



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

December 20, 2024

David P. Rhoades
Senior Vice President
Constellation Energy Generation, LLC
President and Chief Nuclear Officer (CNO)
Constellation Nuclear
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: THREE MILE ISLAND NUCLEAR STATION, UNIT 1 – ACCEPTANCE OF REQUESTED LICENSING ACTION RE: REQUEST FOR EXEMPTION FROM 10 CFR 50.82(a)(2) TO SUPPORT REAUTHORIZATION OF POWER OPERATIONS (EPID L-2024-LLE-0031)

Dear David Rhoades:

By letter dated November 19, 2024 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML24324A048), Constellation Energy Generation, LLC (CEG) submitted to the U.S. Nuclear Regulatory Commission (NRC, the Commission) a request for an exemption from Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.82, "Termination of license," paragraph (a)(2) for Three Mile Island Nuclear Station, Unit 1. Specifically, CEG is requesting an exemption from the requirement of 10 CFR 50.82(a)(2) that a 10 CFR Part 50 license no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel upon the docketing of certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel submitted in accordance with 10 CFR 50.82(a)(1). CEG stated that the exemption request, in combination with license amendment requests (LARs) to be submitted in the future, is necessary to reauthorize emplacement of fuel into the reactor vessel and reauthorize power operations at Three Mile Island Nuclear Station, Unit 1. By letter dated November 4, 2024 (ML24310A104), CEG provided its "Regulatory Path to Reauthorize Power Operations," in which it stated that the LARs related to reauthorizing power operations are anticipated to be submitted to the NRC in 2025.

The purpose of this letter is to provide the results of the NRC staff's acceptance review of the exemption request. In accordance with 10 CFR 50.12, "Specific exemptions," the Commission may, upon application by any interested person or upon its own initiative, grant an exemption from the requirements of the regulations in 10 CFR Part 50 (1) if the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security, and (2) if special circumstances are present. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical safety review. The acceptance review is also intended to identify whether the exemption request application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

The NRC staff has reviewed your application and concluded that it provides technical safety information in sufficient detail to enable the NRC staff to complete its detailed technical safety review. Given the lesser scope and depth of the acceptance review, as compared to the detailed technical safety review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical safety review are identified despite completion of an adequate acceptance review. You will be advised of any further information needed to support the NRC staff's detailed technical safety review by separate correspondence.

In the environmental section of your application, you stated that you understood that the NRC would conduct an Environmental Assessment (EA) pursuant to its obligations under the National Environmental Policy Act of 1969, as amended, as part of its review of the exemption request and the planned future LARs related to reauthorizing power operations at Three Mile Island Nuclear Station, Unit 1. To support this NRC obligation, you committed to providing an Environmental Report within 9 months and to engaging with the NRC environmental staff in the first quarter of 2025. Please note, an EA is a decisional document that would either lead to a finding of no significant impact or a determination that preparation of an Environmental Impact Statement is necessary. Because the NRC does not yet know the significance of potential impacts from the proposed actions, the NRC will evaluate the level of environmental review necessary upon review of the Environmental Report.

Based on the information provided in your submittal, the NRC staff estimates that completing the safety review of the exemption request will require approximately 300 hours. The NRC staff believes that it will complete the safety review of the exemption request by January 31, 2026. If the NRC staff determines that the exemption meets applicable requirements, its issuance and effective dates would be further communicated to you and would depend on the prerequisite conditions for reauthorizing power operations, such as the receipt and review of the other aspects of the Three Mile Island Nuclear Station, Unit 1 reauthorization of power operations effort, including the Environmental Report and the LARs identified in your November 4, 2024, letter. If there are emergent complexities or challenges in the NRC staff review that would cause changes to the initial forecasted completion date or significant changes to the initial forecasted hours, the reasons for the changes, along with the new estimates, will be provided to you via separate correspondence.

If you have any questions, please contact me at (301) 415-2048 or via email at Justin.Poole@nrc.gov.

Sincerely,

/RA/

Justin C. Poole, Project Manager
Plant Licensing Branch III
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-289

cc: Listserv

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