



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

March 09, 2021

Mr. David P. Rhoades
Senior Vice President
Exelon Generation Company, LLC
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

Mr. John Sauger
President and Chief Nuclear Officer
TMI-2 Solutions, LLC
121 West Trade Street, Suite 2700
Charlotte, NC 28202

SUBJECT: THREE MILE ISLAND NUCLEAR STATION, UNITS 1 AND 2 – APPROVAL
OF EXEMPTIONS FROM THE REQUIREMENTS OF 10 CFR 140.11(a)(4)
CONCERNING OFFSITE PRIMARY AND SECONDARY LIABILITY INSURANCE
(EPID L-2020-LLE-0002)

Dear Mr. Rhoades and Mr. Sauger:

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has approved the enclosed exemptions from the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 140.11(a)(4) concerning offsite primary and secondary liability insurance for Exelon Generation Company, LLC (Exelon) and TMI-2 Solutions, LLC (TMI-2 Solutions). This action is in response to the application dated January 3, 2020 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML20003E096), requesting an exemption to reduce the required level of primary offsite liability insurance from \$450 million to \$100 million and to eliminate the requirement to carry secondary financial protection for Three Mile Island Nuclear Station, Unit 1 (TMI-1). The site of TMI-1 includes a second co-located shutdown reactor, Three Mile Island Nuclear Station, Unit 2 (TMI-2), that is owned by TMI-2 Solutions, which requested a corresponding exemption to 10 CFR 140.11(a)(4) for TMI-2. This would reduce the required level of primary offsite liability insurance for an “extraordinary nuclear occurrence”¹ from \$200 million to \$100 million. The exemptions are effective as of 16 months after the permanent cessation of power operations for TMI-1. A copy of the exemptions is provided in Enclosure 1 to this letter.

Enclosure 2 to this letter contains three signed copies of Amendment No. 16 to Indemnity Agreement No. B-64 for Exelon’s and TMI-2 Solutions’ signatures. We request that you ensure that all parties sign the three originals and then return one of the signed originals to the NRC’s

¹ Pursuant to 10 CFR 140.83, if the Commission determines that both of the criteria set forth in 10 CFR 140.84 and 140.85 have been met, it will make the determination that there has been an extraordinary nuclear occurrence.

Document Control Desk as proof of acceptance. Please keep the other signed originals for each party's records.

In accordance with 10 CFR 2.390, a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC Web site at <https://www.nrc.gov/reading-rm/adams.html>. The exemptions have been forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in black ink, appearing to read "Theodore B. Smith". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Theodore B. Smith, Project Manager
Reactor Decommissioning Branch
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety and Safeguards

Docket Nos. 50-289 and 50-320

Enclosures:

1. Exemptions
2. Amendment No. 16 to Indemnity Agreement No. B-64

cc w/encls: Distribution via Listserv

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M. Henderson, NMSS/REFS/FAB

ADAMS Accession Nos.: Package: ML21040A258;**Letter:** ML21040A269;**Exemption:** ML21040A270;**Indemnity:** ML21064A159

*Concur via email

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