

From: [Acker, Stephen](#)
To: [Snyder, Amy](#)
Cc: [Watson, Bruce](#); [Anderson, Shaun](#); [Smith, Craig W:\(Constellation Nuclear\)](#); [Miller, Fred](#); [Tabakov, Emil](#); [Tifft, Doug](#); [Dimitriadis, Anthony](#); [Hammann, Stephen](#)
Subject: [External_Sender] RE: [External] Proposed Action- Proposed FONSI for TMI-1 Exemption Request from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv)
Date: Tuesday, May 3, 2022 11:39:12 AM

Ms. Amy Snyder,

Regarding the TMI-1 Exemption request as stated in the Subject line, the Pennsylvania BRP understands the NRC is considering determining not to prepare an environmental impact statement (EIS) for the proposed licensing action, and issuing a finding of no significant impact (FONSI). We have no comments on this determination.

Respectfully,

Steve Acker
Mgr. Nuclear Safety
PADEP/ Bureau of Radiation Protection

From: Snyder, Amy <Amy.Snyder@nrc.gov>
Sent: Tuesday, May 3, 2022 10:57 AM
To: Acker, Stephen <steacker@pa.gov>
Cc: Watson, Bruce <Bruce.Watson@nrc.gov>; Anderson, Shaun <Shaun.Anderson@nrc.gov>; Smith, Craig W:(Constellation Nuclear) <Craig.Smith3@constellation.com>; Miller, Fred <Fred.Miller@nrc.gov>; Tabakov, Emil <Emil.Tabakov@nrc.gov>; Tifft, Doug <Doug.Tifft@nrc.gov>; Dimitriadis, Anthony <Anthony.Dimitriadis@nrc.gov>; Hammann, Stephen <Stephen.Hammann@nrc.gov>
Subject: [External] Proposed Action- Proposed FONSI for TMI-1 Exemption Request from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv)

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA_SPAM@pa.gov.*

Dear Mr. Ackerman,

On November 16, 2021, the U.S. Nuclear Regulatory Commission (NRC) issued an Order Approving Transfer of Exelon Generation Company, LLC Fleet Licenses and Draft Conforming License Amendments (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML21277A248](#)). On February 1, 2022, Constellation Energy, LLC notified the NRC that the Exelon Generation Company, LLC changed its name to Constellation Energy Generation, LLC and the indirect transfer of the cited licenses, to include Three Mile Island Nuclear Station (TMI), Unit 1 (TMI-1), located in Dauphin County, PA, was completed on February 1, 2022 (ADAMS Accession No. [ML22032A333](#)). Also, in the February 1, 2022 letter, Constellation Energy, LLC stated that:

“Prior to the indirect license transfers, Exelon made docketed submittals to the NRC that requested specific licensing actions, such as license amendment requests, relief requests, exemption requests, etc. This letter requests that the NRC continue to process all pending licensing actions on the schedules previously requested by Exelon.”

By letter dated May 20, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML21140A311](#)), Exelon (then the licensee), pursuant to 10 CFR 50.12, “Specific exemptions,” submitted a request for exemption from specific requirements of sections 50.82(a)(8)(i)(A) and 50.75(h)(1)(iv) of title 10 of the Code of Federal Regulations (10 CFR). The exemption from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) would permit Constellation to make withdrawals from the TMI-1 decommissioning trust fund (DTF) for site restoration activities at TMI-1. The exemption from 10 CFR 50.75(h)(1)(iv) would also permit the licensee to make these withdrawals without prior notification to the NRC, similar to withdrawals for decommissioning activities made in accordance with 10 CFR 50.82(a)(8). The funds within the TMI-1 DTF were collected in compliance with the 10 CFR 50.75, “Reporting and recordkeeping for decommissioning planning,” financial requirements while TMI-1 was operating. Exelon included with its exemption request a cash flow analysis reflecting the balance of funds within the DTF throughout the decommissioning period, ending the year of license termination in 2081.

In accordance with 10 CFR 51.21, the NRC staff is considering issuing an environmental assessment (EA) that analyzes the environmental effects of the proposed action. Based on the results of this EA, and in accordance with 10 CFR 51.31(a), the NRC is considering determining not to prepare an environmental impact statement (EIS) for the proposed licensing action, and issuing a finding of no significant impact (FONSI).

If you have any questions, please contact me at 301 415-6822 or amy.snyder@nrc.gov.

Thank you

A