

October 22, 2022

Jason Oyler,  
General Counsel and Secretary to the Commission  
Susquehanna River Basin Commission  
4423 N. Front Street  
Harrisburg, PA 17110

Dear Mr. Oyler:

The Susquehanna River Basin Commission (“the SRBC” or “the Commission”) conducts four quarterly business meetings a year. One month prior to a business meeting, a public hearing is held to take oral testimony on any business required to be subject of a public hearing.

The next hearing will be conducted at Commission headquarters at 4423 North Front Street, Harrisburg, Pennsylvania on November 3, 2022. On the agenda is the following item:

*3. Project Sponsor: Constellation Energy Generation, LLC. Project Facility: Three Mile Island Generating Station, Londonderry Township, Dauphin County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.099 mgd from Well A, 0.099 mgd from Well B, and 0.099 mgd from Well C (Docket No. 20110610), and Commission-initiated modification of surface water and consumptive use approvals based on changes in operating status of the project and revised demand projections.*

This date collides with the filing time for the Applicant’s request for an Amendment - License Amendment Request (“LAR”) to the cleanup at TMI-2 on November 4, 2022. That timeline begins the active intervention on the proposed modification of the TMI-2 cleanup plan which directly impacts the timing of water use needs.

However, the Applicant has not received permission from the Nuclear Regulatory Commission to Amend its Possession Only License ("POL") at Three Mile Island Unit 2. Therefore, the pace, rigor and precise amount of water required for the TMI-2 cleanup will not be determined until **2023**.

Furthermore, the hearing filing date, which is now November 4, 2022, will create a delay in the schedule for issuing a License Amendment. In the event that additional litigation is approved by the Nuclear Regulatory Commission, this request will tack into the winter of 2023.

The intervener is arguing that the proposed LAR is flawed and dilutes spent fuel masses causing K-effective projections to drop to 0.95. The proposed LAR ignores site-specific fire scenarios and past cask failures based on unproved assumptions. The LAR impacts changes the decommissioning schedule and timing of water use.

The proposed amendment would would revise the POL and TS to support Phase 1b and Phase 2 decommissioning activities associated with with achieving the removal of all debris material, its transfer to dry cask storage at an Independent Spent Fuel Storage Installation or a suitable waste storage area ..." (Federal Register/Vol. 87, No. 161, p. 54154054155).

This was **not** the plan or protocol used when submitting the Application to the Susquehanna River Basin Commission. This plan is a material deviation, and should be reviewed prior to a hearing or a Commission vote. **If the LAR is approved after the hearing, please note that the Application currently before the SRBC is for a different cleanup plan.**

Adding to the existing uncertainties surrounding the cleanup, are the outstanding issues raised by the NRC regarding TMI-2 Solutions proposed LAR - Requests for Additional Information ("RAI"). Sixteen RAI's were sent to TMI-Solutions on August 23, 2022. The Applicant's Responses were delayed until September 29, 2022, and further postponed before being posted in the NRC's Document Room ("ADAMS") until October 19, 2022. Several of TMI-2 Solutions Responses contain material disputed by the Nuclear Regulatory Commission, and warrant further investigation. In addition, TMI-2 Solutions is asking to delay resolution of several outstanding issues until after the NRC approval of the proposed LAR.

I am requesting that the SRBC remove 3. Constellation Energy Generation, LLC. *Project Facility*: Three Mile Island Generating Station, Londonderry Township, Dauphin County, Pa., and place it on the agenda for the next public hearing date in 2023. The Commission conducts four quarterly business meetings a year, and there is ample time to review the Amendment prior to the next hearing and Commission vote.

Sincerely,

Eric Epstein  
4100 Hillsdale Road  
Harrisburg, PA 17112