COMPANY, LLC – REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (EPID L-2021-LLM-0000)

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated February 25, 2021, Exelon Generation Company, LLC (EGC)<sup>1</sup> submitted an affidavit dated February 25, 2021, executed by Bryan P. Wright, Senior Vice President and Chief Financial Officer of EGC, requesting that information contained in Enclosures 6A, 8A, and 10A to the letter be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390. The letter, with all enclosures except Enclosures 6A, 8A, and 10A, has been made publicly available in the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML21057A273. The letter also provided nonproprietary versions of Enclosures 6A, 8A,

and 10A, as Enclosures 6, 8, and 10, respectively.

The affidavit stated that the information provided in Enclosures 6A, 8A, and 10A constitutes proprietary commercial and financial information that should be considered exempt from mandatory public disclosure because:

- i. This information is and has been held in confidence by [the] Applicants.
- ii. This information is of a type that is customarily held in confidence by the Applicants, and there is a rational basis for doing so because the information contains sensitive financial information.
- iii. This information is being transmitted to the NRC voluntarily and in confidence.



- iv. This information is not available in public sources and could not be gathered readily from other publicly available information.
- v. Public disclosure of this information would create substantial harm to the competitive position of the Applicants by disclosing their internal data.

<sup>1</sup> On behalf of itself and Exelon Corporation; Exelon FitzPatrick, LLC; Nine Mile Point Nuclear Power Station, LLC; R. E. Ginna Nuclear Power Plant, LLC; and Calvert Cliffs Nuclear Power Plant, LLC (collectively, the Applicants).

We have reviewed your letter and the material in accordance with the requirements of 10 CFR 2.390 and, based on the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-1380.