

## **‘We believe there’s a clear and present danger’: Three Mile Island decommissioning in question**

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Three Mile Island, the site of America’s worst commercial nuclear accident, left a fraught history as one reactor famously melted down in 1979 and the other was [mothballed](#) last year amid a downturn in the nuclear industry.

Its legacy is getting even more complicated.

GPU Nuclear, the company that operated Unit 2 during its meltdown, and Exelon, the one that will eventually dismantle Unit 1, are both asking federal regulators to make significant changes in their responsibilities for the facility and the waste left behind.

Political realities are such that the nation has no permanent nuclear waste repository — a place remote, secure and stable enough to avoid calamity or widespread contamination. The issue, as one expert [told](#) PennLive in 2019, is “the biggest [NIMBY](#) on the planet.” Instead, waste left after decommissioning Three Mile Island will likely be encased in a steel-and-concrete sarcophagus in Londonderry Township for years and potentially decades to come.

Federal regulations call for both companies to set aside hundreds of millions of dollars to cover decommissioning costs. That process is still in its infancy: Currently, fuel rods are submerged in a cooling pool at Unit 1. The fuel from Unit 2 was removed following its partial meltdown but an unknown level of contamination remains.

“No matter how you cut it, Three Mile Island is a radioactive site indefinitely,” said Eric Epstein, an activist who’s followed the site’s legacy for four decades.

FirstEnergy, the modern inheritor of GPU Nuclear and thus Unit 2, is asking the federal Nuclear Regulatory Commission for permission to transfer its license — and thus the clean-up responsibility — to EnergySolutions. That Salt Lake City-based company bills itself as a less expensive alternative for utilities looking to dismantle their old nuclear reactors and has stepped into a number of decommissioning projects in recent years.

Pennsylvania’s Department of Environmental Protection, however, began raising concerns this spring over a number of unanswered questions about the transfer. That includes concern that FirstEnergy, whose decommissioning funds are tied to a faltering stock market, won’t leave EnergySolutions with enough money for cleanup; that radiation levels at the old reactor remain largely a mystery; that FirstEnergy hasn’t provided enough detail about what it plans to do with radioactive material; and that the entire process could leave the area with longterm environmental and public health hazards.

In an Apr. 27 letter to the commission, state Environmental Secretary Patrick McDonnell wrote that he welcomes an expedited cleanup but that it has to be done properly.

“The obvious risk of a funding shortfall and the attendant significant health, safety, environmental, financial and economic risks to the commonwealth and its citizens raise serious questions about the realization of that benefit,” McDonnell wrote.

Most recently, the department asked the commission to delay any decision on the matter as it works with FirstEnergy to answer those questions. To that end, DEP staff and Epstein, who’s also filed in the case, signed non-disclosure agreements with the company.

Due to ongoing litigation, DEP spokesman Neil Shader declined a request for comment or to make state officials available for an interview. On the matter of public employees being silenced by a private company, he wrote: “NDAs . . . are uncommon but do occur on a case-by-case basis. I don’t have any sort of figure to give a sense of how often they occur, though.”

Epstein said it’s not unheard of, particularly in the nuclear industry, for regulators to sign NDAs designed to maintain the secrecy of their discussions with energy companies. While he can’t comment on the information he’s received as part of his NDA, he said it hasn’t fully answered his questions.

“The information I received has not at all assuaged my concerns,” he said. “If anything, it substantiates everything I’m saying.”

Aside from the obvious safety risks, a key concern undergirding both the DEP and Epstein’s filings is this: If the transfer goes through without sufficient financial backing or if the decommissioning proves inadequate, state taxpayers could be left footing the bill.

In its most recent filing with the NRC this March, GPU Nuclear reported having about \$899 million in its decommissioning fund against estimated cleanup costs of more than \$1.3 billion. The wildcard, of course, is that these funds are linked to the stock market, which has proven exceedingly volatile during the coronavirus crisis.

Jennifer Young, a FirstEnergy spokeswoman, could not provide more recent figures but said in a written statement that the fund had a “highly conservative investment strategy” and that “recent market fluctuations have had very little impact on the balance.”

She added: “Keep in mind that those funds will continue to accumulate value throughout the decommissioning process, which takes place over many years.”

Of course, the DEP raised additional concerns that the current decommissioning estimates are based on surveys that are now some three decades old. Unit 2 itself has remained inaccessible, raising the spectre that actual costs could be significantly more than \$1.3 billion.

Young said the DEP “raises valid questions” and that the company is working to address them as the matter goes through the NRC process.

For Epstein, there’s another problem with the transfer: The money in the fund belongs to ratepayers, who contributed for years via fees established by the state Public Utility Commission after the meltdown, and shouldn’t be shunted to a private company whose finances are deemed proprietary, not subject to public scrutiny.

This legal battle between FirstEnergy on one side and the state and Epstein on the other comes at a fraught time for the nuclear industry more broadly. A [decades-long downturn](#) led to the closure of reactors across the country, including Exelon's operations at Unit 1. President Trump's administration, meanwhile, has increasingly relaxed environmental oversight and the NRC currently oversees such matters remotely via video conferencing due to the pandemic.

Epstein said he expects the NRC to side with business interests, as they have in other recent cases, which could set up a protracted legal battle between local regulators and FirstEnergy.

And the transfer of Unit 2 isn't the only controversial change being proposed at Three Mile Island.

Exelon, which is responsible for community safety plans for both reactors despite owning just Unit 1, asked the NRC for permission to reduce its role in funding local emergency planning and response in the event of another incident at the plant.

If granted, Exelon would end the routine siren tests, off-site radiation monitoring and the 10-mile evacuation zone around the site. It would also end its contributions to local governments which, in 2018, included \$425,000 to the Pennsylvania Emergency Management Agency; \$87,000 to Dauphin County and \$5,000 to Londonderry Township, where the facility is located.

Several local officials did not respond to requests for comment. In its response to Exelon's proposal, the Federal Emergency Management Agency wrote that it's an open question whether local agencies would be able to foot the bill for such planning.



A drone photo of Three Mile Island on the day it is shut down on Sept. 20, 2019. Matthew Dressler | Special to PennLive

Exelon, in its filing, argued that risks are diminished now that Three Mile Island is no longer a functioning nuclear power plant and that Unit 1's fuel rods are in a cooling pool.

But Epstein said now is perhaps the most dangerous time for the plant because of decreased staffing at the facility. And those rods will eventually need to be transferred from the cooling pool to a dry cask system for indefinite storage, he said.

“We believe there’s a clear and present danger with storage of radioactive waste,” he said. “The emergency plans should remain in place until the fuel is removed.”

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