



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

TMI-2 SOLUTIONS, LLC

DOCKET NO. 50-320

AMENDMENT TO POSSESSION ONLY LICENSE

Amendment No. 65
License No. DPR-73

1. The Nuclear Regulatory Commission (the Commission or the NRC) has found that:
 - A. The application for license amendment filed by TMI-2 Solutions, LLC dated May 13, 2021 (Agencywide Documents Access and Management System Accession No. [ML21144A262](#) (non-public), as supplemented, on September 21, 2021 ([ML21267A505](#) (public) and [ML21267A504](#) (non-public)), and on March 31 ([ML22102A304](#) Pkg. (public)), April 28 ([ML22125A013](#) (public)), May 3 ([ML22125A014](#) Pkg. (non-public)), May 9 ([ML22138A281](#) (non-public)), May 10 ([ML22131A138](#) (public)), June 9 ([ML22164A029](#) Pkg. (non-public)), July 13 ([ML22199A078](#) Pkg. (non-public)), July 19 ([ML22203A107](#) (public) and [ML22203A108](#) (non-public)), and August 1, 2022 ([ML22214A048](#) (public)), for Three Mile Island Station, Unit No. 2 (TMI-2) complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and applicable portions of the Commission's regulations set forth in Title 10 of the *Code of Federal Regulations* (10 CFR) Chapter I, "[Nuclear Regulatory Commission](#)," and all required notifications to other agencies or bodies have been duly made;
 - B. The facility will operate in conformity with the application, as supplemented, the provisions of the Act, and the rules and regulations of the Commission;
 - C. 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 set forth in 10 CFR Chapter I;
 - D. 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
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51, "[Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions](#)," of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the TMI-2 License Condition 2.C.(2), "Physical Protection," of Possession Only License No. DPR-73 and is hereby amended to read as follows:

TMI-2 utilizes a security plan (TMI-2 Materials Security Plan) that is compliant with 10 CFR Part 37, "[Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material](#)." The plan will implement 10 CFR Part 37 security requirements and also implement specific 10 CFR 73.67, "[Licensee fixed site and in-transit requirements for the physical protection of special nuclear material of moderate and low strategic significance](#)," security requirements referenced in the security plan that are not addressed by Part 37.

3. This license amendment is effective immediately and shall be implemented within 90-days of the June 1, 2022, written notification ([ML22154A187](#)) for implementation of the TMI-2 Materials Security Plan.

FOR THE NUCLEAR REGULATORY COMMISSION



Signed by Anderson,
Shaun on 08/30/22

Shaun M. Anderson, Chief
Reactor Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Attachment:
Change to Possession Only
License No. DPR-73

ATTACHMENT TO LICENSE AMENDMENT NO. 65

TO POSSESSION ONLY LICENSE NO. DPR-73

DOCKET NO. 50-320

Replace the following page of the Possession Only License No. DPR-73 with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the area of change.

Possession Only License No DPR-73

REMOVE

INSERT

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Enclosure 1, Attachment 1:

Changes to Possession Only License No. DPR-73

a source term that, if released, would exceed that previously analyzed in the Post-defueling Monitored Storage Safety Analysis Report in terms of off-site dose consequences.

- C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations in 10 CFR Chapter I, and is subject to all applicable provisions of the Act and to the Commission's rules and regulations, except for those exemptions from specific portions of the regulations granted by the Commission and still applicable, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Technical Specifications

The Technical Specifications, as revised through Amendment No. 64 are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications and all Commission Orders issued subsequent to the date of the possession only license.

(2) Physical Protection

TMI-2 utilizes a security plan (TMI-2 Materials Security Plan) that is compliant with 10 CFR Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material." The plan will implement 10 CFR Part 37 security requirements and also implement specific 10 CFR 73.67 security requirements referenced in the security plan that are not addressed by Part 37.

- (3) Upon the date of closing, and proceeding until determination of completion of Phase 2 of facility decommissioning, TMI-2 Solutions will maintain a Financial Support Agreement in the amount of \$100M, less the value of any cash-funded Provisional Trust Account, Disposal Capacity Easement, and Letter of Credit procured by TMI-2 Solutions for the benefit of the Back-Up Trust Account under the Back-Up & Provisional Trust Agreement.

- (4) At time of closing, EnergySolutions, Inc. will provide a Parent Guarantee in favor of the FirstEnergy Companies to guarantee the payment and performance of the obligations of TMI-2 Solutions as to the TMI-2 decommissioning. This guarantee makes the resources of EnergySolutions available to help ensure the successful decommissioning of TMI-2, assuring the ability of TMI-2 Solutions to: (i) pay the costs of decommissioning the TMI-2 facility; (ii) protect the public health and safety; and (iii) meet NRC requirements.

- (5) These financial support conditions (2.C.(3) and 2.C.(4)) may not be voided, canceled, or modified without the prior written consent of the NRC. These financial support conditions are in place and will be maintained as described in the application. The Director of the Office of Nuclear Material Safety and Safeguards shall be informed, in writing, no later than 10 working days after any funds are provided under the terms of the conditions listed above.

- D. Special Auxiliary and Fuel Handling Building Ventilation Study: Prior to terminating continuous operation of the auxiliary and fuel handling buildings (AFHB) ventilation systems, the special monitoring program of AFHB airborne levels shall be completed. The program shall include at least 1 year of data prior to entry into PDMS and at least 1 year of data after entry into PDMS. A report shall be submitted to the NRC containing the results of the program containing sufficient data and analyses to demonstrate that the release rate of particulates with half-lives greater than 8 days from the AFHB will be less than 0.00024 $\mu\text{Ci/sec}$ when averaged over any calendar quarter. Not included in the calculation of the particulate release rate shall be those periods of time (designated in advance) prior to entry into PDMS during which aggressive decontamination operations were performed in preparation for PDMS. The report shall be submitted to the NRC staff at least 60 days prior to terminating continuous operation of the AFHB ventilation systems.
- E. Unfiltered Leak Rate Test: Prior to entry of the facility into Post-Defueling Monitored Storage, the licensee will develop an NRC-approved surveillance requirement for the reactor building unfiltered leak rate test that, upon staff approval, will be incorporated as Section 4.1.1.2 of the proposed PDMS Technical Specifications.
- F. Additional Submittals Prior To Post-Defueling Monitored Storage: Prior to entry of the facility into Post-Defueling Monitored Storage, the licensee will submit and implement a site Flood Protection Plan, a site Radiation Protection Plan, an Offsite Dose Calculation Manual, a Post-Defueling Monitored Storage Fire Protection Program Evaluation, a Post-Defueling Monitored Storage Quality Assurance Plan and a Radiological Environmental Monitoring Plan. Additionally, the licensee will submit to the NRC the results of the completed plant radiation and contamination surveys prior to entry into PDMS.
- G. This license is effective as of the date of issuance and until the 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:
Appendices A & B
Technical Specifications

Date of Issuance: December 18, 2020

Possession Only License No. DPR-73
Amendment No. 64, 65