

September 10, 2020

GPU Nuclear, Inc., Metropolitan Edison Company, Jersey Central Light
Company, Pennsylvania Electric Company, and TMI-2 Solutions, LLC
Three Mile Island Unit 2, NRC-2020-0082
Direct License Transfer No. DPR-73

RE: Petition of Epstein/TMI-Alert Inc. for Leave to Intervene and for A Hearing

Hello Nuclear Regulatory Commissioners:

In this action, one group of private companies is attempting to sell a nuclear reactor, the land it is on and it's government permit, to another private, limited liability corporation. The land is an island in the middle of a river. The river is a source of public drinking water. This reactor suffered a partial core meltdown forty years ago. The private limited liability corporation plans to store high level radioactive waste (HLRW) indefinitely on the island. This proposed transaction is before you, as the governing regulatory agency which controls the permit, for approval.

Our members opposed the construction and operation of a nuclear plant on the island before the meltdown. We have attempted to educate ourselves and our fellow residents about the plant operator and your agency all these years. Now we are attempting to join the permit transfer review process to protect our own health and safety. The private, limited liability corporation, objects to even our participation in the approval process before you.

The Atomic Energy Act directed the Atomic Energy Commission, your predecessor, to promote the "utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security and with the health and safety of the public."

Those of us who were living within twenty miles of the same reactor in 1979, already have standing to take part in this action. To us, standing is possessing a significant interest in the outcome of a legal proceeding.

It was our health and safety you were supposed to protect in 1979. Radiation was released from this same containment building during and after the events of March, 1979. A hydrogen bubble nearly exploded spreading nuclear material on our homes, businesses and our families. What almost happened here, did occur in Fukushima Prefecture, Japan in 2011. Our need to protect health and safety of ourselves and future generations, constitutes our significant interest in this litigation today.

How dare the private, limited liability corporation, argue to you that we should not be heard to contest their purchase and license transfer. If there was no intervention, the corporation

would save thousands of dollars. This same corporation wants to tear down concrete buildings which are highly radioactive. They also want to store this waste on the island. They want to do it quickly while restricting their possible liability to the public for releases of harmful radiation so they will make more money. They estimate decommissioning will take 90 years.

You appear to be more concerned with promoting atomic energy than with protecting our health and safety. You violate our community's due process rights if you withhold standing and permit this license transfer.

This case is the final litmus test: either you are an impartial administrative body or a subsidiary of the nuclear industry.

1. The US Department of Environmental Protection Agency (EPA) enforces the Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, HLRW and Transuranic Radioactive Wastes. This regulation sets environmental standards for public protection from the management and disposal of spent nuclear fuel, high level radioactive waste and transuranic wastes. Parts of this same EPA regulation set containment requirements for radiation disposal systems and public water supplies. These disposal systems must restrict the release of radiation for 10,000 years.

The TMI-2 Solutions, LLC (LLC) is asking your permission to make Three Mile Island a radioactive waste site. We believe the approval of the license transfer violates the EPA's regulations. The license transfer plan is shortsighted and profit driven.

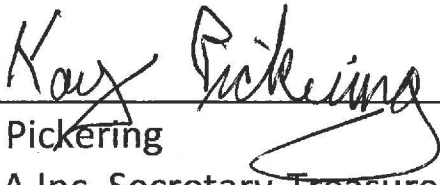
2. Eric Epstein (Mr. Epstein) filed our Petition to Intervene and three supporting contentions on April 15, 2020. We are in receipt of your correspondence to Mr. Epstein dated August 17, 2020. We take issue with two parts of it.

First, you refuse to tell Mr. Epstein whether or not you have accepted the LLC & the Pennsylvania Department of Environmental Protection (DEP) negotiated agreement. It is a proposed settlement between two other parties to this administrative action. We, however, don't even know if we have standing yet! Take action on our Petition to Intervene and a Hearing.

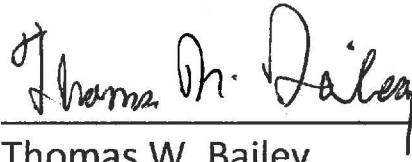
If our state government agency, DEP, has settled on terms acceptable to you, why shouldn't we know if you are a facilitator, party or signatory?

Second, the last sentence of your August 17, 2020 correspondence attempts to cloak your actions as that of an impartial administrative agency. We understand your own regulation, 10 CFR § 2.1316 - Authority and role of NRC staff. This regulation allows your staff to act as a party and call witnesses. It is absurd to see one part of an administrative agency actively litigating as a party before administrative judges from the same agency. This denies us due process of law as you are acting as both an advocate and judge. You can't be both.

Thanks for reading this document.



Kay Pickering
TMIA Inc. Secretary-Treasurer
315 Peffer Street
Harrisburg, PA 17102



Thomas W. Bailey
TMIA Planning Council member



SECRETARY

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

August 17, 2020

Eric J. Epstein
Chairman
Three Mile Island Alert, Inc.
E-Mail: epstein@efmr.org

Dear Mr. Epstein:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to the e-mail message of August 11, 2020, sent to me regarding the Three Mile Island Unit 2 (TMI-2) License Transfer. Your message asks whether the NRC is a signatory to the settlement agreement executed between the license transfer applicants and the Commonwealth of Pennsylvania Department of Environmental Protection and requests the NRC to provide a copy of the agreement.

Because the NRC has received your request for an adjudicatory hearing on the matter, your message bears on what is now a contested proceeding before the Commission. For that reason, it would be inappropriate for me to respond to the content of your message or to comment generally on the matter at this time. This is because the Commission must remain impartial during the pendency of the proceeding.

A copy of your message and this response will be served on the participants in the TMI-2 license transfer proceeding.

Sincerely,

Annette L. Vietti-Cook

From: Eric Epstein
To: [Docket Hearing](#)
Cc: [Krause, Emily](#); [Campbell, Tison](#); [Castellon, Krupskaya](#); [sachin.desai@hoganlovells.com](#); [Docket Hearing](#); [alduke@epa.gov](#); [grant.eskelsen@morganlewis.com](#); [ghalnon@firstenergycorp.com](#); [ryan.lighty@morganlewis.com](#); [timothy.matthews@morganlewis.com](#); [Ghosh Naber, Anita](#); [Newell, Brian](#); [OCAAMAIL.Resource](#); [Roth \(OGC\), David](#); [Schumann, Stacy](#); [ksealy@firstenergycorp.com](#); [Sola, Clara](#); [Speiser, Herald](#); [grvannoordenen@energysolutions.com](#); [Warchutka, Jeremy](#)
Subject: [External_Sender] Re: NRC Proceeding "Three Mile Island 50-320 LT"
Date: Tuesday, August 11, 2020 9:09:05 AM

Secretary:

I am in receipt of the enclosed document. However the document failed to include the Settlement Agreement referenced in paragraph 2.

On August 10, 2020, the Department and Applicants executed a settlement agreement addressing the Department's concerns for purposes of this license transfer application. Consistent with the terms of that settlement agreement, the Department agreed to contemporaneously withdraw its Petition.

1) Please indicate if the Nuclear Regulatory Commission is a signatory; and, 2) Please provide a copy of the Settlement Agreement.

Sincerely,

Eric J. Epstein, Chairman
Three Mile Island Alert, Inc.

On Aug 10, 2020, at 10:32 AM, <Hearingdocket@nrc.gov> <Hearingdocket@nrc.gov> wrote:

****EIE Update**** Due to certain NRC computer security enhancements the process to open submissions having more than one attachment has had to be changed. Now, after opening the link in the e-mail and validating their certificate, users will see a page with a button saying "Download Attachments". Selecting that button will cause the attached .zip file to be downloaded to the users' computer. Thereafter, the files can be opened using the normal protocol. ****EIE Update****

MESSAGE FROM THE OFFICE OF THE SECRETARY, NUCLEAR REGULATORY COMMISSION

Re: NRC Proceeding "Three Mile Island 50-320 LT"

The Office of the Secretary has received a Submission entitled

"PA DEP Notice of Withdrawal "

submitted by Alicia R Duke who is affiliated with DEP. It contains 1 attachment(s).

It is intended for inclusion in the referenced proceeding. It was submitted through the NRC Electronic Information Exchange (EIE) system and arrived on 08/10/2020 at 10.32 AM.

As a hearing participant, you are entitled to view and/or retrieve this Submission by visiting the following web link.

PA DEP Notice of Withdrawal -
<https://eie.nrc.gov/eie/adj/downloadAttachment.eie?submissionId=55758&docId=26956> (22 KB)

If the submission contains 2 or more attachments, they will be delivered to you as a single compressed zip file from which you may open the attachments. The delivery model works best with the free download product named "SecureZip". This is the product used in the screen shots in the Adjudicatory User's Guide. Other compression products will work but the access steps may vary.

The link will remain active for 30 day(s) after which its contents will be removed from the EIE system. Not later than 3 days from the date of this message the attachment(s) will also be available through NRC Electronic Hearing Docket (EHD) web site. The web link for this site is: <https://adams.nrc.gov/ehd> and the documents can be located by browsing in the appropriate hearing folder.

Receipt of this message constitutes completion of service of this filing.

PARTIES SERVED WITH THIS SUBMISSION: Campbell, Tison A.; Castellon, Krupskaya T.; Desai, Sachin; Docket, Hearing; Duke, Alicia R; Epstein, Eric; Eskelsen, Grant W; Halnon, Gregory H; Krause, Emily I.; Lighty, Ryan K.; Matthews, Timothy P; Naber, Anita G.; Newell, Brian P.; ocaamail, ocaamail; Roth, David E.; Schumann, Stacy M.; Sealy, Karen; Sola, Clara I; Speiser, Herald; van Noordennen, Gerard Peter; Wachutka, Jeremy L.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
FirstEnergy Companies) Docket No. 50-320 LT
)
TMI-2 Solutions, LLC)
)
(Three Mile Island Nuclear Station,)
Unit 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **LETTER FROM THE SECRETARY TO ERIC EPSTEIN** have been served upon the following persons by Electronic Information Exchange.

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Three Mile Island Nuclear Station, Unit 2, Docket No. 50-320 LT
LETTER FROM THE SECRETARY TO ERIC EPSTEIN

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Eric Epstein
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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 17th day of August 2020.

