

From: [Snyder, Amy](#)
To: brwerner@pa.gov
Cc: [Tifft, Doug](#); [Anderson, Shaun](#); [Dimitriadis, Anthony](#); [Hammann, Stephen](#); [Tim Devik](#)
Subject: State Consultation- License Amendment Request TMI-2 Solutions Conforming Amendment Related to Records Exemption Request
Date: Monday, July 18, 2022 3:34:00 PM
Attachments: [2022-14819.pdf](#)

Bryan Werner,
Pennsylvania Department of Environmental Protection
Bureau of Radiation Protection
Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469-8469

Dear Mr. Werner,

By letter dated October 5, 2021 (ML21279A278), as supplemented on December 15, 2021 (ML21354A027), TMI-2 Solutions submitted an exemption request asking for permanent partial exemptions from: (1) Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix B, Criterion XVII, "Quality Assurance Records," which requires certain records to be retained consistent with applicable regulatory requirements for a duration established by the licensee; (2) 10 CFR 50.59(d)(3), "Changes, tests, and experiments," which requires certain records to be maintained until "termination of an operating license issued under this part;" and (3) 10 CFR 50.71(c), "Maintenance of records, making of reports," which requires certain records to be retained for the period specified by the appropriate regulation, license condition, or Technical Specifications (TS), or until termination of the license, if not otherwise specified.

TMI-2 Solutions, in its December 15, 2021, supplement, committed to preserve all records pertaining to the 1979 Records Preservation Order (ML21274A741). TMI-2 Solutions notes that an inventory of such records for the period from March 27, 1979, through May 1, 1979, was submitted to the NRC on November 18, 2021, to assist the NRC Historian in determining if the NRC document collection for the TMI-2 accident was missing any needed. TMI-2 Solutions also requested that an associated conforming amendment required to reflect specific exemptions related associated changes in the TS, should the NRC approve the partial exemption request.

The NRC is considering issuing a conforming amendment to POL No. DPR-73, for TMI-2 provided the Exemption is granted. Pursuant to NRC regulations, TMI-2 Solutions proposes an amendment to POL No. DPR-73 for TMI-2. This proposed license amendment request would reflect changes related to the exemption if the exemption is granted. The licensee would no longer be required to maintain records that are no longer necessary or applicable due to the permanently defueled condition and decommissioning status of the station.

For this amendment request, the NRC preliminarily determined that it involves no significant hazards consideration (NSHC). Per 10 CFR 50.91(a)(7)(b), I am consulting with you. The NRC's proposed NSHC determination for this proceeding was published in *Federal Register* on July 15, 2022. I have attached a courtesy copy of the *Federal Register* Notice

for your use.

We are considering finalizing this proposed NSHC determination. Also, we believe this amendment request would meet the eligibility criteria for categorical exclusion from environmental review set forth in 10 CFR 51.22(c)(3), (c)(9), and (c)25(vi)(A), because preliminarily we believe that : (1) Recordkeeping would apply and it would meet the categorical exclusion because the removal of the items in the Technical Specifications (TS) related to this exemption request relate to recordkeeping and the conforming amendment would be an administrative action upon approval of the exemption request; (2) preliminarily, the action involves no significant hazards consideration; (3) there is no significant change in the types or significant increase in the amounts of any effluents that may be released off-site; (4) 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 and conforming amendment is sought are among those identified in 10 CFR 51.22(c)(25)(vi). Accordingly, the actions involved meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(b). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of the transfer application and conforming license amendment.

If the Commonwealth of Pennsylvania has comments on the TMI-2 license amendment request that would modify License POL No. DPR-73 for TMI-2 or our proposed NSHC determination, please e-mail me your comments by Close of Business (COB) August 5, 2022. If you do not have comments, I would appreciate it if you would please provide an email that you have no comments by COB August 5, 2022.

If you have any questions, please contact me. My contact information is below.

Thank you.

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