

February 13, 2013

EA-12-222

Mr. Danny L. Pace
President, GPU Nuclear, Inc.
FirstEnergy Corporation
Mail Stop: A-WAC-A3
341 White Pond Drive
Akron, OH 44320

SUBJECT: THREE MILE ISLAND NUCLEAR STATION, UNIT 2 (TMI-2) - FAILURE TO
SUBMIT POST-SHUTDOWN DECOMMISSIONING ACTIVITIES REPORT-
NON-CITED VIOLATION (DOCKET: 05000320)

Dear Mr. Pace:

On August 14, 2012, GPU Nuclear, Inc. (GPU) notified the U.S. Nuclear Regulatory Commission (NRC) of its intent to submit a TMI-2 plant specific post-shutdown decommissioning activities report (PSDAR) in the second quarter of 2013. GPU's notification letter indicates that the PSDAR is being submitted to meet the requirements of 10 CFR 50.82(a)(4).

On March 28, 1979, TMI-2 experienced an accident which resulted in severe damage to the reactor core. TMI-2 has been in a non-operating state since the accident. The accident makes the shutdown of TMI-2 unique from all other reactors. GPU defueled the reactor vessel and decontaminated the facility to the extent that the plant is in a safe, inherently stable condition, known as Post Defueling Monitored Storage (PDMS). The formal transition from post accident to PDMS required NRC approval. GPU obtained NRC approval, with the issuance of License Amendment No. 45 dated September 14, 1993, to maintain TMI-2 in the PDMS state until decommissioning. License Amendment 45 also converted GPU's operating license to a Possession Only License. NRC considers GPU to have submitted a certification of permanent cessation of operations and a certification of permanent fuel removal as of September 14, 1993. In accordance with 10 CFR 50.82(a)(4), the licensee is required to submit a PSDAR prior to or within two years following permanent cessation of operations, specifically September 14, 1995, in this case. However, GPU did not submit a PSDAR by September 14, 1995.

This violation was evaluated in accordance with the NRC Enforcement Policy, the current version of which is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. Failure to submit a PSDAR in accordance with 10 CFR 50.82, would normally be considered as a Severity Level (SL) III violation in accordance with the Policy. However, in consideration of the unique circumstances surrounding permanent cessation of TMI-2 operations (i.e., the licensee maintained the facility in SAFSTOR condition in accordance with its NRC approved PDMS Safety Analysis Report, and there is very low safety and security significance associated with the untimely submittal of the PSDAR), the NRC concluded this violation is more appropriately assessed at SL IV. In accordance with Section 2.3.2 of the Enforcement Policy, this issue has been characterized as a non-cited violation, because the licensee placed the issue into its Corrective Action Program and will restore compliance within a reasonable period of time after the violation was identified, and the violation is neither repetitive nor willful.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. If you contest this NCV or its significance, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN.: Document Control Desk, Washington, D.C. 20555-0001, with a copy to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

In accordance with Title 10 of the *Code of Federal Regulations* Part 2.390 "Public inspections, exemptions, and requests for withholding" a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (Agencywide Document Access and Management System (ADAMS)). ADAMS is accessible from the NRC Web site at (the Public Electronic Reading Room) <http://www.nrc.gov/reading-rm/adams.html>.

Please contact John Buckley at 301-415-6607 to discuss any questions related to this letter.

Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 50-320

cc: TMI-2 Service List

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. If you contest this NCV or its significance, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN.: Document Control Desk, Washington, D.C. 20555-0001, with a copy to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

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Docket No.: 50-320

cc: TMI-2 Service List

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