

**Before the United States of America's
Nuclear Regulatory Commission
Before the Commission**

**U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001**

**Re: Three Mile Island Nuclear Station, Unit-1
Renewed Facility License No. DPR-50
NRC Docket No. 50-289**

**Subject: License Amendment Request - Application to
Approve Facility Name Change from Three Mile Island,
Unit-1 to Christopher M. Crane Clean Energy Center**

**Eric Joseph Epstein's Petition for Leave to
Intervene and Request for a Hearing**

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Dated: April 18, 2025

Unites States of America's Nuclear Regulatory Commission Before the Commission

I. Background.

Three Mile Island Unit 1 (“TMI-1”) is a Babcock & Wilcox Pressurized Water Reactor (“PWR”), owned and operated by Constellation Energy Generation, LLC. TMI-1 was licensed to generate 2,568 megawatts thermal (“MWt”). TMI had a measurement uncertainty recapture uprate in 1988 for 1.3% or 11 MW.

Three Mile Island-1 (“TMI-1”) came on line in September 1974 at a cost of \$400 million. At the time of the accident on March 28, 1979, Three Mile Island-1 was shut down for refueling. The plant was owned by three utilities operating in two states: Metropolitan Edison (50%), Jersey Central Power & Light (25%), and Pennsylvania Electric (25%). The companies were organized under the General Public Utilities (“GPU”) holding company umbrella. The operator of both plants was Met Ed.

TMI-1’s structures are located on the northern most section of Three Mile Island. The principal structures of TMI-1 include the reactor building, turbine generator building, fuel handling building, the TMI-1 intake pump and greenhouse structure and the TMI-1 FLEX Storage Facility (formerly the TMI-2 intake pump and greenhouse structure), two natural draft cooling towers, circulating waste pump hoses, waste storage and handling buildings, long-term steam generator storage building, pump hoses, independent spent fuel storage installation (“ISFSI”), desilting basis, and administrative buildings.

Three Mile Island Unit-1 has experienced numerous ownership changes, was shut down from 1979 to 1985, operated from 1985 to 2019, relicensed in 2009, and was shut down again in 2019 after failing to compete in the marketplace.

- On July 17, 1998 AmerGen Energy (“AmerGen”) announced that it reached an Agreement with General Public Utilities (“GPU”) to purchase TMI-1 for \$100 million. The proposed sale includes \$23 million for the reactor, and \$77 million, payable over five years, for the nuclear fuel.

The sale confirmed the Company’s position that the aging plant had reduced value.

- On December 20, 1999 TMI-1’s license was transferred from GPU Nuclear to AmerGen.
- On September 5, 2002 PECO announced that it was putting its share of AmerGen up for sale. British Energy was bankrupt, and owned the other 50% of TMI-1.

The sale demonstrated the Company’s claim of the reduced value of the plant at the Bureau of Assessment and Appeals in Dauphin County.

- On September 11, 2003 Florida Power & Light announced a sales agreement to buy British Energy’s 50% share of TMI- 1.
- On December 23, 2003 British Energy sold its 50% of its share of TMI-1 to its partner, PECO, which was Exelon’s predecessor.
- In August 2008 AmerGen applied to transfer the licenses for its nuclear power plants, including TMI-1, Oyster Creek and Clinton, to Exelon
- From 2015 through 2018 TMI failed to sell the power it generated at the PJM auction. The inability of TMI to compete with companies that generate electricity with gas, wind, and solar made the plant uneconomical.
- On May 30, 2017 TMI-1’s owner, Exelon, announced plans to close the plant by September 2019. Constellation complained they couldn’t compete in the market place. They were right. TMI-1 lost \$300 million over eight years, and the free market closed the plant in 2019.

- Three Mile Island Nuclear Station, Unit 1 ceased operations on September 26, 2019,
- Three Mile Island’s permit to withdraw water expired in 2019. The case came before the Susquehanna River Basin Commission (“SRBC”). The SRBC’s Order on December 15, 2022 means that TMI-1 no longer has access to enough water to operate a nuclear power plant.

Water use at TMI is complicated by the fact that ownership is split between two

separate licenses – Constellation and TMI-2 Solutions.

- Exelon no longer owns or operates Three Mile Island Unit-1. On February 24, 2021, Exelon Corporation announced that it intended to transfer 100% ownership of its subsidiary, Exelon Generation, LLC to a newly-created subsidiary that will then be spun-off, becoming Exelon Generation’s new ultimate parent company. As a result of this transaction (the “Generation Spin Transaction”), Exelon Generation and its subsidiaries are now owned by Constellation.
- TMI-1’s license expires in 2034.
- In late 2024, Constellation Energy Corporation (“Constellation”), the licensee for TMI-1, expressed an interest in returning the plant to an operational status and changing the licensed name to the Crane Clean Energy Center, (“CCEC”).

Microsoft reportedly entered into an agreement with Constellation to buy all the electricity the 835-megawatt TMI Unit 1 would generate over 20 years. The estimated rate of \$120 per megawatt subject to a Non-Disclosure Agreement. The market rate was around \$50 at the time of the contract.

Adding more uncertainty to the process, the NRC said it “understands that Constellation Energy and TMI-2 Energy Solutions will continue to coordinate and review activities associated with TMI -1 restart through operations and TMI-2 decommissioning to determine if there will be potential impacts to their respective activities. NRC will also review these activities.” (1)

The determination has not occurred, the NRC has no documents to review, and there is no formal agreement between the parties.

¹ The NRC’s lack of consistency is on full display at Peach Bottom-1 and Three Mile Island-1. Constellation is asking for a decommissioning extension for a 40 MWe experimental reactor that ceased operating 50 years ago. Constellation’s extension would allow Peach Bottom-1 to be placed in SAFSTOR for 80 years. Constellation’s strategy for decommissioning Peach Bottom-1 is to pin their hopes on non-existent European research. They have no plan. Constellation argues that it would be too disruptive to decommission Peach Bottom-1 while Peach Bottom-2 and Peach Bottom-3 are operating. Just up the river (36 miles), Constellation is seeking to restart TMI-1 which is an 819 MWe reactor. TMI-1 is next door to TMI-2 which is highly radioactive,

and actively being decommissioned. According to the NRC, a major overhaul of a dormant reactor next to a highly radioactive reactor, does not disrupt operations and provides ample room to maneuver.

To restart TMI-1/CCEC, Constellation would need to (1) gain NRC approval to restore the licensing basis of the plant to an operational status; (2) return plant components to a status that supports safe operation; and, (3) make any upgrades necessary to meet the proposed operational licensing basis.

This license amendment request (“LAR”) proposes to amend Renewed Facility License (“RFL”) No.DPR-50 for Three Mile Island Station, Unit 1 to reflect a change in the name of the facility from “Three Mile Island, Unit-1” to the “Christopher M. Crane Clean Energy Center (“CCEC.”).

Christopher Crane has no connection to Three Mile Island.

Mr. Crane presided over a nuclear scandal in Illinois in which his company was fined \$200 million. In 2022 Crane’s compensation package - \$30 million - reflected a \$4.2 million deduction to account for the \$200 million fine in the corruption case. The company’s proxy statement assigned blame for the scandal to Mr. Crane. “...this [financial] adjustment is appropriate because Mr. Crane was serving as CEO of Exelon, Commonwealth Edison’s parent, at the time the conduct occurred.” Despite the deduction, Crane’s compensation in 2022 was about twice the \$15 million he received in previous years.

Mr. Crane was Exelon’s CEO from 2012 to 2022. Exelon is Com Ed’s parent company. Mr. Crane served on the board of Com Ed since 2012. Mr. Crane began his career with Com Ed in 1998.

Then there was a shareholder revolt. Investors reached a \$173 million settlement with Exelon Corporation and its subsidiary, Commonwealth Edison, a day after former ComEd CEO Anne Pramaggiore was convicted of bribery. The case arose out of an eight-year scheme to influence Illinois lawmakers to enact favorable legislation, resulting in hundreds of millions of dollars in additional revenue for Exelon.

Changing the name? Really?

This is an act of cultural vandalism. You can't rebrand a nuclear disaster. What's next? Renaming the "Titanic" the "Love Boat" or changing the "Gettysburg National Park" to "The Pickett Center for Military Excellence?"

In the constellation of Three Mile Island's misdeeds, the name change is a cynical bookend to the February 29, 1984 plea bargain between the Department of Justice and Met Ed. The operator and owner of TMI pled guilty to one count, and no contest to six counts of an eleven-count indictment relating to the Unit 2 leak rate falsification case.

TMI became the first nuclear plant operated by a convicted felon. Now Constellation wants to rename – without any justification – Three Mile Island after the latest iteration of the Black Sox Scandal. Renaming TMI to Christopher Crane is to ignore history, and extoll bribery, false advertising, and "greenwashing."

The NRC is going to approve a name change to promote nuclear power through a misleading template. Maybe we should rename the NRC: "Not Really Concerned." (Please refer to discussion in Footnote 4.)

- **New name:** Crane Clean Energy Center.
- **Reason for change:** To honor Chris Crane, a former Constellation CEO who was a strong advocate for nuclear power.
- **Facility being renamed:** Three Mile Island Unit 1.
- **Company involved:** Constellation Energy

The pathway to a new name is linked to other License Amendment Requests. On November 4, 2024, CEG submitted a letter to the NRC proposing a regulatory path to reauthorize power operations at TMI-1. The regulatory path letter provides a more complete discussion of the specific steps CEG contemplates for obtaining NRC authorization for restart.

On November 19, 2024 CEG submitted a Request for Exemption from Certain Termination of License Requirements of 10 CFR 50.82 formally initiating the regulatory process for obtaining NRC authorization to restart TMI-1, and abandon the decommissioning of Three Mile Island Unit-1.

II. The Proposed License Amendment Request.

CEG submitted proposed revisions to the RFL and its appendix, the Post-Defueled Technical Specifications (“PDTS”) reflecting the name change from TMI-1 to CCEC for NRC review and approval. All instances of the facility name “Three Mile Island, Unit 1” have been changed to either “Christopher Crane Clean Energy Center” or “Crane Clean Energy Center” or “CCEC” as appropriate.

The name change has already occurred. This proceeding is to memorialize a done deal.

The plant will be renamed the Crane Clean Energy Center. This name change is intended to honor Chris Crane, the former CEO of Constellation's parent company, who was an advocate for the commercial nuclear power industry. It appears the name change has been codified before approval of the NRC. Constellation, Microsoft, and the NRC have been using the Crane name for over a year.

<https://www.nrc.gov/info-finder/reactors/tmi1/ceec.html>

On February 21, 2025 Constellation President Joe Dominguez announced that the Crane Clean Energy Center project is progressing well, and ahead of schedule on several key workstreams. “Every new milestone confirms our belief that the Crane Clean Energy Center can be returned to service better than ever, restoring 835 megawatts of carbon-free energy to the regional grid at a critical time for Pennsylvania and our nation.”

The funding for restarting TMI-1, including the plant's name change to Crane Clean Energy Center, is separate from the decommissioning fund and the Independent Spent Fuel Storage Installation. Funding for retrofits come from sources like the power purchase agreement with Microsoft.

The decommissioning trust fund, specifically set aside for decommissioning costs, will not be renamed to reflect the new plant name, the Crane Clean Energy Center. This is more than a vocabulary problem. The Independent Spent Fuel Storage Installation (“ISFSI”) for TMI-1 was built by raiding decommissioning funds. This is not the statutory

function of the Decommissioning Trust Funds. Those funds need to be replenished. It would add another layer of confusion and financial risk if the new and old ISFSIs have different names, but were illegally funded with TMI-1 decommissioning funds, and the ISFSI site had two owners and three names.

In alignment with the regulatory path to reauthorize power operations at TMI-1, CEG will be submitting subsequent LARs to restore the TMI-1 operating reactor licensing basis (“ORLB”). In July, 2025, CEG expects to submit the first of the restoration LARs to update the Operating License and Technical Specifications (“TS”) to the previously approved state at the time of shutdown.

“To avoid confusion and any additional burden on the NRC that may be caused by these subsequent LARs and future docketed materials, CEG is requesting NRC approval of this proposed amendment by May 23, 2025.

The LAR is a Trojan Horse for a fait accompli. This is a self-inflicted hardship that deprives the community of due process. The final date to submit testimony is April 21. The review process should not be rushed or driven by economic incentives, a name change, and a promotional commercial for the nuclear industry.

Once approved, the name change will be reflected in the Updated Final Safety Analysis Report (“UFSAR”), which is incorporated by reference in the PDTS, as well as future regulatory submissions. As required, Constellation has stated that the modification to respective TS Bases for the proposed TS changes will occur upon approval of this LAR.

The case is not about nuclear lingo. It’s about altering history and recklessly creating health and safety risks. Every LAR has to be litigated on its own merits. If the restart of Three Mile Island is predicated on an expedited name change, then the antidote is to reject the name change.

III. Petitioning Party and the Legal Basis for Standing.

A petition for leave to intervene must show the potential for injury-in-fact to its interests before intervention can be granted. *Nuclear Eng'g Co., Inc.* (Sheffield, Ill. Low-Level Radioactive Waste Disposal Site), NRC 737, 743 (1978). The Petitioner need not establish that injury will inevitably result from the proposed action to show an injury-in-fact, but only that it may be injured in fact by the proposed action. *Gulf States Utils. Co., et al.* Section 189(a) of the Atomic Energy Act, 42 U.S.C. § 2239, provides: In any proceeding under this Act, for the granting, suspending, revoking, or amending of any license or construction permit, or application to transfer control, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees, and in any proceeding for the payment of compensation, an award, or royalties under section 153, 157, 186c., or Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding.

To carry out the provisions of that statute, the NRC has adopted a regulation, 10 C.F.R. § 2.309, regarding hearing requests and petitions to intervene. The regulation authorizes any person whose interest may be affected by a proceeding to intervene in the proceeding. That is the basis on which this Petition is presented. However, the Commission has held that § 189(a) does not apply to proceedings involving a request for an exemption. *Commonwealth Edison Co.* (Zion Nuclear Power Station, Units 1 & 2), 51 NRC 90 (2000).

A Petitioner seeking to intervene in a license amendment proceeding “must assert a specific injury-in-fact associated with the challenged license amendment, not simply a general objection to the [action].” (2) The Petitioner “cannot seek to obtain standing . . . simply by enumerating the proposed license changes and alleging without substantiation that the changes will lead to offsite radiological consequences.” (3)

2 *Zion*, CLI-99-4, 49 NRC at 188; *see also St. Lucie*, CLI-89-21, 30 NRC at 329- 30 (“Absent situations involving such obvious potential for offsite consequences, a Petitioner must allege some specific ‘injury in fact’ that will result from the action taken”).

3 *Commonwealth Edison Co.* (Zion Nuclear Power Station, Unit 1 & 2), CLI-99-4, 49 NRC 185, 191, 192 (1999) 13552-553. In determining whether a Petitioner has met the requirements for establishing standing, the Commission “construe[s] the petition in favor of the Petitioner.” *Id.* at 553.

“The NRC generally uses judicial concepts of standing in interpreting this regulation.” *Entergy Nuclear Vermont Yankee*, 60 N.R.C. at 552. Thus, a Petitioner may intervene if it can specify facts showing “that (1) it has suffered or will suffer a distinct and palpable harm constituting injury-in-fact within the zone of interests arguably protected by the governing statutes, (2) the injury is fairly traceable to the action being challenged, and (3) the injury will likely be redressed by a favorable determination.”

The Petitioner will demonstrate below that he has standing to pursue contentions against Constellation’s request for a name change from Three Mile Island to the Christopher Crane Clean Energy Center.

Eric Joseph Epstein (“The Petitioner,” “Mr. Epstein” or “Epstein”) is a resident of Lower Paxton Township, Pennsylvania, and lives in “close proximity,” i.e., 12 miles northeast of the Three Mile Island Nuclear Generating Station in Lower Paxton Township. Mr. Epstein has taught, worked, and raised a family in the Harrisburg area since 1974.

Mr. Epstein’s personal and professional obligations pierce the five-mile veil around Three Mile Island on a regular basis. Most recently Epstein attended the TMI-2 Advisory Panel last month on March 25, 2025 in Middletown. Mr. Epstein has conducted numerous interviews in the recent past at the Three Mile Island Observation Center; including but not limited, to the “Financial Times,” “Radio Canada,” “Ouest-France”, “The National,” and the Tokyo Broadcasting System. Mr. Epstein, in his role as a school board director, visits schools with the evacuation zone, e.g. E.H .Phillips, Rutherford, and the proposed new kindergarten site on Derry Street.

Epstein’s personal health and his economic stake as a homeowner, school board director, and taxpayer are immediately impacted by the proposed LAR. "In the absence of a long-term solution, the country’s nuclear power plants are left with one option: indefinite on-site storage."

The Petitioner will demonstrate below that he has standing to pursue contentions against Constellation's request for a name change from Three Mile Island to the Christopher Crane Clean Energy Center. Constellation's proposal must be rejected by the NRC.

Mr. Epstein's connection to the community and Three Mile Island predates the Accident. He was born and raised in the area, and attended parochial and public schools ten miles from the plant when it was being built. Later, he became the president of Historic B'Nai Jacob Synagogue in Middletown.

As an adult, Mr. Epstein monitored the cleanup, and was an active participant in the NRC's TMI Advisory Panel. Epstein has a vested interest in making sure the TMI-2 decommissioning fund is adequate to complete a full and complete decommissioning. TMI-2 is the site of a defueling process that was brought to an abrupt halt in 1993 despite public opposition as evidenced at the Nuclear Regulatory Commission's TMI Advisory Panel meetings.

Mr. Epstein has served as the Chairperson and Spokesperson for Three Mile Island Alert from 1984 through 2022. TMIA monitors Peach Bottom, Susquehanna, and Three Mile Island nuclear generating stations.

Mr. Epstein was also the Coordinator of the EFMR Monitoring group, a nonpartisan community-based organization established in 1992. EFMR monitored radiation levels at Three Mile Island, invested in community development, and sponsored remote robotics research.

In September, 1992 GPU and the NRC agreed to a negotiated settlement on the Post-Defueling Monitored Storage ("PDMS") of TMI-2 with Eric Epstein. The Agreement stipulated GPU Nuclear will provide equipment and resources to independently monitor radioactive levels at TMI-2; \$700,000 for remote robotics research to assist in the cleanup and minimize worker exposure; and, guarantees that TMI-2 will never operate or serve as a radioactive waste repository for any radioactive waste generated off the Island.

EFMR has also undertaken educational activities relating to energy production in Pennsylvania. The group-initiated advocacy actions on behalf of the safety of nuclear plant neighbors, including the evacuation of day care centers in emergency preparedness plans. EFMR distributed 30,000 potassium iodide pills to the general public after 9/11. The

group has also intervened at the Pennsylvania Public Utility Commission to protect the economic interests of Pennsylvania rate payers.

EFMR has worked with Carnegie-Mellon University, Dickinson College, Exelon, the Environmental Protection Agency, GPU Nuclear, Los Alamos National Laboratories (SWOOPE Program), the Nuclear Regulatory Commission, Peach Bottom REMP Program, Pennsylvania Center for Environmental Education, and the University of Tennessee, as well as other national and international organizations.

Eric Epstein is a school board director for the Central Dauphin School District. Central Dauphin School District is the ninth largest school district in the Commonwealth of Pennsylvania, and has 12,500 students. The school district is the 9th largest school district in the Commonwealth and is the largest of the 10 school districts located in the county. Encompassing an area of 118.2 square miles, the district is comprised of three boroughs (Dauphin, Paxtang and Penbrook) and four townships (Lower Paxton, Middle Paxton, Swatara and West Hanover). Students attend one of thirteen elementary schools, four middle schools and two high schools, and are transported from urban, suburban, and rural areas.

These buildings were evacuated on March 30, 1979.

Mr. Epstein opposes granting Constellation's LAR because of concerns over safety, and the potential for significant damage to public health, Mr. Epstein is concerned that before TMI-1 is restored to operation, numerous safety and technical challenges will remain unaddressed. Furthermore, TMI-2 should be cleaned-up prior to activating a zombie nuclear plant.

TMI has not scaled up its workforce. Constellation will likely have to cannibalize staff from their Mid Atlantic fleet. This development is consistent with TMI-1's prior understaffing which endangers public health and safety.

We are the only American community to evacuate due to a nuclear accident, yet TMI has no emergency plan. Constellation moved the Emergency Operations Facility from Harrisburg to Coatesville 60 miles from the site.

Pre-K and nursery schools have no plan, route or transportation. In addition, the company has not accounted for the Amish, Mennonites or tourists, and since sirens have been replaced with digital communications, this is a major challenge.

Constellation does not have access to enough water to operate the plant. They recently filed an application for a NPDES Permit, but have yet to apply for a 401 Water Quality Certification.

TMI-1 is a radioactive waste site. Constellation will have to double their waste storage space. Currently there are 700 metric tons of high-level waste stored at Three Mile Island. This toxic stew has been marinating on the island since 1974. This tonnage will double or triple based on the outcome of relicensing.

TMI-1 raided their Decommissioning Trust Fund to build an Independent Spent Fuel Storage Installation which is outside of the statute. TMI-1 delayed moving their Spent Fuel Inventory to dry cask storage. This action was mostly a cost saving scheme, but also paved the way for the restart.

History has come full circle.

TMI-1 came on line during the Arab oil embargo from 1973-1974. Nuclear was supposed to be the answer to OPEC.

Constellation is now dependent on Russian fuel. Fifty years later we switched our addiction from Arab oil to Russian uranium.

Retrofitting an Edsel.

Most of TMI's components were auctioned off for \$100 million. Those parts that remain intact are 50 years old. Parts for a 1974 nuclear plant - or a 1974 Ford Pinto - aren't readily available or on the shelf at "Pep Boys."

The bridges are dated and likely out of code. The bridges do not possess the tensile strength to support removing the original steam generators off site. This creates a radioactive scrap metal site with 1,600 tons of contaminated concrete and steel stored near high-level 700 metric tons of radioactive waste site.

Constellation's restoration LARs still envision the storage of high-level radioactive waste for an indefinite period of time on an island in the middle of the Susquehanna River.

TMI is not isolated from macro-economics. TMI-1's schedule will have to compete and contend with commodity prices, tariffs, and delayed supply chains.

Constellation's hubris is only matched by their cynicism. Anyone can be over confident when you have \$2 billion of other peoples' money in your back pocket.

We heard this tune before. In 1974 the nuclear industry made assurances, confident predictions, and guarantees.

Five years later TMI-2 melted down.

You cannot erase or rewrite history.

IV. Eric Joseph Epstein Has Standing.

The Petitioner bears the burden to provide facts sufficient to establish standing. This requires a showing that a person or organization has suffered or might suffer a concrete and particularized injury. To determine whether a Petitioner presents a cognizable interest to intervene in a proceeding, the Commission applies contemporaneous judicial concepts of standing. (Please refer to the Atomic Energy Act of 1954 as amended ("AEA") and National Environmental Policy Act). The Petitioner must establish that the injury is likely to be redressed by a favorable decision. These criteria are known as injury-in-fact, causality, and redressability.

Although a Petitioner need not show that the injury flows directly from the challenged action, when asserting standing in a license amendment proceeding, it is incumbent upon the Petitioner to provide some “plausible chain of causation” explaining how the proposed license amendments would result in a “distinct and palpable harm constituting injury-in-fact within the zone of interests arguably protected.”

a) The name, address and telephone number of the Petitioner:

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b) The nature of the Petitioner’s right under the Act to be made a party:

Mr. Epstein has the right to intervene in this proceeding because his interests “may be affected by the proceeding.” Section 189(a) of the Atomic Energy Act of 1954, as amended (the “AEA”), 42 U.S.C. § 2239(a)(1)(A). Section 189(a) provides in pertinent part

In any proceeding under this chapter for the granting, suspending, revoking, or amending of any license... the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person to offsite radiological consequences. Finally, a Petitioner must show that “its actual or threatened injuries can be cured by some action of the tribunal.”

Section 189(a) of the Atomic Energy Act, 42 U.S.C. § 2239, provides: In any proceeding under this Act, for the granting, suspending, revoking, or amending of any license or construction permit, or application to transfer control, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees.

Please refer to the discussion under:

Petitioning Party and the Legal Basis for Standing.

VI. Petitioner’s Contention and Supporting Information.

The renaming – based on the historical impact of name changes and fluid ownership of Three Mile Island - will have an adverse impact on the safe operation of a 50-year old nuclear plant.

The naming will erode safety at the plant increasing the risk of radioactive releases into the environment. The name “Clean Energy” (4) is confusing, misleading, and is an act of theft by deception. (5) Constellation points to the precedent of Energy Northwest requesting a license amendment to change the name of WNP-2 to Columbia Generating Station. The motivation at the WNP-2 was similar Constellation new identity: White washing the past.

4 The Better Business Bureau found that the Nuclear Energy Institute’s advertising campaign, which touted nuclear energy as “environmentally clean,” was inaccurate, and it recommended that the industry trade group refrain from making such claims. Moreover, the National Advertising Division said that the “environmentally clean” claim is “premature at best,” because as yet there is no permanent disposal system for highly

radioactive waste created by nuclear plants. Given the potential health and safety problems associated with ex

A. Basis for the Contention,

The constant name changes and fluid ownership have created confusion and uncertainty about the ultimate disposition of the site. Moreover, every instance when the plant has changed names and owners, Three Mile Island's financial health has eroded, causing concern that TMI will become high-level radioactive and scrap metal waste site. This creates long-term health and safety problem. In the absence of a long-term solution, the country's nuclear power plants are left with one option: indefinite on-site storage. Three Mile Island was not constructed or designed to be a waste storage facility.

Contention 1.

B. Factual Allegations Supporting the Claim as Required by 10 CFR § 2.309(f)(1)(v).

Facts Upon Which the Petitioner Intends to Rely in Support of This Contention Which Are Within the Scope of this Proceeding and Will Have a Material Relation to the Proceeding.

Bankruptcy, name changes, direct transfers, indirect transfers, mergers and acquisitions, have not improved TMI-1's financial standing. (6) The NRC staff approved the revolving door name changes, and ownership schemes at Three Mile Unit-1 between 1980 and 2022. At each disruption, the number of workers decreased, insurance coverage was reduced, liability decreased, and oversight was diluted and remote.

6 Adding to the confusion is the Heinz 57 ownership of Three Mile Island Unit-2. TMI-Solutions is a Limited Liability Corporation organized in Delaware, based in Utah, and a wholly owned subsidiary of Energy Solutions. Tri Artisan, which is a privately held equity company based in New York, owns Energy Solutions. Tri Artisan's shares are owned by investors from outside of the nuclear industry such as Sara Lee Desserts and TGI Fridays, and 28% of the company is owned by foreign investors.

- Three Mile Island Nuclear Station Unit 1 was a 2,568 MWt pressurized water reactor that began operation in 1974, and was initially owned by General Public Utilities (“GPU”). In 1998, GPU sold TMI-1 to AmerGen Energy Corporation, a joint venture between Exelon and British Energy. Exelon later acquired full ownership of AmerGen and became the sole owner of TMI-1. Exelon later acquired full ownership of AmerGen and became the sole owner of TMI-1. In 2019, Exelon was then Spun into Constellation.
- TMI-1 came on line in 1974. The ratepayers paid \$400 million to build the plant.
- Pre-1979: TMI-1 was owned by General Public Utilities, a holding company that included three utilities that did not provide service to the area. TMI was originally owned three utilities operating in two states, i.e., Metropolitan Edison (50%), Jersey Central Power & Light (25%) and Pennsylvania Electric (25%). The companies were organized under the General Public Utilities umbrella. The operator of both plants was Met Ed.
- On March 28, 1979 the Three Mile Island meltdown occurred in part due to a rush to get the plant online and in the rate base in December, 1978.
- In September, 1980 Met-Ed renamed itself GPU Nuclear. The makeup of the company didn’t change and the same folks continued to operate TMI-1.
- On July 17, 1998 AmerGen Energy (British Energy and Exelon) announced that it reached an Agreement with GPU to purchase TMI-1 for \$100 million. The proposed sale includes \$23 million for the reactor, and \$77 million, payable over five years, for the nuclear fuel. On December 20, 1999, TMI-’s license was transferred from GPU Nuclear to AmerGen.
- Exelon was a corporate entity created by the merger of PECO Energy and Commonwealth Edison.
- In 2009 The license transfer from AmerGen Energy Company, LLC (“AmerGen”) to Exelon Generation Company, stipulated that AmerGen transfer to Exelon Generation Company ownership and control of AmerGen’s ownership share.
- TMI-1 is a deadbeat taxpayer as evidenced in an out of Court settlement with local taxing authorities. Dauphin County assessed TMI at \$64.9 million as opposed to TMI’s proposed \$5 million valuation. TMI was paying \$400,000 in taxes a year, compared with \$1.5 million it would have to pay under the county’s assessment. Lower Dauphin School District spent \$75,000 in legal and appraisal fees to fight the appeal.

- TMI's tax payments to Dauphin County have steadily decreased: 1998: \$506,956; 1999: \$206,397; 2000: \$129,171; 2000 through 2001: \$146,940; and, 2002 through 2003: \$146,940.
- On November 29th 2017 the new owner – Exelon – extended the reduced payments. Under the agreement, the county receives \$254,634 annually, Londonderry Township receives \$37,665, and the school district receives \$637,701. The Dauphin County Commissioners approved a payment extension of Three Mile Island's existing real estate taxes payments.

The two-year, \$1.86 million extension, by TMI's parent company Exelon was received by the county, Londonderry Township and the Lower Dauphin School District. The additional payment agreement keeps the same payments initially negotiated in 2008m to reflect an Interim Settlement Agreement amount.

- 2019: TMI-1 was shut down for economic reasons. Exelon no longer owns or operates Three Mile Island Unit-1.
- On February 24, 2021, Exelon Corporation announced that it intended to transfer 100% ownership of its subsidiary, Exelon Generation, LLC to a newly-created subsidiary that will then be spun-off, becoming Exelon Generation's new ultimate parent company. As a result of this transaction (the "Generation Spin Transaction"), Exelon Generation and its subsidiaries are now owned by Constellation. By an indirect transfer, the owner's name is changing to Constellation Energy Company in early 2022.
- In 2020 a year after TMI-1 was de-activated, Exelon Generation filed an appeal in Dauphin County Court that it shouldn't have to pay any real estate taxes. Exelon claimed current value was less than zero. The county, the township and Lower Dauphin School District would take a combined annual tax revenue hit of nearly \$560,000.

Exelon took the case to court after the county assessment appeals board refused to change the \$18.25 million market value it has attached to the property for taxation purposes since 2007. Exelon claimed TMI has no market value since it is essentially unusable and will be undergoing radioactive decontamination for decades that will cost hundreds of millions of dollars.

- 2022 to 2025: The main parcel (34-027-102) has been tax exempt.

This yo-yo strategy has an adverse effect on the health and safety of the region, and establishes a pattern of shedding safeguards. The operators and owners of Three Mile Island Unit-1 have demonstrated a commitment to their shareholders and not the residents of Central Pennsylvania. The only consistent thread is that with each name and

ownership change, liability, staffing, and value have decreased. In 1999 there were 802 employees, but the number decreased to 525 in 2019.

The name changes, bankruptcy, direct transfers, indirect transfers, mergers and acquisitions, have not improved TMI-1's financial standing. The NRC staff approved the revolving door name changes, and ownership schemes at Three Mile Unit-1 between 1980 and 2022. At each disruption, the number of workers decreased, insurance coverage was reduced, liability decreased, and oversight became remote. The proposed amendment will make changes to surety, insurance, and/or indemnity, and changes to recordkeeping, reporting, or administrative procedures or requirements.

B. “A Petitioner seeking to intervene in a license amendment proceeding must assert a specific injury- in-fact associated with the challenged license amendment.”

The constant name changes and fluid ownership have created confusion and uncertainty about the ultimate disposition of the site. Moreover, as the plant has changed names and owners, Three Mile Island's financial health has weakened causing concern that TMI will remain high-level radioactive and scrap metal waste site. This creates a long-term health and safety problems which is only exasperated by adding more confusion and radioactive waste. In the absence of a long-term solution, the country's nuclear power plants are left with one option: indefinite on-site storage.

This License Amendment Request will harm Mr. Epstein by creating another layer of confusion and inertia, especially as it relates to TMI-1 operations and waste storage. The status of TMI Unit-1's second ISFSI - in close proximity to TMI-2's Independent Spent Fuel Storage Installation - increases the potential for radiation releases in addition to those experienced during and after the meltdown. Mr. Epstein's personal health and his economic stake as a homeowner, school board director, and taxpayer are immediately impacted by the proposed LAR.

C. Mr. Epstein's Contention is a Valid Contention Pursuant to 10C FR 2.309.

This contention meets the contention posture to radioactive materials, until the questions regarding a permanent repository for radioactive waste are resolved, NAD recommends that the advertiser refrain from using overly broad claims that nuclear energy is

“Environmentally Clean” or “produces electricity without polluting the environment.” (Better Business Bureau December 9, 1998.)

Twenty-seven years later there has been no progress in siting a high-level radioactive site. The amount of waste piles up as the plants operate beyond their 40-year lifespan. Pennsylvania has one of the highest volumes of spent nuclear fuel in the U.S., with over 17,500 metric tons. This waste is stored on-site at nuclear power plants in Pennsylvania.

5 The Columbia Generating Station, Washington state's only nuclear power plant, was originally known as "WNP-2" or the Washington Public Power Supply System Nuclear Project #2. The name was changed to Columbia Generating Station when the Washington Public Power Supply System changed its name to Energy Northwest. This change occurred in 2000, as Energy Northwest noted that the previous name referred to an earlier era of building nuclear plants.

Petitioner’s Contentions and Supporting Information.

Contention 1

admissibility standards in 10 C.F.R. § 2.309(f)(1)(i)-(vi).

VI. Conclusion.

This Petition is timely.

Pursuant to 10 C.F.R. § 50.82(a)(2), once a licensee (in this case Constellation) submits a certification for permanent cessation of operations, the license no longer authorizes operation of the reactor, and Exemptions are not applicable.

For the foregoing concerns, Eric Joseph Epstein’s Request for Hearing and Petition for Leave to Intervene should be granted prior to the issuance of License Amendment

Request - Application to Approve Facility Name Change from Three Mile Island Nuclear Station, Unit-1, Christopher M. Crane Clean Energy Center, Facility License No. DPR-50 NRC Docket No. 50-289.

Respectfully submitted,

Eric Epstein, Pro Se
4100 Hillsdale Road
Harrisburg, PA 17112
epstein@efmr.org

Date: April 18, 2025

**United States of America's
Nuclear Regulatory Commission
Before the Commission
Three Mile Island Nuclear Station, Unit 1
Renewed Facility License No. DPR-50
NRC Docket No. 50-289.**

**Subject: License Amendment Request in Support
Approve Facility Name Change from Three Mile Island,
Unit-1 to Christopher M. Crane Clean Energy Center**

**Declaration of Eric Joseph Epstein's in Support of
Petition for Leave to Intervene and Request for a
Hearing in the License Amendment Request -
Application to Approve Facility Name Change from
Three Mile Island, Unit 1 to Christopher M. Crane Clean
Energy Center.**

Now comes Eric Joseph Epstein, Pro se and makes the following statements under penalty of perjury.

- 1) Mr. Name is Eric Joseph Epstein. I am an adult resident of Lower Paxton Township, Pennsylvania.
- 2) I am 65 years old, and a lifetime resident of Harrisburg, Lower Paxton, and Lancaster.

- 3) I live 12 miles northeast of the Three Mile Island Nuclear Generating Station in Lower Paxton Township. I have studied, taught, worked, and raised a family in the Harrisburg area since 1965.
- 4) My personal and professional obligations pierce the five-mile veil around Three Mile Island on a regular basis.
- 5) My personal health and economic stake as a homeowner, school board director, and taxpayer are immediately impacted by the proposed License Amendment Request.
- 6) I understand that Constellation has applied for a License Amendment Request to Approve Facility Name Change from Three Mile Island, Unit 1 to Christopher M. Crane Clean Energy Center.
- 7) I have read the proposed License Amendment request as well as well documents relating to the restart of Three Mile Island Unit-1.
- 8) I intend to take all legal actions to ensure the fairness and integrity of the Nuclear Regulatory Commission's proceedings, and to make sure the NRC considers all issues impacting health and safety and the physical environment.

I hereby declare under penalty of perjury that the foregoing facts and statements are true and correct and that any statement I expressed are based on my experience, judgment and research.

April 18, 2025

Eric Joseph Epstein

**United States of America's
Nuclear Regulatory Commission**

Before the Commission
Three Mile Island Nuclear Station, Unit- 1
Renewed Facility License No. DPR-50
NRC Docket No. 50-289.

Subject: License Amendment Request - Application to Approve Facility Name Change from Three Mile Island, Unit 1 to Christopher M. Crane Clean Energy Center

Eric Joseph Epstein's Petition for Leave to Intervene and Request for a Hearing

Certificate of Service

I hereby certify that copies of Eric Joseph Epstein's Petition for

Leave to Intervene and Hearing have been served upon the following persons by Electronic Information Exchange.

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Eric Joseph Epstein

Dated at Harrisburg, Pennsylvania

this 28th day of April 18, 2025