

From: [Smith, Craig W:\(Constellation Nuclear\)](#)
To: [Snyder, Amy](#)
Subject: [External_Sender] RE: [EXTERNAL]THREE MILE ISLAND, UNIT 1 -REQUEST FOR ADDITIONAL INFORMATION (EPID NO. L-2021-SPR-0004)
Date: Thursday, April 28, 2022 3:40:45 PM

Amy – As a follow up to our call this afternoon, TMI-1 will not be responding to the requested information within the 10 day requested time period. As we discussed, additional time is required to clarify the responses for TMI-1 providing contracted security services to the TMI-2 licensee.

Craig

From: Snyder, Amy <Amy.Snyder@nrc.gov>
Sent: Tuesday, April 19, 2022 3:39 PM
To: Smith, Craig W:(Constellation Nuclear) <Craig.Smith3@constellation.com>
Cc: trdevik@energysolutions.com
Subject: [EXTERNAL]THREE MILE ISLAND, UNIT 1 -REQUEST FOR ADDITIONAL INFORMATION (EPID NO. L-2021-SPR-0004)

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Dear Mr. Smith:

By letter dated April 29, 2021, (ADAMS Accession No. ML21145A183) Exelon Generation Company, LLC requested amendment to Renewed Facility License No. DRP-50 for Three Mile Island, Unit 1 (TMI-1) and the approval of the proposed TMI-1 Independent Spent Fuel Storage Installation (ISFSI) Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan (ISFSI Only Security Plan) and Alternative Measures. The proposed amendment would revise the TMI-1 license to reflect the requirements for an ISFSI only configuration, consistent with the permanent removal of all spent fuel from the spent fuel pool (SFP). Our review of the application has identified that additional information is needed for U.S. Nuclear Regulatory Commission (NRC) staff to complete its technical review.

Please provide your response under oath and affirmation to the request for additional information below within 10 calendar days from the date of this e-mail.

Pending the acceptability of your response by the NRC staff, we anticipate completing our technical review as per the schedule in the acceptance letter (ADAMS Accession No. ML21230A381). This date could change depending on the findings of our technical review, urgent assignments, or other factors. We will promptly communicate any significant changes to this schedule.

If you have any questions regarding this matter, please contact me by telephone at 301-415-6822, or via email to Amy.Snyder@nrc.gov.

Docket No. 50-289, 72-77
License No. DPR-50

A



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Office of Nuclear Material Safety and Safeguards (NMSS)
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Request for Additional Information for TMI-1

1. On page 2 of 8 of Attachment 1 of the April 29, 2021, LAR, it states:

“Upon approval and implementation of the proposed TMI-1 ISFSI Security Plan, Exelon will no longer provide Security for TMI-2.”

Please clarify whether any of the TMI-1 security plans will provide security for TMI-2. If the plans will provide security for TMI-2, when will they go into effect, under what circumstances, and what is the scope of the security services that will be provided?

2. Clarify whether the TMI-1 Physical Security plans in the April 29, 2021, TMI-1 Physical Security License Amendment Request (LAR) (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21145A183), if approved by the NRC, will provide for the protection of the TMI-2 Part 37 and 73.67 material.

3. On page 3 of 8 of your April 29, 2021, License Amendment Request, TMI-1 states that the protection of material subject to the requirements of Part 37 and 10 CFR 73.67 stored on site will be addressed in separate plans.

- a. Please clarify what is meant by the phrase “stored on site.” Is this meant to reference the TMI-1 site, the TMI-2 site, or both sites?
- b. Please identify which of TMI-1’s physical security plans, if any, will provide

security for TMI-2. Please identify which of TMI-1's security plans, if any, will not provide security for TMI-2.

- c. Please clarify which of TMI-1's physical security plans will include the protection of 73.67 material. Additionally, clarify whether this will include protection of 73.67 material at the TMI-2 site.

4. Constellation Energy Generation, LLC proposes the following license condition:

"Constellation Energy, LLC shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to 10 CFR 72.212(b)(9) and the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans¹, submitted by letter dated April 29, 2021, (ADAMS Accession No. ML21145A183), is entitled: "Three Mile Island Nuclear Station Independent Spent Fuel Storage Installation Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan, Revision 0." The set contains Safeguards Information protected under 10 CFR 73.21."

Because TMI-1 has nuclear material that is regulated under 10 CFR 73.67, a tie to the license is appropriate. If some or all of TMI-1's Physical Security Plans, will cover physical security for both TMI-1 and TMI-2, then the proposed license condition will need to be revised to make clear that TMI-1 will protect the Part 37 and 10 CFR 73.67 material at both TMI-1 and TMI-2. Please review the following draft license condition below and let the NRC know within 10 calendar days if TMI-1 agrees with this proposed license condition:

TMI-1

License Condition

2.C.(3)

"Constellation Energy **Generation**, LLC shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to 10 CFR 72.212(b)(9) and the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans¹, submitted by letter dated April 29, 2021, (ADAMS Accession No. ML21145A183), is **titled**: "Three Mile Island Nuclear Station Independent Spent Fuel Storage Installation Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan, Revision 0." ***This set of plans contains Safeguards Information protected under 10 CFR 73.21. Also, TMI-1 shall fully implement and maintain in effect all provisions of the TMI-Station Part 37 Plans which address the protection of Part 37 and Section 10 CFR 73.67 material for both TMI-1 and TMI-2. The set and Plans identified above contains Safeguards Information protected under 10 CFR 73.21.***

(Footnote) 1:

The Training and Qualification Plan, and Safeguards Contingency Plan are Appendices to the Security Plan.

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