



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

May 13, 2022

Patrick R. Simpson  
Sr. Manager Licensing  
Constellation Energy Generation, LLC  
4300 Winfield Road  
Warrenville, IL 60555

SUBJECT: THREE MILE ISLAND NUCLEAR STATION, UNIT 1 INDEPENDENT SPENT  
FUEL STORAGE INSTALLATION — ISSUANCE OF EXEMPTION

Dear Patrick Simpson:

This is in response to your letter dated March 31, 2022 (Agencywide Documents Access and Management System (ADAMS) No. ML22090A182), as supplemented on April 26, 2022 (ADAMS Accession No. ML22116A236), requesting an exemption under Title 10 of the *Code of Federal Regulations* (10 CFR) 72.7 to load and store spent fuel in MAGNASTOR® storage casks with lids that were not designed and fabricated in accordance with Technical Specification A4.2 as specified in Amendment No. 9 of the NAC International (NAC) Certificate of Compliance (CoC) No. 1031 for the MAGNASTOR® storage system. Specifically, Constellation Energy Generation, LLC (CEG) requested an exemption from the requirements of 10 CFR 72.212(a)(2), 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), 10 CFR 72.214, and the portion of 10 CFR 72.212(b)(11), which requires storage of spent nuclear fuel under a general license in dry storage casks approved under the provisions of 10 CFR Part 72, and compliance with the terms and conditions set forth in the certificate of compliance for each spent fuel cask used by an independent spent fuel storage installation (ISFSI) general licensee.

CEG uses NAC's MAGNASTOR® storage cask utilizing CoC No. 1031, Amendment No. 9 for dry storage of spent fuel assemblies at the Three Mile Island, Unit 1 (TMI-1) ISFSI. CEG stated that it has five storage cask lids fabricated by NAC that do not meet the requirement in Technical Specification, Appendix A, A4.2 to be designed and fabricated in accordance with the American Concrete Institute Specifications ACI-349, "Code Requirements for Nuclear Safety Related Concrete Structures," and ACI-318, "Building Code Requirements for Structural Concrete," which according to the technical specifications govern the concrete cask design and construction, respectively.


The NRC staff reviewed CEG's exemption request for the TMI-1 ISFSI. The details of the review are included in the enclosed safety evaluation report. Based upon the staff's evaluation, the NRC has determined that, pursuant to 10 CFR 72.7, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC is granting CEG an exemption from the requirements in 10 CFR 72.212(a)(2), 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), 10 CFR 72.214, and the portion of 10 CFR 72.212(b)(11) that requires compliance with terms, conditions, and specifications of Certificate of Compliance No. 1031, Amendment No. 9 at the TMI-1 ISFSI to load and store spent fuel in storage casks with serial numbers TMI-VCC-43, TMI-VCC-44, TMI-VCC-45, TMI-VCC-46, and TMI-VCC-47 (TMI-VCC-47 will be renumbered TMI-GTCC-01 when placed

on the ISFSI pad), whose lids have not been shown to be designed and fabricated in accordance with ACI-349, and ACI-318.

In accordance with 10 CFR 2.390 of the U.S. Nuclear Regulatory Commission's (NRC's) "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the publicly available records component of the NRC's document system, ADAMS. ADAMS is accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact me at (301) 415-8064, or Bernard White of my staff, at (301) 415-6577.

Sincerely,



Signed by Diaz-Sanabria, Yoira  
on 05/13/22

Yoira K. Diaz-Sanabria, Chief  
Storage and Transportation Licensing Branch  
Division of Fuel Management  
Office of Nuclear Material Safety  
and Safeguards

CAC No. 001028  
DOCKET Nos.: 72-1031, 72-77, and 50-289  
EPID No.: L-2022-LLE-0014

Enclosure:  
Safety Evaluation Report

SUBJECT: THREE MILE ISLAND NUCLEAR STATION, UNIT 1 INDEPENDENT SPENT FUEL STORAGE INSTALLATION — ISSUANCE OF EXEMPTION

DOCUMENT DATE: May 13, 2022

Closes EPID No. L-2022-LLE-0014

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THREE MILE ISLAND NUCLEAR STATION, UNIT 1 INDEPENDENT SPENT FUEL STORAGE  
 INSTALLATION — ISSUANCE OF EXEMPTION DATE May 13, 2022

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