



SUSQUEHANNA RIVER
BASIN COMMISSION

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February 4, 2022

Mr. Eric Epstein
4100 Hillsdale Road
Harrisburg, PA 17112

Re: Exelon Generation Company, LLC – TMI Unit 1 Applications;
Commission Pending Nos. 2021-054, 2021-055, and 2021-056

Dear Mr. Epstein:

This letter is in response to your submittal to the Susquehanna River Basin Commission (Commission), dated January 3, 2022, related to the applications for renewal for activities surrounding the former nuclear power plant at Three Mile Island (TMI). Accordingly, your letter will be treated as correspondence commenting on an active application before the Commission and be made part of the application file and considered as part of the Commission’s review of the application.

Many of your comments present background information about TMI Units 1 and 2, including information of the historical core melt accident at TMI Unit 2 and associated cleanup, decommissioning strategies and timetables for Units 1 and 2, and uncertainty regarding financial resources.

The situation with TMI-1 and TMI-2 is unique to the Commission, and the Commission continues to gather site-specific information and evaluate the applications before it. The Commission is seeking clarification as a part of this application process to determine how much water TMI-1 needs from both its surface water and groundwater sources, whether TMI-1’s sources will also supply TMI-2, and what the consumptive use (water loss) will be for TMI-1 and TMI-2. As such, the Commission appreciates the insights and issues you provided in Section II – Three Mile Island Nuclear Station, Unit-1 Post-Shutdown Decommissioning Activities and Water Use and Section III – Three Mile Island Unit-2: Post Defueling Monitored Storage.

However, as a reminder, the Commission does not regulate water quality, including thermal discharges and pollutant loads of any wastewater effluent. Information about “who will analyze and monitor water chemistry, where will effluent discharge monitors be located, who and how often will water temperatures be monitored during discharges into the Susquehanna River” is beyond the scope of the Commission’s review. Water quality is regulated by other agencies and a standard condition of any Commission docket is the requirement to obtain and maintain all other needed governmental permits.

Your correspondence also contains Section IV – Concerns and Issues with the SRBC Application, which centers around the application for water withdrawals at TMI-1 by Exelon Generation Company, LLC (Exelon), as well as the potential for water use at TMI-2 for decommissioning. Issues #16 to #34 address the applications more directly, and the responses to those inquiries are below:

- Issue #16: Although the organization submitting the applications is still listed as Exelon, the name is expected to be updated/corrected during the review period. As the Commission continues to gather information and evaluate the application before it, it will also evaluate whether additional applications need to be made for TMI-2 by another project sponsor (TMI-2 Solutions, LLC). Note that dockets may be transferred in the case of ownership changes and reissued in the case of name changes or changes to corporate form that do not constitute a change in ownership. These provisions are in the regulations at 18 CFR §§ 806.3, 806.4, and 806.6.
- Issues #17 and #18: Note that existing water use data continues to be submitted under the current docket approval. During the application review process, Commission staff will request a number of clarifications regarding requested amounts of water use and rates of withdrawals from all sources that recognize the unique features of TMI, including various activities and “modes” related to decommissioning for both Unit 1 and Unit 2.
- Issues #19 and #20: The U.S. Army Corps of Engineers (USACE) serves as the Federal member of the Commission and as such, has an important role in acting on water withdrawal and water use applications before the Commission. Although the Commission does not have a Letter of Understanding (LOU) or Memorandum of Understanding (MOU) with the USACE, it does have a Memorandum of Agreement (MOA) signed in 2008 (attached) that provided for a support agreement for a study, A Preliminary Assessment of Optimizing Use of Water Storage at Curwensville and Cowanesque Lakes, PA. Please contact the USACE directly for a definition of its role related to water use at TMI and any federal applications that may be required.
- Issue #21: As part of its hydrogeologic evaluation, the Commission considers the sustainability of groundwater and surface water withdrawals, including sustainability of sources during droughts. Approved projects must be consistent with the Commission’s Comprehensive Plan.
- Issues #22, #23, and #24: The project sponsor(s) is required to provide site-specific data that establishes the amount of water needed to conduct planned activities at the project, both in aggregate to justify the requested withdrawal and also for water use needs for specific activities, as related to consumptive use. Due to the unique nature of TMI, it is reasonable to anticipate a breakdown for TMI-1 and TMI-2, as well as a discussion of likely modifications of water needs over time as decommissioning progresses.

- Issue #25: The Commission has no permit requirements related to the discharge of water from this withdrawal. The Commission coordinates with its member jurisdictions on other required permits and can take appropriate limiting actions regarding not only applications, but also on already approved projects, based on the denial of any other permits per 18 CFR § 806.21. This coordination can include drought restrictions.
- Issue #26: The Commission is not the agency that provides Clean Water Act Section 401 Water Quality Certification.
- Issue #27: There has never been an “exemption” from Commission water use regulations. Releases of stored water from Cowanesque Reservoir during drought events provide make-up water to compensate for consumptive use at the nuclear facilities at TMI. At this time, the water storage agreement remains in place.
- Issues #28, #29, #30, #31, #32, and #33: The Commission notes your requests for site-specific and updated studies for groundwater and surface water monitoring points, and environmental resource information; using the destructive phase of decommissioning as the basis for water need projections; and updated aquifer tests. The Commission’s staff of hydrologists, geologists, aquatic ecologists, and others are well-equipped to conduct a thorough review of the water issues the Commission is charged to oversee. In particular, Commission professional geologists will request sufficient information and data, either through aquifer testing or the new Alternative Hydrogeologic Evaluation process, to perform its hydrogeologic evaluation and make an informed recommendation to the Commissioners.
- Issue #34: Whether or not the project sponsor contributes funding to York Haven Power is beyond the scope of the Commission’s authority.

Thank you for your interest in the Commission and your comments on the applications before the Commission. The Commission will notify you when the applications are subject to the public hearing and any potential action at a future Commission meeting.

Sincerely,



Paula B. Ballaron, P.G.
Manager, Policy Implementation and Outreach

Attachment

cc: Todd Eaby, P.G. – Susquehanna River Basin Commission
Andrew Gavin – Susquehanna River Basin Commission
Curt Sebastian – Susquehanna River Basin Commission