

UNITED STATES OF AMERICA
NUCLEAR REGULATORY
COMMISSION

BEFORE THE SECRETARY

In the Matter of)
)
)
THREE MILE ISLAND NUCLEAR)
STATION, UNIT NO. 2;)
CONSIDERATION OF APPROVAL OF) Docket No. 50-320 LT
TRANSFER OF LICENSE AND)
CONFORMING AMENDMENT)
)

**UNOPPOSED MOTION OF THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL
PROTECTION FOR LEAVE TO REQUEST THAT THE U.S.
NUCLEAR REGULATORY COMMISSION NOT RULE ON ITS
PETITION FOR LEAVE TO INTERVENE AND REQUEST FOR AN
EXTENSION OF TIME TO FILE A HEARING REQUEST UNTIL
AFTER AUGUST 10, 2020**

Pursuant to 10 C.F.R. § 2.323, the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department” or “DEP”) files this motion to respectfully request that the U.S. Nuclear Regulatory Commission (“NRC” or “Commission”) does not rule on its Petition to Request an Extension of Time to File a Hearing Request (“Petition”) in this matter on or before August 10, 2020.

On April 15, 2020, the Department filed a Petition for Leave to Intervene and Request for an Extension of Time to File a Hearing Request in this matter before the NRC on the sole issue of whether TMI-2 Solutions had met the required financial qualifications to decommission the site. In its petition for an extension the Department explained that its offices were physically closed due to COVID-19 in March and it needed an extension to allow time for it to retain a financial consultant to review the application material and have discussions

with GPU Nuclear, Inc. (“GPU Nuclear”), Metropolitan Edison Company, Jersey Central Power & Light Company, and Pennsylvania Electric Company (collectively referred to as the “FirstEnergy Companies”) and TMI-2 Solutions, LLC (“TMI-2 Solutions”) (collectively, “Applicants”) to determine whether the Applicants met the requirements that there were sufficient funds to complete decommissioning.

On May 11, 2020, Applicants filed an answer opposing the Department’s Petition.

On May 18, 2020, the Department filed a reply to Applicants’ answer and amended its initial Petition by proposing to request a hearing if it remains necessary by no later than August 3, 2020.

On May 26, 2020, Applicants filed an answer opposing the Department’s amended request for an extension of time.

Also, on April 15, 2020, Eric Joseph Epstein and Three Mile Island Alert, Inc. filed a Petition for Leave to Intervene and Hearing Request in this matter.

The Department has had discussions with Applicants concerning its contention and is currently in the process of evaluating whether its concerns have been fully addressed. The Department anticipates that it will be able to determine if it can withdraw its Petition by August 10, 2020.

Pursuant to 10 C.F.R. § 2.323(b) the Department has contacted counsel for the Applicants and Mr. Epstein to discuss this motion. Both parties have stated that they do not oppose the Department’s request that the Commission does not rule on its Petition until after August 10, 2020.

Respectfully submitted,

Commonwealth of Pennsylvania
Department of Environmental Protection

By its attorney,

Signed (electronically) by

Alicia R. Duke

Assistant Counsel

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Dated: July 27, 2020

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CERTIFICATION OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I certify that copies of the Commonwealth of Pennsylvania, Department of Environmental Protection’s Unopposed Motion for Leave to Request That the U.S. Nuclear Regulatory Commission Not Rule on its Petition for Leave to Intervene and Request for an Extension to File a Hearing Request Until After August 10, 2020 has been served upon the Electronic Information Exchange, the NRC’s e-filing system, in the above-captioned proceeding this 27th day of July 2020.

Signed (electronically) by
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Dated: July 27, 2020