

February 13, 2023

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

TMI-2 SOLUTIONS, LLC

Docket No. 50-320-LA-2

(License Amendment Request for Three Mile
Island Nuclear Station, Unit 2)

**NRC STAFF ANSWER TO PETITIONER ERIC EPSTEIN'S MOTION FOR LEAVE TO FILE
NEW CONTENTIONS**

INTRODUCTION

The Staff of the U.S. Nuclear Regulatory Commission (Staff) hereby responds to Petitioner Eric Epstein's Motion for Leave to File New Contentions (Motion).¹ For the reasons set forth below, the Atomic Safety and Licensing Board (Board) should deny the Motion because it fails to meet the requirements in 10 C.F.R. §§ 2.309(c) and (f)(1).

BACKGROUND

This proceeding concerns a February 19, 2021, license amendment request (LAR) by TMI-2 Solutions, LLC (the Licensee) to amend the existing Possession Only License (POL) for Three Mile Island Nuclear Station, Unit 2 (TMI-2).² In its LAR, the Licensee seeks to revise the POL and the associated Technical Specifications (TS) to support the transition of TMI-2 from a Post-Defueling Monitored Storage (PDMS) status to that of a facility undergoing

¹ Petitioner Eric Epstein's Motion for Leave to File New Contentions (Jan. 18, 2023) (Agencywide Documents Access and Management System (ADAMS) accession no. ML23018A297) (Motion).

² Letter of Gerard van Noordennen (TMI-2 Solutions, LLC) to NRC Document Control Desk (Feb. 19, 2021), Attachment 1 (ML21057A046). TMI-2 Solutions supplemented its application on May 5, 2021 (ML21133A264); Jan. 7, 2022 (ML22013A177), Mar. 23, 2022 (ML22101A079); April 7, 2022 (ML22101A077); and May 16, 2022 (ML22138A285).

decommissioning.³ On August 22, 2022, the NRC published a *Federal Register* notice describing the LAR, informing the public of the opportunity to request a hearing, and describing the NRC staff's proposed determination that the LAR involves no significant hazards consideration.⁴

On November 3, 2022, Mr. Epstein filed a *pro se* hearing request and petition to intervene (Petition).⁵ On November 14, 2022, the Board issued an Initial Prehearing Order⁶ detailing the briefing schedule and administrative matters for the proceeding, including requirements for timely filing motions for new or amended contentions.⁷ On January 10, 2023, Petitioner's counsel filed notices of appearance in this proceeding.⁸ On January 18, 2023, Petitioner filed a Motion for leave to file two new contentions and to file additional support for standing.⁹ On January 19, 2023, the Board held oral argument on standing and contention admissibility asserted in the Petition.

For the reasons outlined below, the Motion should be denied.

LEGAL STANDARDS

I. Timeliness Standards for New Contentions

Motions for leave to file new or amended contentions after the filing date must demonstrate good cause by showing that:

³ TMI-2 Solutions, LLC, Three Mile Island, Unit No. 2, 87 Fed. Reg. 51,454, 51,460 (Aug. 22, 2022) (LAR Hearing Notice). Specifically, the LAR proposes to delete certain TS, Limiting Conditions for PDMS, and Surveillance Requirements that are no longer applicable to the facility, relocate the content of administrative controls into the Decommissioning Quality Assurance program, and update the Safe Fuel Mass Limits listed in the license.

⁴ *Id.*

⁵ See "Eric Joseph Epstein's Petition for Leave to Intervene and Hearing Request" (Nov. 3, 2022) (ML22307A225) (Petition).

⁶ Licensing Board Memorandum and Order (Initial Prehearing Order) (Nov. 14, 2022) (unpublished) (ML22318A181) (Initial Prehearing Order).

⁷ *Id.* at 4 n.11.

⁸ Notice of Appearance of Lynne Bernabei and Kristen Sinisi for Petitioner Eric Epstein, (Jan. 10, 2023) (ML23010A277). Kristen Sinisi subsequently withdrew her appearance. See Notice of Withdrawal of Appearance of Kristen Sinisi for Petitioner Eric Epstein, (Feb. 3, 2023) (ML23034A262).

⁹ See Motion at 2-5.

- (i) The information upon which the filing is based was not previously available;
- (ii) The information upon which the filing is based is materially different from information previously available; and
- (iii) The filing has been submitted in a timely fashion based on the availability of the subsequent information.¹⁰

The petitioner bears the burden of demonstrating that any new or amended contention meets the standard in 10 C.F.R. § 2.309(c)(1).¹¹ To meet the standard, the information proffered must be more than a restatement of previously available information.¹² Pursuant to the Board's Initial Prehearing Order, motions seeking admission of new contentions are timely if "the motion (and the accompanying new/amended contention) [is] filed within 30 days of the date upon which the information that is the basis of the motion becomes available."¹³

II. General Requirements for Contention Admissibility

In addition to meeting the requirements in 10 C.F.R. § 2.309(c)(1), new or amended contentions must also satisfy the contention admissibility requirements in 10 C.F.R. § 2.309(f)(1).

Specifically, to be admitted for hearing, a contention must:

- (i) Provide a specific statement of the issue of law or fact to be raised or controverted;
- (ii) Provide a brief explanation of the basis for the contention;
- (iii) Demonstrate that the issue raised in the contention is within the scope of the proceeding;
- (iv) Demonstrate that the issue raised in the contention is material to the findings the NRC must make to support the action that is involved in the proceeding;
- (v) Provide a concise statement of the alleged facts or expert opinions which support the requestor's/petitioner's position on the issue . . . ; and
- (vi) Provide sufficient information to show that a genuine dispute exists with the applicant/licensee on a material issue of law or fact.

¹⁰ 10 C.F.R. § 2.309(c)(1).

¹¹ *AmerGen Energy Co.* (Oyster Creek Nuclear Generating Station, CLI-09-7, 69 NRC 235, 260-61 (2009)).

¹² *Progress Energy Florida, Inc.* (Levy Cty. Nuclear Power Plant, Units 1 and 2), LBP-09-10, 70 NRC 51, 142 (2009) ("The fact that a party integrates, consolidates, restates, or collects previously available information into a new document, does not convert it into previously unavailable information.") (internal quotations omitted).

¹³ See Initial Prehearing Order at 4 n.11.

The contention admissibility requirements are “strict by design”¹⁴ and “do not permit ... ‘notice pleading, with details to be filled in later.’”¹⁵ It is the petitioner’s burden to come forward with support for the contention,¹⁶ and failure to comply with any of the requirements set forth in the regulations is grounds for dismissal of the contention.¹⁷ Further, “[a] petitioner’s issue will be ruled inadmissible if the petitioner has offered ... only ‘bare assertions and speculation.’”¹⁸ If a petitioner provides a document as a basis for a contention, the petitioner must explain the significance of the document and how it supports the contention.¹⁹

DISCUSSION

I. The Petitioner Fails to Satisfy the Good Cause Standard Under 10 C.F.R. § 2.309(c)(1)

The Motion should be denied because the Petitioner does not satisfy the “good cause” requirements in 10 C.F.R. § 2.309(c)(1). The Petitioner contends that his Motion is based on information in a December 15, 2022, order issued by the Susquehanna River Basin Commission (SRBC) (the SRBC Order) to Constellation Energy, LLC (Constellation).²⁰ The SRBC Order

¹⁴ *Dominion Nuclear Connecticut, Inc.* (Millstone Nuclear Power Station, Units 2 and 3), CLI-01-24, 54 NRC 349, 358 (2001).

¹⁵ *Duke Energy Corp.* (Oconee Nuclear Station, Units 1, 2, and 3), CLI-99-11, 49 NRC 328, 338 (1999).

¹⁶ *Oyster Creek*, CLI-09-7, 69 NRC at 260-61; see also Rules of Practice for Domestic Licensing Proceedings—Procedural Changes in the Hearing Process, 54 Fed. Reg. 33,169, 33,171 (Aug. 11, 1989).

¹⁷ *Indian Point*, CLI-16-5, 83 NRC at 136. See also *Oconee Nuclear Station*, CLI-99-11, 49 NRC at 334-35 (the heightened contention admissibility rules are designed to preclude contentions “based on little more than speculation”). The requirements are intended, *inter alia*, to ensure that a petitioner reviews the application and supporting documents prior to filing contentions; that contentions are supported by at least some facts or expert opinion known to the petitioner at the time of filing; and that there exists a genuine dispute before a contention is admitted for litigation, to avoid the practice of filing contentions which lack any factual support and seeking to flesh them out later through discovery. *Long Island Lighting Co.* (Shoreham Nuclear Power Station, Unit 1), LBP-91-35, 34 NRC 163, 167-68 (1991).

¹⁸ *Fansteel, Inc.* (Muskogee, Oklahoma, Site), CLI-03-13, 58 NRC 195, 203 (2003) (citing *GPU Nuclear, Inc.* (Oyster Creek Nuclear Generating Station), CLI-00-6, 51 NRC 192, 208 (2000)).

¹⁹ See *USEC, Inc.* (American Centrifuge Plant), CLI-06-10, 63 NRC 451, 472 (2006) (holding that “references to articles or correspondence, without ‘explanation or analysis’ of their relevance, [do] not provide an adequate basis” for admitting a contention); *Fansteel*, CLI-03-13, 58 NRC at 204-05 (stating that it is insufficient to refer generally to documents with no further analysis and supporting evidence showing why particular sections of those documents provide the basis for a contention).

²⁰ Motion at 4. Constellation is the current NRC licensee for Three Mile Island Nuclear Generating Station, Unit No. 1.

approved Constellation's application, which requested modifications to Three Mile Island Nuclear Station, Unit 1's (TMI-1) water usage and the supply of water from TMI-1 to TMI-2.²¹ As explained by the Licensee (TMI-2 Solutions, LLC) in the latest revision of its Post-Shutdown Decommissioning Activities Report, "onsite groundwater wells are provided by TMI-1, [and] these wells supply water for water consumption at TMI-2."²²

The Petitioner states, without explanation and without connecting water usage to any of the changes requested in the LAR, that this update to TMI-1's water usage limitations and the possible effect on TMI-2 should have been considered in the LAR.²³ The Petitioner argues that the SRBC Order contains new information related to groundwater, surface water, and consumptive use restrictions that was not previously available, and therefore he has "good cause" to seek leave to file the following new contentions:²⁴

Proposed New Contention #3: "The LAR Fails to Consider the Ground Water, Surface Water, and Consumptive-Use Restrictions Imposed by the Susquehanna River Basin Commission's December 15, 2022 Order."

Proposed New Contention #4: "TMI-2's Failure to Consider the Ground Water, Surface Water, and Consumptive-Use Restriction Casts Doubt on Its Assertion that Criticality "is not possible."²⁵

The Petitioner asserts that 10 C.F.R. § 2.309(c)(1)(i) is met because the information in the SRBC Order was not available when he filed his Petition or Reply.²⁶ But the information the

²¹ Notices, Susquehanna River Basin Commission, 87 Fed. Reg. 79,415 (Dec. 27, 2022).

²² Letter from Michael B. Lackey (TMI-2 Solutions, LLC) to NRC Document Control Desk (Oct. 27, 2022), Notification of "Amended Post-Shutdown Decommissioning Activities Report" (PSDAR) for Three Mile Island, Unit 2 in Accordance with 10 CFR 50.82(a)(7) Revision 5, (ML22306A051) at 24. While water usage is not related to this LAR, the Staff notes that TMI-2 is not required to receive water from any one particular source.

²³ Motion at 3-4.

²⁴ *Id.* at 4.

²⁵ *Id.* at 3.

²⁶ *Id.* at 4.

Petitioner relies upon to formulate his new contentions was publicly available before both of those filings and at least two months before the SRBC issued its Order.²⁷

The SRBC noticed Constellation's application in the *Federal Register* on October 13, 2022, explaining that Constellation was requesting renewal of groundwater withdrawal permits related to certain wells at the TMI Site (*i.e.*, Units 1 and 2).²⁸ The notice stated that there would be an SRBC-initiated modification of surface water and consumptive use approvals based on the current status of the TMI Site.²⁹ SRBC also issued a press release on December 9, 2022, noting that it provided opportunities for public comment on project applications (including Constellation's) and that the SRBC planned to discuss and vote on the applications during a December 15, 2022, meeting.³⁰

Moreover, it appears that the Petitioner has been aware of these potential changes for some time; an article from October 2021, quotes the Petitioner and explains that even at that time, he had been seeking adjustment of water withdrawal limits at the TMI Site.³¹ The Petitioner's Motion does not satisfy 10 C.F.R. § 2.309(c)(1) because the information upon which

²⁷ The Staff also notes that, in its reply brief, the Petitioner is not permitted to present new arguments based on information that was publicly available when he filed his original Petition. See *Louisiana Energy Services, L.P.* (National Enrichment Facility), CLI-04-25, 60 NRC 223, 224 (2004) (affirming a Board decision and explaining that new information cannot be submitted for the first time as part of a reply pleading).

²⁸ Notices, Susquehanna River Basin Commission, 87 Fed. Reg. 62,174 (Oct. 13, 2022). The notice included a contact for further information and a website providing information concerning the applications, including Constellation's. See *id.*

²⁹ *Id.*

³⁰ See Press Release, Susquehanna River Basin Commission, SRBC to Hold Business Meeting in Harrisburg, Pennsylvania (Dec. 9, 2022), <https://www.srbc.net/about/news/press-release.html?id=1292>.

³¹ ENVIROS ASK ONE REGULATOR TO PUSH ANOTHER ON THREE MILE ISLAND WATER USE, EXCHANGE MONITOR, (Oct. 22, 2021), <https://www.exchangemonitor.com/enviros-ask-one-regulator-to-push-another-on-three-mile-island-water-use-2/>. The article notes that Three Mile Island Alert, a non-profit group chaired by the Petitioner, had "been sounding the alarm about water use at Three Mile Island for several months." See *id.* Additionally, the *PA Environment Digest* released a blog post on November 18, 2022, discussing this same information. See David E. Hess, *Susquehanna River Basin Commission Meets Dec. 15 on Water Withdrawal Requests, Including 3 Oil & Gas, Three Mile Island withdrawal Renewals*, PA Environment Digest Blog, (Nov. 18, 2022), <http://paenvironmentdaily.blogspot.com/2022/11/susquehanna-river-basin-commission.html>.

the Petitioner relies was previously available more than 30 days in advance of the instant Motion (as well as in advance of his original Petition); thus, the Motion should be denied.

The Petitioner has also not shown that the information in the SRBC Order is materially different from information previously available. The Petitioner argues that the SRBC Order's limits on groundwater, surface water, and consumptive-use water available to Unit 1 resulted in a decrease to the amount of incidental water available to Unit 2, and that this is materially different information than previously available.³² As discussed above, information about Constellation's application and potential changes in the water use at the TMI Site were previously available for months before the December 15, 2022, SRBC Order. The Petitioner fails to explain how (or why) this information is materially different from information previously available, contrary to 10 C.F.R. § 2.309(c)(1)(ii).

Finally, the Petitioner has not timely filed the Motion. The Petitioner asserts that the Motion was timely filed on January 18, 2023, "based on the availability of the SRBC's [December 15, 2022,] order."³³ But the relevant inquiry is not the date of the SRBC Order, the Order's effective date, or when the Petitioner retained counsel, as the Petitioner suggests.³⁴ Instead, the relevant inquiry is the availability of the information on which the Petitioner relies to support the Motion.³⁵ Pursuant to the Board's Initial Prehearing Order, motions for filing new or amended contentions are considered timely "if filed within 30 days of the date upon which the information that is the basis of the motion becomes available."³⁶ At a minimum, the information that the Petitioner relies on in the Motion was publicly available on October 13, 2022,³⁷ more

³² Motion at 4.

³³ *Id.*

³⁴ *Id.*

³⁵ See Initial Prehearing Order at 4 n.11; 10 C.F.R. § 2.309(c)(1)(iii) (requiring that timeliness of the submission be based on the availability of the subsequent information).

³⁶ See Initial Prehearing Order at 4 n.11.

³⁷ See Notices, Susquehanna River Basin Commission, 87 Fed. Reg. at 62,174.

than 60 days before the filing was submitted. Even assuming the information was first available on December 15, 2022, the Motion is untimely as it was submitted 34 days after the availability of the information, four days past the timeframe specified in the Board's Initial Prehearing Order.³⁸ Therefore, the Motion is untimely under 10 C.F.R. § 2.309(c)(1)(iii) and should be denied.

II. The Petitioner's New Contentions Fail to Meet the Requirements of 10 C.F.R. § 2.309(f)(1)

The Motion should also be denied because the new contentions do not meet the 10 C.F.R. § 2.309(f)(1) requirements.³⁹ In support of the Motion, the Petitioner simply restates the proffered contentions and makes bare and conclusory assertions that the LAR is deficient. In fact, the Petitioner makes no attempt to address any of the contention admissibility criteria. As outlined below, this type of notice pleading is insufficient to meet the requirements in 10 C.F.R. § 2.309(f)(1); therefore, the Board should dismiss the contentions.⁴⁰

The Petitioner has not demonstrated that his claims are within the scope of this LAR proceeding, as required by 10 C.F.R. § 2.309(f)(1)(iii). As outlined in the hearing notice, the LAR proposes to delete certain TS, limiting conditions of PDMS, and surveillance requirements that are no longer applicable to the facility in its current state, to relocate the content of administrative controls into the Decommissioning Quality Assurance program, and to update the Safe Fuel Mass Limits listed in the license, to support TMI-2's transition from a PDMS status to that of a facility undergoing decommissioning.⁴¹ Therefore, a proposed contention challenging this LAR must confine itself to "health, safety or environmental issues fairly raised by [the

³⁸ See Initial Prehearing Order at 4 n.11.

³⁹ See 10 C.F.R. § 2.309(c)(4).

⁴⁰ *Amergen Energy Co. (Oyster Creek Nuclear Generating Station)*, CLI-06-24, 64 NRC 111, 119 (2006) (stating that mere notice pleading does not suffice to meet the contention admissibility requirements).

⁴¹ See LAR Hearing Notice.

license amendment],”⁴² within the scope of the Commission’s hearing notice.⁴³ The Petitioner claims that the LAR failed to consider the water restrictions imposed by the SRBC Order and failed to include a “clean up plan.”⁴⁴ But the Petitioner fails to explain how water usage at TMI-2 or a “clean up plan” relate to any of the actions that are contemplated in the LAR. Therefore, these claims do not satisfy 10 C.F.R. § 2.309(f)(1)(iii).

The Petitioner also fails to address how the issues he raises are material to the findings the NRC must make to support the LAR or show a genuine dispute with the applicant on a material issue of law or fact, as required by 10 C.F.R. § 2.309(f)(1)(iv) and (vi). To show that a dispute is “material” pursuant to 10 C.F.R. § 2.309(f)(1)(iv), a petitioner must show that its resolution would make a difference in the outcome of the proceeding.⁴⁵ The Petitioner has not done so here. The Petitioner does not present any facts or cite to any relevant legal requirements that suggest water usage is material to the LAR; nor does the Petitioner provide any support to demonstrate that a genuine dispute exists with the licensee as it pertains to water usage. Therefore, the contentions fail to satisfy the requirements in 10 C.F.R. § 2.309(f)(1)(iv) and (vi) and should be dismissed.

Additionally, the Petitioner has not met his burden under 10 C.F.R. § 2.309(f)(1)(v) to raise a particularized and supported challenge to the LAR. Instead, the Petitioner only states that the LAR should have considered the “restrictions imposed by the SRBC’s ... order” and asserts that the LAR should have included a “clean up” plan.⁴⁶ Without any explanation, the Petitioner argues that the failure to do so “casts doubt” on the other aspects of the LAR,

⁴² *Commonwealth Edison Co.* (Dresden Nuclear Power Station, Unit 1), CLI-81-25, 14 NRC 616, 624 (1981).

⁴³ See *Pub. Serv. Co. of Indiana* (Marble Hill Nuclear Generating Station, Units 1 and 2), ALAB-316, 3 NRC 167, 170–71 (1976) (noting that a proposed contention must be rejected if it raises issues beyond the scope of the proceeding as dictated by the Commission’s hearing notice).

⁴⁴ Motion at 3.

⁴⁵ See *Oconee Nuclear Station*, CLI-99-11, 49 NRC 328, 333–34 (1999).

⁴⁶ Motion at 3.

including the criticality evaluation.⁴⁷ But the Petitioner fails to provide the requisite support for his claims. These bare and conclusory assertions do not suffice to allow the admission of a proffered contention.⁴⁸

III. The Petitioner's Request and Arguments Related to Standing Should be Rejected

The Petitioner's request to file additional "evidence" regarding standing should also be denied.⁴⁹ As outlined in the Staff's Answer to the Petition and as discussed at length during the oral argument, the Petitioner has not demonstrated standing to participate in this proceeding.⁵⁰ In the Motion, the Petitioner attempts to supplement and cure the deficiencies in his Petition by seeking leave to submit two expired settlement agreements.⁵¹

As an initial matter, a Petitioner generally is not able to repair defective standing arguments in later filings.⁵² Moreover, the Petitioner does not explain how these agreements relate to the standing requirements in 10 C.F.R. § 2.309(d) or how they demonstrate that the Petitioner has met traditional judicial concepts of standing or the Commission's proximity based standing presumption.⁵³ Finally, the Petitioner fails to address the "good cause" criteria in

⁴⁷ *Id.*

⁴⁸ *S. Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), LBP-07-3, 65 NRC 237, 253 (2007) (citing *Fansteel*, CLI-03-13, 58 NRC at 203).

⁴⁹ Motion at 5 (seeking leave to file additional evidence of Petitioner's standing).

⁵⁰ See NRC Staff Answer to Eric Joseph Epstein's Petition for Leave to Intervene and Hearing Request, at 11-14 (Nov. 28, 2022) (ML22332A548); see also 19 January 2023 Hearing Transcript (ML23023A101) at 8-16, 29-31, 45-49, 54-56, 71-73.

⁵¹ See Motion at 5; the Petitioner states that these agreements show that the NRC "expressly admitted that [Mr. Epstein] had a 'special interest' in the conditions of TMI." However, the agreements that he cites do not support that assertion. Both agreements explain that the NRC Staff is merely acknowledging receipt of the agreements and that "[t]he NRC Staff neither agrees or disagrees with" the terms or provisions of the agreement, and the agreements are "between [the licensees] and Mr. Epstein," not the NRC Staff. See Motion, Exhibit 4 at 12-13.

⁵² See *Entergy Nuclear Operations, Inc.* (Palisades Nuclear Plant), CLI-08-19, 68 NRC 251, 261 (2008); see also *South Carolina Elec. & Gas Co. and South Carolina Pub. Serv. Auth.* (Virgil C. Summer Nuclear Station, Units 2 and 3), LBP-09-2, 69 NRC 87, 94 n.18 (2009).

⁵³ Instead, both agreements explain that Mr. Epstein is not "entitled to any special benefits or privileges not available to the general public" and that "Epstein agree[s] that the NRC Staff has no obligations or duties of any kind whatsoever arising under the provisions of th[ese] Agreement[s]." *Id.* Mr. Epstein further acknowledged that the NRC had "no obligation to implement, enforce or supervise any of the

10 C.F.R. § 2.309(c) regarding new or amended contentions. Instead, the Petitioner states that at the time he submitted his previous filings in this proceeding, he could not locate these agreements.⁵⁴ As a result, the Board should reject Mr. Epstein's request to file the settlement agreements in support of his standing claim.⁵⁵

CONCLUSION

For the reasons set forth above, the Board should deny Petitioner's Motion.

Respectfully submitted,

/Signed (electronically) by/

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Executed in Accord with 10 CFR 2.304(d)

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terms, conditions or duties created by th[e] agreement[s]" and that the NRC Staff signed the agreements "solely as a vehicle to settle th[e] proceeding[s] and *neither agrees or disagrees with its terms or provisions ...*" *Id.* (emphasis added).

⁵⁴ Motion at 5.

⁵⁵ While Mr. Epstein was a *pro se* Petitioner at the early stages of this proceeding, that does not absolve him of the obligation to meet the Commission's standing criteria. See *Florida Power & Light Co.* (Turkey Point Nuclear Generating Units 3 and 4), CLI-15-25, 82 NRC 397 n.53 (2015) (explaining that while leniency is afforded to *pro se* petitioners, parties to NRC proceedings are expected to fulfill the obligations that are imposed by NRC rules).

Executed in Accord with 10 CFR 2.304(d)

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Dated in Rockville, MD
this 13th day of February 2023

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

TMI-2 SOLUTIONS, LLC

(License Amendment Request for Three Mile
Island Nuclear Station, Unit 2)

Docket No. 50-320-LA-2

Certificate of Service

Pursuant to 10 C.F.R § 2.305, I hereby certify that copies of the foregoing “NRC STAFF ANSWER TO PETITIONER ERIC EPSTEIN’S MOTION FOR LEAVE TO FILE NEW CONTENTIONS,” dated February 13, 2023, have been served upon the Electronic Information Exchange (the NRC’s E-Filing System), in the captioned proceeding, this 13th day of February 2023.

/Signed (electronically) by/

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Dated in Rockville, MD
this 13th day of February 2023