

Response to 18 March 2022 Clarification Request

References:

1. Email from Amy Snyder to Gerard Van Noordennen, Clarification Request- September 21, 2021 Supplement - TMI-2 Physical Security Plan LAR, dated 18 March 2022.
2. Letter: TMI-21-018 from Gerard van Noordennen (EnergySolutions), "License Amendment Request – Revised Three Mile Island Nuclear Station License in Support of Independent Spent Fuels Storage Installation (ISFSI) Only Security Plan", 29 April 2021
3. TMI-2 Letter TMI2-RA-COR-2021-0013 from Gerard van Noordennen (EnergySolutions), "License Amendment Request – Revised License Condition 2.C.(2) Physical Protection – Supplemental Information", dated 21 September 2021
4. NRC Letter from T. Smith (NRC) "Three Mile Island Nuclear Station, Unit No. 2 – Issuance of Amendment No. 64 RE: Order Approving Transfer of License and Conforming License Amendment" (EPID L-2019-LLA-0257) (ML2035A381) dated 18 December 2020

Reference (1) includes several options to consider for implementing 10 CFR Part 37 "Physical protection of category 1 and category 2 quantities of radioactive material" to implement the requirements for 10 CFR 73.67 and Part 37 material at TMI-2 including the selected Option 1, as follows:

As stated in Reference (3), TMI2Solutions (TMI2S) has asked to revise the TMI-2 license condition 2.C.(2), "Physical Security" to read:

"The licensee utilizes a site security plan that is compliant with 10 CFR Part 37
"Physical protection of category 1 and category 2 quantities of radioactive material.""

Under the current licenses at the TMI site, there is a site security plan which is implemented by Constellation Energy Generation (CEG) that incorporates the required elements of 10 CFR 73.55 and Part 37 for both TMI-1 and TMI-2. CEG performs all security plan activities for TMI-2, including the Reviewing Official (RO) and access authorization duties. TMI-2 security is implemented in accordance with the existing TMI-2 License Condition (2.C.2) which states:

Physical Protection

The licensee utilizes site physical security, guard training and qualification, and safeguards contingency plans maintained by Unit 1. These plans are administered under TMI-1 license condition 2.C.(3) and shall apply to TMI-2.

The existing TMI-1 License condition 2.C.(3) states:

“Physical Protection

Exelon Generation Company 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 provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans¹, submitted by letter dated May 17, 2006, is entitled: "Three Mile Island Nuclear Station Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan, Revision 3." The set contains Safeguards Information protected under 10 CFR 73.21. “

TMI2S will develop a Security Plan document that clearly states that TMI2S and CEG intend to continue to implement the site wide security plan, which meets the proposed TMI-2 license condition and incorporates 10 CFR 73.67, and Part 37 security requirements for the Three Mile Island (TMI) site. TMI-1 currently implements the TMI-2 Security requirements using the existing site physical security plans and procedures. TMI-1 Security currently controls Category 1 and Category 2 radioactive materials as defined by 10 CFR 37 under the existing security plans. We plan to continue to implement these requirements through contract with CEG in the same fashion as is done today. Therefore, we believe there is no 90-day notification for TMI-2 to present a 10 CFR 37 Security Plan since there is no planned change to the implementation details for providing security for TMI-2 Category 1 and Category 2 materials.

TMI2S and CEG are nearing completion of a **Service Level Agreement** that provides the details for services being performed by CEG (TMI-1). We will provide a copy of this agreement to the NRC once it is signed by the respective parties no later than June 30, 2022.

TMI2S will provide a Supplement to the License Amendment Request Reference (3), by May 1, 2022. Included in this submittal will be the following updated information:

- a. A description of the TMI-2 Security Plan and site implementation.
- b. The revised **10 CFR 73.67/Part 37 comparative analysis matrix** to identify how requirements are met through implementation of a TMI-2 Plan implemented through a common site security plan.
- c. TMI2S will revise the regulatory **commitment table** to reflect the TMI-1 & 2 common implementation of the security programs and update the regulatory table that reflects sole implementation by TMI-2.

CEG and TMI2S have agreed that the duties of the Reviewing Official (RO) are best performed by one organization at the TMI site, as is the current practice. This will increase efficiency, reduce the likelihood of human error, and will reduce the number of personnel able to access background information thus improving data security. The ROs are employees of a licensee (CEG) and are already performing these duties for both TMI-1 and TMI-2. Under the planned decommissioning activities, TMI-2 will have some personnel that will require access to the TMI-1 ISFSI, and thus would have to be reviewed by the TMI-1 ROs. Similarly, TMI-1 will require access to some 10 CFR 37 materials for TMI-2. Having CEG continue to provide the RO function for TMI-2 personnel required by 10 CFR 37 and 10 CFR 73.55 does not reduce the level of safety or security of personnel.

The activities outlined above to utilize a TMI-2 Security plan that implements the existing site security plan is an acceptable means to facilitate NRC approval of a revised TMI-2 Security License Condition and results in minimal changes to the current processes for providing physical security of the TMI-2 facility.

If you have any questions with respect to the content of this document or wish to obtain additional information, please contact Mr. Tim Devik at 603-384-0239.