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Order No. EA-12-051

TMI-19-091

November 11, 2019

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Three Mile Island Nuclear Station, Unit 1  
Renewed Facility Operating License No. DPR-50  
NRC Docket No. 50-289

Subject: Request for Withdrawal of Commission Order Modifying Licenses with Regard to Requirements for Reliable Spent Fuel Pool Instrumentation (Order Number EA-12-051)

References:

- 1) NRC Order EA-12-051, Issuance of Order to Modify Licenses with Regard to Reliable Spent Fuel Pool Instrumentation, dated March 12, 2012 (Accession No. ML12054A679)
- 2) Letter from Exelon Generation Company, LLC, Report of Full Compliance with March 12, 2012 Commission Order Modifying Licenses with Regard to Reliable Spent Fuel Pool Instrumentation (Order No. EA-12-051), dated January 20, 2016 (Accession No. ML16020A026)
- 3) NRC Letter to Exelon Generation Company, LLC, Three Mile Island Nuclear Station, Unit 1 - Safety Evaluation Regarding Implementation of Mitigating Strategies and Reliable Spent Fuel Pool Instrumentation Related to Orders EA-12-049 and EA-12-051 (CAC Nos. MF0803, and MF0866), dated February 14, 2017 (Accession No. ML17025A409)
- 4) NRC Letter to Exelon Generation Company, LLC, Three Mile Island Nuclear Power Plant, Unit 1 - Temporary Instruction 2515/191 Inspection Report 05000289/2017010, dated September 11, 2017 (Accession No. ML17255A131)
- 5) Letter from Exelon Generation Company, LLC, Certification of Permanent Cessation of Power Operations for Three Mile Island Nuclear Station, dated June 20, 2017 (Accession No. ML17171A151)

- 6) Letter from Exelon Generation Company, LLC, Certification of Permanent Removal of Fuel from the Reactor Vessel for Three Mile Island Nuclear Station, Unit 1, dated September 26, 2019 (Accession No. ML19269E480)
- 7) Nuclear Regulatory Commission: 10 CFR Parts 50 and 52, Mitigation of Beyond-Design Basis Events, Final Rule Federal Register, Vol. 84, No. 154, pgs. 39684-39722, Friday, August 9, 2019

The purpose of this letter is to request the U.S. Nuclear Regulatory Commission (NRC) to withdraw Order EA-12-051, "*Issuance of Order to Modify Licenses with Regard to Reliable Spent Fuel Pool Instrumentation*" (SFPI Order) (Reference 1), in its entirety in accordance with Section IV of the SFPI Order. This section provides the Director, Office of Nuclear Reactor Regulation means to rescind any of the order conditions upon demonstration by the Licensee of good cause.

On March 12, 2012, the NRC issued Order EA-12-051 (Reference 1), to all power reactor licensees. In Reference 2, Exelon provided the required report of full compliance with Order EA-12-051 and the associated Final Integrated Plan describing the spent fuel pool level instrumentation installed at Three Mile Island Nuclear Station, Unit 1 (TMI-1).

In Reference 3, the NRC provided the results of their review of the spent fuel pool level instrumentation installed at TMI-1 and concluded that the design adequately addressed the requirements of Order EA-12-051. In Reference 4, the NRC verified that TMI-1 had adequately installed reliable water-level measurement instrumentation in the spent fuel pool and that TMI-1 is in compliance with Order EA-12-051.

Section III of the SFPI Order states that the Commission determined that all power reactor licensees must have a reliable means of remotely monitoring wide-range spent fuel pool (SFP) levels to support effective prioritization of event mitigation and recovery actions in the event of a beyond-design-basis external event (BDBEE). 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 SFP.

Good cause exists to withdraw the requirements of Order EA-12-051 because TMI-1 has permanently ceased operation and has docketed the notifications and certifications required by 10 CFR 50.82(a)(1) (References 5 and 6) and per 10 CFR 50.82(a)(2) TMI-1's 10 CFR Part 50 license no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel. With the permanent shutdown and defueling of the TMI-1 reactor, the safety of the fuel in the SFP has become the primary safety function for facility personnel. In the event of a challenge to the safety of fuel stored in the SFP, decision makers would not have to prioritize actions and the focus of the facility staff is the SFP condition. Therefore, with fuel permanently removed from the reactor vessel, the basis for the SFPI Order is no longer applicable to TMI-1.

In accordance with Section IV of the Order, Exelon hereby submits a request that Order EA-12-051 be withdrawn for TMI-1 based upon the docketing of the 10 CFR 50.82(a)(1) certifications for permanent cessation of operation and permanent removal of fuel from the reactor vessel (References 5 and 6) and that protection of the spent fuel pool would be the stations primary focus thereby negating the Orders underlying purpose.

The request to withdraw the SFPI Order is consistent with the Mitigation of Beyond-Design-Basis Events (MBDBE) rule (Reference 7) which provides that once the licensee has submitted the certifications required in § 50.82(a)(1) the licensee does not need to comply with the requirement

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in § 50.155(e) to provide reliable means to remotely monitor wide-range SFP levels to support effective prioritization of event mitigation and recovery actions.

There are no regulatory commitments contained in this submittal.

If you have any questions concerning this submittal, please contact Leslie Holden at (630) 657-2524.

Respectfully,

A handwritten signature in black ink, reading "Michael P. Gallagher". The signature is written in a cursive style with a horizontal line underneath the name.

Michael P. Gallagher  
Vice President, License Renewal & Decommissioning  
Exelon Generation Company, LLC

cc: Regional Administrator – NRC Region I  
NRC Senior Resident Inspector – TMI-1  
NRC Project Manager, NRR – TMI-1  
Director, Bureau of Radiation Protection - PA Department of Environmental Resources