

From: [Werner, Bryan](#)
To: [Snyder, Amy](#)
Subject: [External_Sender] RE: [External] State Consultation- License Amendment Request TMI-2 Solutions Physical Security Materials Plan
Date: Thursday, July 21, 2022 1:05:27 PM

Good afternoon Amy,

Thank you for the opportunity to review and comment on the subject line proposed license amendment. We have reviewed the provided information involving this proposed license amendment request. We have no comments that we would like addressed in conjunction with NRC approving the request. We will continue to work with NRC and the licensee on changes that this amendment will have at the site. There were some internal questions raised on the details of the implementation of their plans, but there was nothing raised that would cause us concern with approving the amendment.

If you need anything further, please let me know.

Regards,
Bryan

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Subject: [External] State Consultation- License Amendment Request TMI-2 Solutions Physical Security Materials Plan

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Bryan Werner, Acting Chief, Nuclear Safety Division
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Dear Mr. Werner,

By letter dated May 13, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML(nonpublic)), as supplemented on September 21, 2021 ([ML21267A505](#)), and on March 31 ([ML22102A304](#) (Package)), April 28 ([ML22125A013](#)), May 9 (non-public)), May 10 ([ML22131A138](#)), and June 9, 2022 (nonpublic)), TMI-2 Solutions, LLC (TMI-2 Solutions) submitted a license application request seeking U.S. Nuclear Regulatory (NRC) review and approval of modification to License Condition 2.C. (2), Physical Security, for Possession Only License (POL) No. DPR-73 for Three Mile Island Station, Unit No.(TMI-2) in support of the Three Mile Island Station Independent Spent Fuel Installation (ISFSI) Only Physical Security Plan.

In the March 31, 2022, supplement, TMI-2 Solutions stated that it will develop a Security Plan document (its own plan), instead of the site physical security, guard training and qualification, and safeguards contingency plans maintained by Constellation Energy Generation (CEG) for Three Mile Island Station, Unit No.1 (TMI-1). On June 1, 2022 ([ML22154A187](#)), TMI-2 Solutions provided written notification for implementation of the TMI-2 Materials Security Plan. TMI-2 Solutions stated it will coordinate implementation to coincide with the TMI-1 ISFSI Only Security Plan timeline as described in CEG's April 29, 2021 license application for Three Mile Island Station, Unit No. 1 (TMI-1) submittal ([ML21145A183](#)) and subsequent TMI-1 submittals.

The NRC is considering issuance of an amendment to POL No. DPR-73, for TMI-2. Pursuant to NRC regulations, TMI-2 Solutions proposes an amendment to POL No. DPR-73 for TMI-2. This proposed license amendment request, upon approval, would modify License Condition 2.C.2, Physical Protection, for POL No. DPR-73. TMI-2 Solutions' proposed change would revise the TMI-2 POL by revising TMI-2 License Condition 2.C.(2), Physical Protection, to refer to a security plan specific to TMI-2 that is compliant with 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.

For this amendment request, the NRC preliminarily determined that it involves no significant hazards consideration (NSHC). Per 10 CFR 50.91(a)(7)(b), I am consulting with you. The NRC's proposed NSHC determination for this proceeding was published in *Federal Register* on June 28, 2022 ([87 FR 38429](#)). I have attached a courtesy copy of the *Federal Register* Notice for your use.

We are considering finalizing this proposed determination. Also, we believe this amendment request would meet the eligibility criteria for categorical exclusion from environmental review set forth in 10 CFR 51.22(c)(12) because the proposed action does not involve any major construction and the proposed action is to modify License Condition 2.C.2, Physical Protection, for POL No. DPR-73 for TMI-2.

If the Commonwealth of Pennsylvania has comments on the TMI-2 license amendment request that would modify License Condition 2.C.(2) for the POL No. DPR-73 for TMI-2 or our proposed NSHC determination, please e-mail me your comments by Close of Business (COB) July 29, 2022. If you do not have comments, I would appreciate it if you would please provide an email that you have no comments by COB July 29, 2022.

If you have any questions, please contact me. My contact information is below.

Thank you.

A



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