

From: [Snyder, Amy](#)
To: [Smith, Craig W:\(Constellation Nuclear\)](#)
Cc: [Watson, Bruce](#)
Subject: License Amendment Request – Proposed ISFSI-Only Technical Specifications
Date: Wednesday, March 9, 2022 4:05:00 PM

Hi Craig,

Regarding the December 20, 2020 license application request (ADAMS Accession No. [ML20351A451](#)), the NRC requests a response from Constellation Energy on how it wants to proceed.

As we discussed yesterday, Constellation Energy, LLC proposed removal of this Technical Specification below *and relocate it to Decommissioning Quality Assurance Program (DQAP)*:

PDTS (Permanently Defueled Technical Specifications) (PDTS) 6.9 REPORTING REQUIREMENTS

Current:

6.9 REPORTING REQUIREMENTS

In addition to the applicable reporting requirements of Title 10, Code of Federal Regulations, the following identified reports shall be submitted to the Administrator of the NRC Region 1 Office unless otherwise noted.

...

6.9.3 ANNUAL RADIOACTIVE EFFLUENT RELEASE REPORT

6.9.3.1 The Annual Radioactive Effluent Release Report covering the facility during the previous calendar year shall be submitted prior to May 1 of each year.

The Report shall include a summary of the quantities of radioactive liquid and gaseous effluent and solid waste released from the unit. The material provided shall be: (1) consistent with the objectives outlined in the ODCM and Process Control Program (PCP); and, (2) in conformance with 10 CFR 50.36(a) and Section IV.B.1 of

Appendix I to 10 CFR Part 50.

Note: A single submittal may be made for the station. The submittal should combine those sections that are common to both units at the station.

As Constellation Energy, LLC, holds a Part 50 license for Three Mile One, Unit-1 (TMI-1), 10 CFR 50.36a(a)(2) continues to require Constellation Energy, LLC's Technical Specifications (TS) to contain this TS. This is because 50.36a says:

(a) [E]ach licensee of a nuclear power reactor ... will include technical specifications that ... require that:

(1) ...

(2) Each holder of an operating license ... shall submit a report to the Commission annually that specifies the

quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous 12 months, including any other information as may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent releases. The report must be submitted as specified in § 50.4, and the time between submission of the reports must be no longer than 12 months. If quantities of radioactive materials released during the reporting period are significantly above design objectives, the report must cover this specifically. On the basis of these reports and any additional information the Commission may obtain from the licensee or others, the Commission may require the licensee to take action as the Commission deems appropriate.

Therefore, granting Constellation Energy LLC's license amendment request (for removal of TS Section 6.9.3) would cause the TS to cease meeting 50.36a(a)(2); the license may only be amended in the requested fashion only if the licensee is first exempted from 50.36(a)(2).

Alternatively, Constellation Energy, LLC may supplement its application to request including TS Section 6.9.3 in its TS for the NRC staff's consideration in its review of the December 20, 2020 amendment application. Constellation Energy, LLC should include a markup of the proposed TS change, if it decides to pursue this option.

Please let me know how Constellation Energy wants to proceed.

If you have any questions, please contact me.

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