



4300 Winfield Road
Warrenville, IL 60555
630 657 2000 Office

RS-23-073

10 CFR 50.83

June 7, 2023

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

Clinton Power Station, Unit 1
Facility Operating License No. NPF-62
NRC Docket No. 50-461

Subject: Request for Partial Site Release

Constellation Energy Generation, LLC (CEG) recently discovered that the required approval in accordance with 10 CFR 50.83, "Release of part of a power reactor facility or site for unrestricted use," was not obtained prior to the transfer of non-impacted land from the Clinton Power Station (CPS) site. Specifically, on September 17, 2003, a Quit Claim Deed was executed by AmerGen Energy Company, LLC to transfer 172.7 acres of land for the Clinton Lake Marina to DeWitt County, Illinois.

In accordance with 10 CFR 50.83(b), CEG requests approval to remove this portion of the site from the CPS Part 50 license (i.e., Facility Operating License No. NPF-62). The attachment provides the supporting information for this request in accordance with 10 CFR 50.83(b) for release of a non-impacted area. This includes a description of the property and evaluations of the effect of releasing this property. CEG's evaluation of the effect of releasing this property indicates that applicable regulatory requirements will continue to be met and no change is needed to the CPS Operating License or Technical Specifications.

CEG requests approval of this request by June 7, 2024.

There are no regulatory commitments contained in this letter. Should you have any questions concerning this letter, please contact Mr. Kenneth M. Nicely at (630) 657-2803.

Respectfully,

A handwritten signature in black ink that reads "Patrick R. Simpson".

Patrick R. Simpson
Sr. Manager Licensing
Constellation Energy Generation, LLC

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Attachment: Supporting Information for Request for Partial Site Release

cc: NRC Regional Administrator, Region III
NRC Senior Resident Inspector – Clinton Power Station
Illinois Emergency Management Agency – Division of Nuclear Safety

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Background

Constellation Energy Generation, LLC (CEG) recently discovered that the required approval in accordance with 10 CFR 50.83, "Release of part of a power reactor facility or site for unrestricted use," was not obtained prior to the transfer of non-impacted land from the Clinton Power Station (CPS) site. Specifically, on September 17, 2003, a Quit Claim Deed was executed by AmerGen Energy Company, LLC to transfer 172.7 acres of land for the Clinton Lake Marina to DeWitt County, Illinois. This issue has been entered into CEG's Corrective Action Program.

This property has not been impacted by CPS operations and was evaluated for environmental concerns. No environmental concerns have been identified. This property has not been used for activities that could have radioactively contaminated the property.

In accordance with 10 CFR 50.83(b), CEG requests approval for the release of this non-impacted property from the jurisdiction of Facility Operating License No. NPF-62 for CPS.

Description of the Property

The Clinton Lake Marina was originally within the CPS site boundary, and this area was leased to an outside operator. The property consists of a 172.7-acre parcel, which includes a portion of the lake, the marina, marina support facilities, and surrounding wooded land. The property is on the far side of the Clinton Lake with respect to CPS and is located approximately 1.5 miles south of the CPS site, which is outside of the Exclusion Zone (i.e., 975 meters/0.6 miles) and within the Low Population Zone (i.e., 4018 meters/2.5 miles). The property was transferred to DeWitt County, Illinois for the Clinton Lake Marina in September 2003. Clinton Lake Marina services include boat rentals, limited food service, beverages, snacks, bait, propane tank exchange, slip rentals, and an on-site boat service department. It is known as the Barefoot Cove Marina at Clinton Lake.

The Clinton Lake Marina is not within the approximately 150 acres that comprise the Protected Area and Owner Controlled Area of the plant. It has no effect on the cooling function of the lake, which is designed to provide cooling water to the station and to remove the design heat load from the plant. Furthermore, transfer of the Clinton Lake Marina and functions of recreational use of the Clinton Lake Marina have no impact on structures, systems, or components within the Protected Area or the Owner Controlled Area.

Schedule for Property Release

This property was transferred to DeWitt County, Illinois on September 17, 2003. CEG recently discovered that the required approval in accordance with 10 CFR 50.83 was not obtained prior to the transfer of non-impacted land from the CPS site. Thus, there is no requested schedule of release.

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Results of 10 CFR 50.59 Evaluation

10 CFR 50.83(b) requires for non-impacted areas that the licensee submit the results of the evaluation performed in accordance with 10 CFR 50.59. Accordingly, CEG has performed a 10 CFR 50.59 review of the free release of this property.

The property transfer involves approximately 172.7 acres of the approximately 14,000 acres owned by CEG. This transfer does not involve property that is actively used for normal operations or that is needed for the site's Emergency Plan. The Updated Safety Analysis Report (USAR) describes the current land in a table of total acreage within the outer site boundary and has no other mention of the property.

The 10 CFR 50.59 review assessed the impact of the change in the site boundary on offsite dose calculations and effluent releases and concluded that the change:

- does not adversely affect any design function as described in the USAR,
- does not adversely affect how a design function as described in the USAR is performed or controlled,
- does not revise or replace an evaluation method used to establish design basis or safety analysis,
- does not involve a test or experiment not described in the USAR, and
- does not require a change to the Technical Specifications or Facility Operating License.

Therefore, this change in property ownership does not require prior NRC approval under the requirements of 10 CFR 50.59.

Historical Site Assessment

The 10 CFR 50.83 process includes a historical site assessment to identify potential or known sources of radioactive material or radioactive contamination that may have affected the property to be released.

The Annual Radiological Environmental Operating Report submitted to the NRC each year in accordance with Technical Specifications (TS) 5.6.2, "Annual Radiological Environmental Operating Report," includes summaries, interpretations, and analyses of trends of the results of the Radiological Environmental Monitoring Program. It also includes environmental radiation measurements taken pursuant to the locations specified in the table and figures in the Offsite Dose Calculation Manual (ODCM), as well as summarized and tabulated results of these analyses and measurements in the format of the table in the Radiological Assessment Branch Technical Position, Revision 1, November 1979.

This information is used to calculate the offsite dose to the public. The radiation dose to the public in the vicinity of CPS is calculated by using the concentration of radioactive nuclides from

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each gaseous effluent release coupled with historical weather conditions. The dose from CPS gaseous radioactive effluents has been a small fraction of the limit for the maximum exposed member of the public.

Gaseous effluents from CPS are released to the environment via two gaseous effluent release points (i.e., the Common Station Heating, Ventilating, and Air Conditioning (HVAC) Stack and the Standby Gas Treatment System (SGTS) Stack. Each gaseous effluent release point is continuously monitored consisting of a surveillance program of periodic sampling and analysis as specified in the ODCM.

CPS strictly controls effluents to ensure radioactivity released to the environment is maintained As Low As Reasonably Achievable (ALARA) and does not exceed federal release limit criteria. Effluent controls include the operation of radiation monitoring systems within the plant as well as an offsite environmental analysis program.

The Radioactive Effluent Release Report submitted to the NRC each year in accordance with TS 5.6.3, "Radioactive Effluent Release Report," includes a summary of the quantities of radioactive liquid and gaseous effluents and solid waste released from the unit. The material provided shall be consistent with the objectives outlined in the ODCM and process control program and in conformance with 10 CFR 50.36a and 10 CFR 50, Appendix I.

In addition to the TS requirements, a review of corrective action documents was completed for events that could have had a potential for releasing radioactive material to this property. The review identified no recorded events of any spills, leaks, or uncontrolled release of radioactive material on this land.

The annual Radioactive Effluent Release Reports are a detailed description of gaseous and liquid radioactive effluents released from CPS. These reports show that CPS continues to be operated well within federally required limits for offsite dose to the public.

In addition, the Radiological Environmental Monitoring Program (REMP) is conducted continuously for CPS in accordance with the ODCM. As reported in the annual Radiological Environmental Operating Reports, during each yearly reporting period, thousands of analyses are performed on thousands of samples. Assessments of the data gathered for the yearly reports and comparing the results with preoperational data show there has been no adverse radiological impact on this property.

The findings of this review show the following:

1. The property has not been used for plant operations.
2. The property has not been used for storage of any radioactive material or waste.
3. There are no event records that any spills, leaks, or uncontrolled release of radioactive material have ever occurred on the property.

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4. The last liquid radioactive release from the plant was in 1992 in the circulating water discharge canal which is on the north side of Salt Fork. This property is located on the south side of Salt Fork and not in the groundwater gradient of the discharge canal.
5. No state or local agency has required additional groundwater monitoring or remedial actions on the property.
6. Three separate hydrogeologic studies have been conducted at CPS, in accordance with NEI 07-07, Review of Hydrogeologic Investigation Report (HIR), between 2006 and 2010. This property does not impact these studies.
7. The Radioactive Groundwater Protection Program (RGPP) conducts periodic monitoring of shallow groundwater. This program shows that shallow groundwater continues to flow predominantly towards the lake. This property is located on the south side of Salt Fork, whereas the plant is on the north side of Salt Fork; therefore, no contamination of this property through normal groundwater gradient flow can occur from plant discharges.
8. In assessing the data gathered for the REMP annual report and comparing each year's results with preoperational baseline data, it is concluded that the operation of CPS has had no adverse radiological impact on this property.

CPS continues to implement a radiation protection program commensurate with 10 CFR Part 20 and CPS TS 5.6.2 and 5.6.3. This property has no reasonable potential for residual radioactivity in excess of natural background or fallout levels; therefore, this property qualifies as a "non-impacted area" as defined in 10 CFR 50.2.

A historical cultural review was performed during the initial stages of planning and construction of the lake. The archaeological sites uncovered within CPS property boundaries are similar to other sites in Illinois and are not of major significance.

Evaluation of the Effect of Proposed Property Transfer

CEG has evaluated the effect of transferring the property in accordance with the criteria in 10 CFR 50.83(a)(1) to ensure that CPS will continue to comply with applicable statutory and regulatory requirements that may be affected by the release of the property. CEG has confirmed that the property transfer does not require a change to the Technical Specifications or Facility Operating License.

CEG's evaluation confirmed the following with respect to each of the areas listed in 10 CFR 50.83(a)(1)(i)-(vi):

- (i) The dose to individual members of the public does not exceed the limits and standards of 10 CFR Part 20, Subpart D. CEG strictly controls effluents to ensure radioactivity released to the environment is maintained ALARA and does not exceed federal release limit criteria. Effluent controls include the operation of radiation monitoring systems within the plant as well as an offsite environmental analysis program. The release of this property does not change any controls used to comply with dose limits for individual

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members of the public. CEG has determined that this property was never used for any radiological purposes.

- (ii) The impact on the effectiveness of emergency planning and physical security has been evaluated. No credit is taken for this property in either the Emergency Plan or the Security Plan. Therefore, the transfer of this property has no adverse effect on either plan.
- (iii) Effluent releases remain within license conditions and, because the property is distant from the plant site and is not down-gradient of discharge structures, it does not have the potential to be affected by effluent releases. The plant programs to maintain effluent releases within license conditions remain in effect and the transfer of this property does not impact those programs. Therefore, the effluent releases from CPS will remain within license conditions.
- (iv) The transfer of this land does not have any effect on the Environmental Monitoring Program or the Offsite Dose Calculation Manual, and neither requires revision as a result of this property transfer.
- (v) The siting criteria of 10 CFR 100 continue to be met. The transfer of this property has been reviewed with respect to the siting criteria in 10 CFR 100 and it has no effect on meeting these criteria. In addition, the limits of 10 CFR 50.67, "Alternative source term," have been reviewed and the transfer has no effect on meeting these criteria.
- (vi) Other statutory and regulatory requirements continue to be met. There are no changes to CPS' policies and procedures to ensure that statutory and regulatory requirements continue to be met as a result of this property transfer.

In summary, based on the considerations discussed above, this property transfer has no impact on CPS' continued compliance with applicable NRC regulatory standards.

Conclusion

CEG has evaluated the impact of releasing this property, and based on the reviews stated, the release of the property has been properly described as non-impacted. Accordingly, CEG requests NRC approval of the release of this property in accordance with 10 CFR 50.83(b).