



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

July 31, 2023

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

SUBJECT: CORRECTION OF TYPOGRAPHICAL AND REFERENCE ERRORS -
ISSUANCE OF AMENDMENT NO. 67, TO POSSESSION ONLY LICENSE FOR
THE THREE MILE ISLAND STATION, UNIT NO. 2 (EPID: L-2021-LLA-0038)

Dear Mr. Sauger:

On March 31, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML23051A042](#) (pkg.)), the U.S. Nuclear Regulatory Commission (NRC) issued Amendment No. 67 to Possession Only License (POL) No. DPR-73 for the Three Mile Island Nuclear Station, Unit No. 2 (TMI-2). The amendment was in response to a letter from TMI-2Solutions, LLC (TMI-2 Solutions or the licensee) dated February 19, 2021 ([ML21057A047\(Pkg\)](#)), as supplemented on May 5, 2021 ([ML21133A264](#)), January 7 ([ML22013A177](#)), March 23 ([ML22101A079](#)), April 7 ([ML22101A077](#)), April 8 ([ML22105A092](#)), May 16 ([ML22138A285](#)), September 29 ([ML22276A024](#)), and October 29, 2022 ([ML22307A082](#)), and January 27 ([ML23033A153](#)), February 14, ([ML23049A004](#)) and March 30, 2023 ([ML23090A216](#)). This amendment revised the POL and the associated Technical Specifications (TSs) to support the transition of TMI-2 from a Post-Defueling Monitored Storage (PDMS) condition to that of a facility undergoing radiological decommissioning (DECON) pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 50.82(a)(7). Also, certain license conditions were either removed or revised and as well as certain TS requirements to reflect current plant conditions to support entry into DECON.

In an email request dated May 11, 2023 ([ML23159A163](#) (Pkg)), TMI-2Solutions, LLC (TMI-2S) identified minor discrepancies as it reviewed the issued Amendment No. 67 and associated safety evaluation report (SER). TMI-2S provided a list of minor discrepancies for NRC's consideration, as an attachment to the email. The purpose of this letter is to respond to the TMI-2S' May 11, 2023, communication and make any corrections, as appropriate.

In its attachment to the May 11, 2023, email, TMI-2S refers to the last paragraph of license condition 2.B.:

"The storage of radioactive materials or radwaste generated at TMI Unit 1 and stored at TMI Unit 2 in accordance with the license for TMI Unit 1 shall not result in a source term that, if released, would exceed that previously analyzed in the PDMS Safety Analysis Report in terms of off-site dose consequences."

Further, TMI-2 states that:

"It would appear based on the language in Amendment 67 the intent was to change from the PDMS Safety Analysis Report, referenced in the "PDMS" License to Defueled Safety Analysis Report in the "DECON" License."

In your license request dated February 19, 2021 ([ML21057A047\(Pkg\)](#)), and in your markup of the license submitted on January 27, 2023 ([ML23033A103](#)), TMI-2S did not request removal of the portion of the license in this section referencing the PDMS analyzed condition. Nor did your application, explain if there were any changes to the storage of radioactive waste generated at TMI Unit 1 and stored at TMI-2. Therefore, if TMI-2S wants to change this portion of license condition 2.B., it may submit a license amendment request for the NRC's review and evaluation.

Also, in the attachment to its May 11, 2023, email TMI-2S states that an error was made on the last page of Amendment No. 67. Specifically, TMI-2S indicates that the last page of the license incorrectly states, "Enclosure, Technical Specifications A". The NRC reviewed this page and determined that it is a typographical error. It should state "Enclosure, Technical Specifications". The corrected page change to the license is found as Enclosure 1.

Regarding the SER for Amendment No. 67, TMI-2S identified several typographical errors. Below is a summary of the errors identified by TMI-2S and NRC's response. A revision to the SER to correct for reference errors is found as Enclosure 2.

- In Section 1.1 the NRC did not reference the April 8, 2022, a supplement to the license amendment request (LAR) which responded to some TMI2 Accident Analyses Questions dated February 7, 2022 ([ML22038A936](#)).

NRC Response: The NRC will include the April 8, 2022, TMI-2 letter, as a supplement to the application in Section 1.1, page 3, of the SER.

- TMI-2S identifies in several locations of the SER, statements regarding the High Integrity Container (HIC) fire analysis consequences (Section 3.2.4 Criterion 4, NRC Staff Evaluation, Section 3.2.7 Criterion 4, NRC Staff Evaluation and Section 3.2.9 Criterion 4, NRC Staff Evaluation, and Section 3.2.7 Criterion 3, Licensee's Evaluation) that incorrectly reference the bounding event at TMI-2. However, TMI-2S indicates that the TMI-2S letter TMI2-RA-COR-2023-0002, dated January 27, 2023 ([ML23033A103](#)) provided an update to the containment fire scenario and describes it as the bounding event at TMI-2.

NRC Response: The NRC inadvertently referred TMI-2S' previous HIC fire analysis as opposed to the update to the containment fire scenario dated January 27, 2023. Reference to the HIC fire analysis in Sections 3.2.4, 3.2.7, and 3.2.9 will be removed and in its place the update to the containment fire scenario fire analysis will be correctly referenced.

- Sections 3.2.5 and 3.2.6 Criterion 4 refer to Calculation TMI2-EN-RPT-0001 "Determination of the Safe Fuel Mass Limit for Decommissioning TMI-2," Attachment 5. TMI-2S indicates that this calculation was submitted with letter TMI2-RA-COR-2021-0002, the original LAR, on February 19, 2021 ([ML21057A046](#)). Later, TMI-2S states that this calculation was revised and submitted to the NRC as Attachment 1 to letter TMI2-RA-COR-2022-0008, dated April 7, 2022 ([ML22101A077](#)).

NRC Response: The NRC inadvertently did not update the reference in this section of the SER to reflect the April 7, 2022, submittal.

- TMI-2S notes that there is a missing ML number in Section 3.2.5.1 and if available, it should be provided.

NRC Response: The NRC should have referenced the ML number. The ML that should have been referred is [ML23094A060](#).

- To address material control and accounting activities for 10 CFR 74.19(a)(1) and 74.19(c), TMI-2S indicates that reference to both RAI 14 and 16 ([ML22276A024](#)) should be consistently stated.

NRC Response: NRC agrees that both RAI 14 and 16 should have been referenced.

- TMI-2S notes that Section 3.2.7 of the SER does not identify that TMI-2S stood up its own sealed source program under a program compliant with 10 CFR 70.39 (c) as identified in its January 27, 2023, submittal ([ML23033A103](#)).

NRC Response: NRC agrees that reference to the new program should be identified.

- TMI-2S indicates that Section 3.2.9 contains an internal reference to Section 3.7.3; however, TMI-2 stated that this reference should be Section 3.2.3. Also, TMI-2S states that Section 5.2.2 contains internal references to Sections 3.2.2.3 and 3.2.2.4; however, TMI-2S states that this reference should be in Sections 5.2.3 and 5.2.4, respectively.

NRC Response: NRC agrees that these references should be corrected because they are typographical errors.

It can be demonstrated that the errors were introduced inadvertently in License Amendment No. 67, to POL No. DPR-73 were not requested by the licensee in its application, and that the erroneous changes were not addressed in the notice to the public nor reviewed by the NRC staff. Under these circumstances, the changes that introduced the typographical errors and reference errors were not proper amendments to the license because they were neither addressed in the notices nor reviewed, and correction of the typographical errors and reference errors are not a "change" to the staff's determination of no significant hazards or conclusions in its SER. The changes introduced by the errors were in fact improperly made.

Accordingly, consistent with guidance ([ML103260096](#)) and Staff Requirements Memorandum dated December 17, 1996 ([ML003754054](#)), the typographical errors and reference errors are corrected by this letter, instead of an amendment to the license and are effective immediately.

If you have any questions, please contact me.

Sincerely,



Signed by Snyder, Amy
on 07/31/23

Amy M. Snyder, Senior Project Manager
Reactor Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No.: 50-320

Enclosures: as stated

cc w/encls:

cc: TMI-2 Listserv:

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A. Commission notifies the licensee in writing that the license is terminated.

FOR THE NUCLEAR REGULATORY COMMISSION

(Original signed by

Alfred E. Chaffee acting for)

Brian K. Grimes, Director

Division of Operating Reactor Support

Office of Nuclear Reactor Regulation

Enclosure:

Technical Specifications

Date of Issuance: March 31, 2023