

**From:** [Yoira Diaz Sanabria](#)  
**To:** [Williams, Christian D:\(Constellation Nuclear\)](#)  
**Cc:** [Christian Jacobs](#); [Yen-Ju Chen](#); [Shana Helton](#); [Linda Howell](#); [Cynthia Roman \(She/Her\)](#)  
**Subject:** CONSTELLATION ISSUANCE OF EXEMPTION—HI-STORM 100 CASK SYSTEM CONTINUOUS BASKET SHIM CANISTERS AT DRESDEN UNIT 2 AND UNIT 3 INDEPENDENT SPENT FUEL STORAGE INSTALLATION  
**Date:** Monday, April 1, 2024 2:50:17 PM  
**Attachments:** [Attachment - Exemption Dresden.pdf](#)  
[image003.png](#)

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Dear Christian Williams:

This is in response to your letter dated February 23, 2024 (Agency-wide Documents Access and Management System (ADAMS) Accession Number No. ML24054A031), as supplemented on February 28, 2024 (ML24065A292) and March 8, 2024 (ML24068A069), requesting an exemption from the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Sections 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11), and 72.214, which provide that under a general license, spent fuel is only allowed to be stored in dry storage casks approved under the provisions of 10 CFR Part 72, and that storage must be in compliance with the terms, conditions, and specifications set forth in the certificate of compliance (CoC) for each dry storage spent fuel cask used by an independent spent fuel storage installation (ISFSI) general licensee.

On January 30, 2024, the U.S. Nuclear Regulatory Commission (NRC) staff issued a Notice of Violation (ML24016A190) that determined that the continuous basket shims (CBS) variant design was not the type of change allowed without a CoC amendment. The CBS basket is used in HI-STORM 100 Cask System (MPC-32M-CBS and MPC-68M-CBS) and the HI-STORM Flood/Wind Multi-purpose Canister Storage System (MPC-37-CBS and MPC-89-CBS). Constellation stated that it has loaded four MPC-68M-CBS in HI-STORM 100 Cask System and plans to load one MPC-68M-CBS in the HI-STORM 100 Cask System in May 2024 and four MPC-68M-CBS in March 2025.

The NRC staff reviewed Constellation's exemption request and 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 Constellation an exemption from the requirements in 10 CFR 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11), and 72.214 that require compliance with the terms, conditions, and specifications of the CoC. This exemption, which is attached, allows Constellation to maintain four MPC-68M-CBS canisters in HI-STORM 100 Cask System in a storage condition at Dresden Unit 2 and Unit 3 ISFSI, and to load one MPC-68M-CBS canister in May 2024, and four MPC-68M-CBS canisters in March 2025. This exemption is effective upon issuance. The exemption is also being forwarded for publication in the *Federal Register*.

In accordance with 10 CFR 2.390 of the 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. The ADAMS database 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 Yen-Ju Chen of my staff, at (301) 415-1018.



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