

**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)	
)	

**COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION’S NOTICE OF WITHDRAWAL
OF ITS PETITION FOR LEAVE TO INTERVENE AND REQUEST
FOR AN EXTENSION OF TIME TO FILE A HEARING REQUEST**

Petitioner, the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department” or “DEP”) hereby withdraws its Petition for Leave to Intervene and Request for an Extension to request a Hearing (“Petition”), which the Department filed on April 15, 2020 in the above-captioned proceeding and which remains pending before the U.S. Nuclear Regulatory Commission (“NRC” or “Commission”) as of this date. The basis for this Withdrawal Notice is as follows:

1. On April 15, 2020, the Department filed the Petition 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 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 NRC decommissioning requirements and that there were sufficient funds to complete decommissioning. On July 27, 2020, the Department filed an unopposed motion requesting that the Commission not rule on its Petition until after August 10, 2020 so it had time to evaluate whether its concerns have been fully addressed by Applicants.

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. For clarity, the Department’s withdrawal of its Petition, does not affect the other Petition to Intervene and Hearing Request, which was filed by Eric Joseph Epstein and Three Mile Island Alert, Inc. on April 15, 2020 that remains pending before the Commission. Mr. Epstein and Three Mile Island Alert, Inc. are not parties to the settlement agreement between the Department and the Applicants.

Respectfully submitted this 10th day of August 2020.

Respectfully submitted,

Commonwealth of Pennsylvania
Department of Environmental Protection
By its attorney,

Signed (electronically) by
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August 10, 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 Notice of Withdrawal its Petition for Leave to Intervene and Request for an Extension to File a Hearing Request has been served upon the Electronic Information Exchange, the NRC's e-filing system, in the above-captioned proceeding this 10th day of August 2020.

Signed (electronically) by
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Dated: August 10, 2020