



## **NRC Denies Nuclear Watchdog's Clean Water Act Complaint**

### **Three Mile Island's Radioactive Discharges Will Not Be Monitored By Federal Agencies**

June 25, 2021, (Harrisburg, Pa.) - Three Mile Island Alert, Inc. ("TMI") was notified by the Nuclear Regulatory Commission ("NRC") that the Commission would not hold the TMI-2 license transfer in abeyance even if it violates the Environmental Protection Agency's ("EPA"), Clean Water Act. The NRC asserted that the Commission lacked jurisdiction, and that TMI-2 Solutions "did not request any new discharges" to the interim settlement agreement at Three Mile Island signed on November 9, 1977.\*

TMI-Alert Chairman Eric Epstein said, "TMI-Alert is attempting to prevent the radioactive contamination of the Susquehanna River and the Chesapeake Bay. The substance of the complaint was not addressed: Who or what will make sure that millions of gallons of radioactive water from Three Mile Island won't be discharged directly into the Susquehanna River?"

Mr. Epstein stated, "The TMI cleanup has been marked by broken promises, missed milestones, and underfunding as well as spills and releases too numerous to count. Sadly, this decision is part of a nuclear shell game perpetrated by the a constellation of incompetent regulator agencies."

The Department of Environmental Protection (“DEP”) and the “Susquehanna River Basin Commission (“SRBC”) remained silent during the Three Mile Island Unit-2 (“TMI-2”) license transfer from FirstEnergy to TMI-2 Solutions, LLC. Epstein stated that, “The DEP and the SRBC should not be aiding and abetting the discharge of highly contaminated radioactive water into the Susquehanna River.”

Mr. Epstein said TMI-Alert will file a Petition for Reconsideration.

### **Background\***

On June 1, 2020, the EPA finalized Section 401, a Certification Rule to ensure the water quality certification process is consistent with the Clean Water Act. The final rule became effective on September 11, 2020, three months prior to the transfer of the license. TMI-2 never completed the paperwork required by the EPA, yet the NRC approved the transfer.

The Department of Environmental Resources and Metropolitan Edison, the original licensee, negotiated a limited, “interim” Settlement on November 9, 1977 relating to the Clean Water Act. The “documentation” did not provide lifetime environmental relief from the Clean Water Act.

This Settlement did not endorse the discharge of highly radioactive water into the Susquehanna River. In June 1980, the Susquehanna Valley Alliance filed a Complaint and Injunction with the Middle District Court in Harrisburg, Pennsylvania against the NRC and Metropolitan Edison. The Injunction sought to prevent the owner and operator of Three Mile Island from dumping 700,000 gallons of radioactive water into the Susquehanna River. The Injunction was granted, and the NRC was found to be in violation of the National Environmental Policy Act.