Testimony of Three Mile Island Alert, Inc.
April 23, 2026

Susquehanna River Basin Commission: Hearing on Three Mile Island Nuclear Data Center Power Plant Increase Water Withdrawal Application.

Project, #7. **Project Sponsor*:* Constellation Energy Generation, LLC. Project Facility: Christopher M. Crane Clean Energy Center, Londonderry Township, Dauphin County, Pa. Applications for renewal with modification for surface water withdrawal of up to 73.200 million gallons per day ("MGD") (peak day) from the Susquehanna River, consumptive use of up to 21.000 mgd (peak day), and groundwater withdrawals (30-day averages) of up to 0.072 mgd from Well A, 0.054 MGD from Well B, and 0.045 mgd from Well C (Docket No. 20221203).**

Testimony of Three Mile Island Alert, Inc.

I. Introduction.

"The Susquehanna River Basin Commission is an independent federal-interstate agency created to manage the water resources of the Susquehanna River Basin. Its core mission is to protect, conserve, and enhance the basin's water resources through comprehensive planning, water supply allocation, and sustainable management, benefiting both public welfare and the environment."

Constellation Energy ("Constellations" or the Applicant") is requesting a renewal and modification of a water withdrawal for the Three Mile Island Nuclear Plant

("Crane," "TMI-1" or "Three Mile Island") with a maximum of 73.2 million gallons per day, with a consumptive use of 21 million gallons a day from the Susquehanna River. Constellation is also requesting a groundwater withdrawal of up to 0.072 million gallons a day from Well A, 0.054 MGD from Well B and 0.045 MGD from Well C.

II. Factual Background.

Constellation Energy Generation, LLC ("CEG") submitted a series of licensing and regulatory requests that are necessary to reauthorize power operations at the Christopher M. Crane Clean Energy Center ("CCEC") through April 19, 2034 the end of the current operating license term under CCEC's Renewed Facility Operating License No. DPR-50. Application is premature based on the following open water use issues:

The Application is silent on numerous water use issues. The impact of climate change and flooding. Constellation ignores the potential impact of extreme weather events on the chemical dump to the north of Three Mile Island. Constellation's rush to restart the reactor predates Clean Water Act, 401 permitting which will not get resolved until the end of 2026. The National Environmental Policy Act is actively being litigated at the Nuclear Regulatory Commission, and the findings will inform water use at Three Mile Island. In addition, after multiple submissions, the National Pollutant Discharge Elimination System permit application has not been submitted for approval by the Department of Environmental Protection to the Pennsylvania Bulletin.

There was no information contained in the Application relating to planned license extension or power uprates which require additional water. The application does not present a sustainable model as required by the Susquehanna River Basin Commission. "There will be an ongoing need to increase water conservation and ensure public water supplies are sustainable."

The Susquehanna River Basin Commission regulates water usage for nuclear reactors within its jurisdiction to ensure sustainable water management. The Nuclear Regulatory Commission ("NRC") handles nuclear

safety and licensing, the SRBC has independent authority over water withdrawal and consumptive use. Water Impact: The SRBC evaluates nuclear power's "in-basin" consumption of water and impacts on local flood risk, fish, and wildlife.

The Applications from Constellation are fatally flawed, improperly classified as a minor modification, pre-mature, and will require numerous special conditions. The Environmental Assessment ("EA") has not been completed, NEPA has not been addressed, the NPDES has not been approved, and three License Amendment Requests were published in the Federal Register on February 24, 2026.

A review team consisting of staff from the U.S. Nuclear Regulatory Commission supported by staff from Pacific Northwest National Laboratory, participated in a hybrid environmental audit during the weeks of February 2 and February 16, 2026. (Agencywide Documents Access and Management System ("ADAMS") Accession No. ML26055A068).

On September 20, 2024, Constellation Energy Generation, LLC (CEG) announced the restart of Three Mile Island, Unit 1 on November 4, 2024, CEG submitted a letter to the NRC proposing a regulatory path to reauthorize power operations at TMI-1 (Reference 2) consistent with Inspection Manual Chapter 2562, "Lightwater Reactor Inspection Program for Restart of Reactor Facilities Following Permanent Cessation of Power Operations." The regulatory path letter provides a more complete discussion of the specific steps CEG contemplates for obtaining NRC authorization for restart in alignment with the regulatory path to reauthorize power operations at TMI-1 (Reference 2), CEG will be submitted subsequent LARs to restore the TMI-1 operating reactor licensing basis (ORLB).

On November 4, 2024, CEG submitted a letter to the NRC proposing a regulatory path to reauthorize power operations at Crane consistent with IMC 2562, "Light-Water Reactor Inspection Program for Restart of Reactor Facilities Following Permanent Cessation of Power Operations." The regulatory pathway letter provides a discussion of the steps CEG contemplates for obtaining NRC authorization for resumption of power operations. The licensing actions required to return to the Operating Reactor Licensing Basis ("ORLB"), include an Exemption Request from 10 CFR 50.82(a)(2) and three individual submittals to

(1) restore the Crane Operating License and Technical Specifications, (2) restore the Crane Physical Security Plan (“PSP”) in accordance with 10 CFR 73, and (3) restore the Crane Emergency Preparedness Program in accordance with 10 CFR 50.47. This proposed amendment, if approved, will support implementation of the site emergency plan.

By letter dated July 31, 2025 (Agencywide Documents Access and Management System Accession No. ML25212A076), Constellation Energy Generation, LLC submitted a license amendment request to Renewed Facility License No. DPR-50 for the Crane Clean Energy Center (CCEC). The proposed amendment would revise the renewed facility license and technical specifications to those necessary for an operational plant, reinstating the requirements that were removed based on docketing Title 10 of the Code of Federal Regulations (10 CFR) 50.82(a)(1) certifications of permanent cessation of power operations and permanent removal of fuel from the reactor vessel.

The NRC staff will complete an environmental review of the potential environmental impacts of the proposed Federal actions related to reauthorizing power operations at the CCEC, which include the three LARs, and will document its findings in accordance with the National Environmental Policy Act of 1969, as amended NEPA and the NRC's regulations in 10 CFR part 51, “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.”

The NRC staff will prepare an environmental assessment that will be used to determine whether an environmental impact statement is necessary or whether a finding of no significant impact is warranted to satisfy the NRC's NEPA obligations.

Commission staff has identified the need for a regulatory audit to examine the licensee’s non-docketed information with the intent to gain understanding, to verify information, or to identify information that will require docketing to support the basis of the licensing or regulatory decision.

Key Aspects of NRC Environmental Audits for Water Use.

- **Audit Scope:** Audits define boundaries to track water intake (surface/groundwater) and output, including well flushing or brine discharge.

- **Groundwater Protection:** Companies must report tritium leaks, with inspectors verifying the effectiveness of monitoring wells.

- **Water Quality and Usage:** Inspections ensure aquatic impacts are minimized, including monitoring thermal impacts on water bodies.

The results are documented in publicly available environmental reports. However, the results will not be available until the end of 2026.

The Nuclear Regulatory Commission staff has initiated its review of the LAR in accordance with the Office of Nuclear Reactor Regulation Office Instruction, LIC-101, “License Amendment Review Procedures” (ML19248C539), and has determined that a regulatory audit of the information identified in the Information Requests section would assist in the timely completion of the review process. The audit will be conducted in accordance with NRR OI LIC-111, Revision 2, “Regulatory Audits” (ML24309A281).

The NRC staff continues to review other aspects of the licensee’s submittal and may identify the need for additional audit subjects by separate correspondence. (Three Mile Island Nuclear Station, Unit 1 Renewed Facility License No. DPR-50 NRC Docket No. 50-289, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, January 13, 2025) (1)

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1 Constellation has announced its intention to apply for a license extension beyond 2034. TMI-1 has announced its intention to uprate TMI which would require millions of gallons of water. TMI-1 also is seeking to implement a Stretch Power Uprate increase of 7% or an Extend Power Uprate up to 20% if the increases are within design capacity. Uprated plants generally require proportional increases in cooling water capacity for every additional MW of electricity produced.

The United States Nuclear Regulatory Commission received and is considering issuance of three amendments to Renewed Facility License (“RFL”) No. DPR-50 for the Christopher M. Crane Clean Energy Center (“CCEC”), which were requested by Constellation Energy Generation, LLC (“CEG”, collectively “Constellation”) to support the potential reauthorization of power operations at the CCEC. For each amendment request, the NRC proposes to determine that they involve no significant hazards consideration (“NSHC”). (2)

Those license amendment requests were to revise the license and technical specifications to support resumption of power operations; to revise the Three Mile Island Emergency plan to support resumption of power operations; and to revise the CCEC Physical Security Plan for Three Mile Island Unit 1 and Unit 2 to support resumption of power operations at the CCEC.

III. Issues.

“The Susquehanna River Basin Commission promotes sustainability by managing water resources through drought resilience planning, protecting aquatic ecosystems, and regulating water withdrawals to ensure long-term availability.”

A. An Environmental Review Has Not Been Conducted.

The NRC staff's environmental review will also document the NRC's interagency consultation requirements in accordance with Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act. The NRC staff will prepare an environmental assessment that will be used to determine whether an environmental impact statement is necessary or whether a finding of no significant impact is warranted to satisfy the NRC's NEPA obligations. A draft environmental assessment and draft finding of no significant impact, provided that a determination of no significant impact is reached, will be issued for public comment. The U.S. Department of Energy, Office of Energy Dominance Financing will serve as a cooperating agency on the NRC's environmental review. (A Notice by the Nuclear Regulatory Commission on 02/24/2026.”)

The original Environmental Impact Statement ("EIS') was conducted in the early
1970s by the NRC's predecessor agency - the Atomic Energy Commission ("AEC"). TMI has been grandfathered into compliance prior to the enactment of the Commonwealth of Pennsylvania's aggressive statutes and regulations. Among the legislation passed were the Radiation Act (1984), Chesapeake Bay Commission Agreement Act (1985), Hazardous Site Cleanup Act (1988), Pennsylvania Environmental Stewardship and Water Protection Act (1999), and Act 129 (2008).

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2 Application Amendments to Renewed Facility Operating License, Nuclear Regulatory Commission, February 24, 2026 [Docket No. 50-289; NRC-2026-0397.]

The initial EIS was issued decades prior to the emergence of the Environmental Protection Agency ("EPA") Section 316(b) of the Clean Water Act. The EPA issued regulations on the design and operation of intake structures in order to minimize adverse environmental impacts, and promulgated regulations in 2001, 2003, 2006, and 2014. The requirements are included in the National Pollutant Discharge Elimination System ("NPDES") permit regulations, 40 CFR Parts 122 and 125 (Subparts I, J, and N).

B. Chemical Discharges.

> "The Susquehanna River Basin Commission monitors key pollutants, including nutrients (nitrogen, phosphorus), sediment, and emerging contaminants like PFAS ("forever chemicals"). Their monitoring, through the Sediment and Nutrient Assessment Program ("SNAP") and Water Quality Portal, focuses on water quality, chemical, and biological impacts on the Susquehanna River and Chesapeake Bay."

The Harrisburg International Airport is located four miles north of Three Mile Island. "In 1983, trichloroethylene ("TCE") and other volatile organic compounds ("VOCs") were discovered in six of the ten groundwater supply wells operated at the Harrisburg International Airport ("HIA") facility, then owned by Pennsylvania Department of Transportation ("Penn DOT"). In 1984, the Pennsylvania Department of Environmental Protection ("DEP") removed sludge and liquids in a waste collection building on the site, began closure of the fire

training pits, and removed all contaminated materials from the location. The same year, the United States Air Force removed some waste drums from the Mead Heights area."

"Five disposal areas were identified as potential sources of groundwater contamination at the site and were investigated during the Remedial Investigation and Feasibility Study ("RI/FS") from 1988 through 1990. In December 1990, the Environmental Protection Agency issued a second ROD documenting the selection of the permanent remedy consisting of continued operation of the groundwater treatment system, land-use restrictions, and groundwater monitoring."

"In 1987, the EPA issued a Record of Decision ("ROD") documenting the selection of an interim remedy for the HIA water supply system consisting of the construction of a central treatment plant in conjunction with continued groundwater monitoring. These cleanup activities were implemented by the potentially responsible parties ("PRPs") and were considered an interim response pending supplemental investigation of the remainder of the site. Construction of the groundwater treatment system was completed in 1987 and is currently operational."

"In April 1992, EPA issued an Explanation of Significant Differences ("ESD") in response to Pennsylvania Department of Environmental Protection's concerns regarding the relationship between soil and groundwater contamination at the site. The ESD redesignated the 1990 ROD as an interim ROD and required additional investigations and studies to characterize soil and groundwater. The ESD also modified the existing institutional controls."

"In October 2023, EPA issued a second [order] that modifies the Selected Remedy by changing the treatment system from the existing air stripper water treatment system to a Granular Activated Carbon ("GAC") water treatment system. This upgrade is to treat the groundwater for non-site related contaminants to standards set forth by the PA DEP Safe Drinking Water Program ("SDWP"). The system upgrade, financed by the current owner and operator, will still be protective of and effectively treat site-related contamination." (Source: Environmental Protection Agency.)

Climate change's impact on this Superfund site requires a contemporary analysis to determine the potential impacts on the Lower Susquehanna.

C. Clean Water Act, 401 Certification.

The following communication on March 2, 2026 serves to document that Clean Water Act, 401 Certification has not been issued.

> "Regarding the Section 401 water quality verification, if you could provide a copy of the department's determination that Constellation's request for certification (dated 11/21/25) is now complete, it would be greatly appreciated and consistent with 40 CFR 121.6. You may copy me via email on this and I will get it into our system."

> "As you know, the Section 401 regulations specify that the reasonable period of time for the certifying authority to act is 6 months from the date that the certifying authority receives a request for certification, unless the Federal agency and certifying authority agree in writing to extend the date such as for public notice procedures. No extension can exceed one year."

> "The NRC's environmental review is ongoing. We expect to issue a draft Environmental Assessment for public comment in early summer, and the final by no later than early fall. It would be beneficial for the DEP to issue its certification decision well in advance of our publication date. This is so that the NRC can incorporate the DEP's decision into our environmental review documentation and to complete our notification requirements with U.S. EPA before the NRC issues its decision on whether to approve the set of licensing and regulatory requests for reauthorizing power operations

at CCEC. Therefore, based on our discussion, a DEP decision by no later than August 15, 2026 should support the NRC's review schedule with respect to the NRC's schedule or other matters." (3)

D. Climate Change Impacts.

"Climate change is a cross-cutting challenge that needs to be addressed in the objectives identified in the Commission's Comprehensive Plan. Assessing regional climate projections and their impact on future hydrologic extremes will enhance flood and drought planning and climate resilience in the Susquehanna River Basin. This assessment leveraged the best contemporary models and data sources adapted for the basin."

The GAO documented the NRC's failure to fully consider climate change. The SRBC needs to use its existing data base to comment on the impact of climate change in relation to Constellation's Application.

- "NRC's actions to address risks to nuclear power plants from natural hazards in its licensing, license renewal, and inspection processes do not fully consider the potential increased risks from natural hazards that may be exacerbated by climate change." (Page, 34)

- "Commercial nuclear power plants in the United States were licensed and built an average of 42 years ago, and weather patterns and climate related risks to their safety and operations have changed since their construction. Climate change is expected to exacerbate natural hazards—such as heat, drought, wildfires, flooding, hurricanes, sea level rise, and extreme cold weather events—that can affect nuclear power plant safety and operations in various ways. Some of these effects are already occurring, and many are expected to continue to worsen." (Page, 39)

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3 March 2, 2026 Kevin T. Folk, Senior Environmental Project Manager, Environmental Project Management Branch 1 (EPMB1), Office of Nuclear Material Safety & Safeguards, Nuclear Regulatory Commission.

- "… NRC has not conducted an assessment to demonstrate that the safety margins for nuclear power plants established during the licensing period are adequate to address the risks that climate change poses to plants. According to the NCA, many of the climate conditions and impacts experienced in the United States today are unprecedented for thousands of years. Across all regions of the United States, extremes, including heat, drought, flooding, wildfire, and hurricanes, are becoming more frequent and/or severe, with a cascade of effects in every part of the country." (Page, 40) (4)

E. Floods.

"The Susquehanna Basin is one of the nation's most flood-prone areas and is vulnerable to a variety of flood risk including riverine flooding, flash flooding, and ice jam flooding. The Basin's topography, geology and nearly 49,000 miles of waterways are contributing factors to this flood risk. Additionally, the physical location of the Basin in the mid-Atlantic region of the United States subjects the watershed to a wide variety of climatic conditions, including tropical systems, strong thunderstorms associated with plunging cold fronts, and lake effect snowfall."

Extreme weather events occur with more frequency, for example, Tropical Storm Lee in 2011. Droughts have become more common in the Susquehanna River Basin. The SRBC's needs to factor climate changes impact on water use at Three Mile Island.

The Susquehanna River Basin is flood prone. "Since record-keeping began 200 years ago, the Susquehanna River has proven one of the most flood-prone watersheds in the nation. The watershed encompasses 27,510 square miles and extends from New York to Pennsylvania to the Chesapeake Bay in Maryland – where nearly 4 million people live...Of the 1,400 communities in the river basin, 1,160 have residents who live in flood-prone areas." (7th Annual Susquehanna River Symposium, Bucknell University, October 12-13, 2012).

4 U.S. GAO: Rusco, Frank, Director, Natural Resources and Environment, U.S. Government Accountability Office (GAO), “Nuclear Power Plants: NRC Should Take Actions to Fully Consider the Potential Effects of Climate Change,” U.S. GAO report to Congressional requesters, GAO-24-106326, April 2, 2024. https://www.gao.gov/assets/d24106326.pdf.

“The Susquehanna River has a long and often turbulent history of flooding, with some of the most significant events occurring in the late 1800s and 1900s. The river has experienced major floods in years like 1865, 1889, 1894, 1936, 1972, 1996, and 2004. These floods have been caused by various factors, including heavy rainfall, snowmelt, and even the remnants of hurricanes.” (Susquehanna River Basin Commission.)

TM has is a high-level radioactive waste site located below the flood zone on the site of a former parking lot. The Independent Spent Fuel Storage is full and contains 700 metric tons of toxic waste. Constellation is building an additional ISIFI, and Environmental Solutions is building a dedicated ISIFI for Greater than C waste at TMI-2. (5) Previous studies failed to factor chemical and sewage discharges or a severe weather event’s impact on the integrity of high-level waste in dry casks.

F. National Environmental Policy Act.

The Lower Susquehanna is under siege. The plants on this neck of the river are antiquated. The community is already fighting legal battles on three fronts on the Lower Susquehanna: FERC approval for a pump-hydro dam at Cliff Run in York County; Conowingo Dam settlement to remove sediment in Lancaster County
(built in 1928), and another lawsuit against Talen Energy for failing to control coal ash pollution at Brunner Island. (Talen also owns the Susquehanna nuclear plant.)

Brookfield, based in Canada, committed to uprates at Holtwood Dam and Safe Harbor Dam funded by Google. It's clear that the 670 hydro MW will be used for data centers. It’s unclear how much water each project will require.

Like TMI, the dams are old and not designed for additional capacity. These dams
were constructed to run for 50 years, and are now 100 years old. The Holtwood Dam built in 1910 is one of the three major dams on the Lower Susquehanna. The dam produces 252 MW. The Safe Harbor Dam - the latest model - opened on December 7, 1931, and is the northern-most of the Great Depression Era dams. It is located in Lancaster County and produces 417 MW of electricity.

The oldest dam on the Lower Susquehanna is York Haven built in 1910. The dam comes in contact with TMI in Lancaster County where they share a small dam and fish passage.

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5 Greater Than Class C waste was designated a Department of Energy responsibility, and that waste is often stored with the high-level irradiated fuel at nuclear power reactors, both awaiting a final repository.

NEPA “declares a broad national commitment to protecting and promoting environmental quality.” *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 348 (1989) (citing 42 U.S.C. § 4331). NEPA’s “sweeping policy goals” are “realized through a set of ‘action-forcing’ procedures that require agencies to take a ‘hard look’ at environmental consequences” and “provide for the broad dissemination of environmental information.” *Id.* at 350 (quoting *Kleppe v. Sierra Club*, 427 U.S. 390, 410 n.21 (1976)). Thus, NEPA requires agencies to prepare an environmental impact statement (“EIS”) for every “major [f]ederal action” significantly affecting the environment. *Id.* at 348-49 (citing 42 U.S.C. § 4332). “**Major federal actions” include NRC’s issuance or re-issuance of reactor licenses.** *New York v. Nuclear Regulatory Comm’n,* 681 F.3d 471, 476 (D.C. Cir. 2012) (citing *New York v. U.S. Nuclear Regulatory Com’n,* 589 F.3d 551, 553 (2d Cir. 2009)).

Constellation and the Commission must also satisfy the requirements of the National Environmental Policy Act, set forth in Part 51 of the NRC regulations.

Pursuant to 10 C.F.R. § 51.53, an environmental report is required for an operating license or the renewal of an operating license. Regarding Constellation's proposal to restart Three Mile Island Unit-1, Constellation has not submitted an environmental report.

The NRC has determined that it will only prepare an environmental assessment ("EA") and not an environmental impact statement ("EIS"). Mr. Epstein will contend that the requested license amendments must not be granted because they violate the Atomic Energy Act, the National Environmental Policy Act and NRC regulations.

The SRBC will need to step-out of its comfort level and integrate NEPA guidelines into this Application.

G. Three Mile Island's National Pollutant Discharge Elimination System Permit application Has Not Been Approved.

The Supplemental TMI-1 NPDES (PA-0009920) Permit Renewal Application Resubmittal is deficient on its face. The Applicant needs to submit a site-specific study. Therefore, the Supplemental NPDES is inconsistent with the 2014 CWA 316(b) rule for impingement mortality and entrainment compliance.

The Application is based on conjecture, dated material, and hypothetical observations from gas, coal and hydroelectric generating stations south of Three Mile Island. The NPDES is over reliant on the Peach Bottom Atomic Power Station as a baseline and reference plant. Peach Bottom is a boiling water reactor located 48 miles south of TMI. All the reference plants are located outside of Dauphin County, and in many instances the studies are dated and conducted out of state.

The data obtained from Peach Bottom's most recent Environmental Impact Statement has been rejected by the NRC. Constellation has been mandated to produce an updated site-specific Environmental Impact Study with data obtained after 2020.

The Clean Water Act 316(b) does not prescribe the Best Technology Available ("BTA") for entrainment; therefore, it must be determined on a site-specific basis. This submittal demonstrates that TMI-1 does not achieve BTA for entrainment, but arrives at a hypothetical conclusion based on conjecture. The document is overly reliant on data from compensatory proxies at Peach Bottom and York Haven.

There is no proof that Module 5 demonstrated that Three Mie Island Unit-1's updates since 2015 serve as the Best Technology Available. Constellation is providing a narrative of TMI-1 utilizing Best Technology Available which is inconsistent with the 2014 CWA 316(b) rule for impingement mortality and entrainment compliance.

IV. "Major Modifications."

According to the SRBC, Major Modifications are "only required for new projects, …and renewals requesting an increase in quantity creates a new diversion, or significantly alters the scope of a previously approved project requires a new, full project review and approval."

Constellation acknowledged that the restart is a "major modification." Crane noted, "Major maintenance and equipment upgrades are underway, including inspections of the steam generator, main generator, rotor, turbines, feedwater heaters, and condensers. A contract has also been awarded for three new main power transformers, requiring a $35 million investment for delivery in 2026, the company said on Feb. 19. Constellation Races to Revive Crane Nuclear Plant Amid Tight Timelines, Market Shifts. ("Power," Wednesday, February 26, 2025.)

The Application does not account for planned uprates and license extensions. "Constellation will pursue a license to extend operations to at least 2054 and expects the plant to be ready for service in 2027, after making a significant investment to fully restore the facility's robust safety and operations systems." (Constellation, Copyright 2026.)

§ 806.14 Contents of Application.

(5) The reasonably foreseeable need for the requested renewal of the quantity of water to be withdrawn or consumed, including supporting calculations, and the projected demand for the term of the approval.

"In addition to reopening the former Three Mile Island Unit 1, Constellation wants to increase the amount of energy that existing plants generate through a process called uprating. These projects can take the form of "big capital-intensive projects where you're replacing a lot of significant components to get more megawatts," he said. Or they might be smaller efficiency upgrades, like changing out a turbine to gain 10 MW or 15 MW of additional thermal generation." ("Latitude Media," September 4, 2025.)

Major Modifications and any change that increases water withdrawal. "Only required for new projects, major modifications, and renewals requesting an increase in quantity creates a new diversion, or significantly alters the scope of a previously approved project requires a new, full project review and approval."

§ 806.20

(d) Major modifications. Major modifications are changes not considered to be minor modifications. Major modifications may include, but are not limited to:
(1) Increases in the quantity of water withdrawals, consumptive uses or diversions;
(2) Increases to peak day consumptive water use;
(3) Increases to the instantaneous withdrawal rate or changes from a single withdrawal rate to a varied withdrawal rate;
(4) Changes affecting pass-by flow requirements; and
(5) Changes that have the potential for adverse impacts to water resources or competing water users.

Based on the SRBC's Order on December 15, 2022, TMI-1 no longer has access to enough water to operate a nuclear power plant. Unit 2 has no rights to withdraw water. In addition, TMI-2 has no water infrastructure or intakes, and

would have to construct a water line or install storage tanks for a water supply. Water use at Three Mile Island is complicated by the fact that ownership is split between two separate licenses.

TMI-Alert raised concerns throughout the SRBC Proceeding, and supported the modification in TMI's permit that added Paragraph 24 to the Order. This stipulation allows for a minimal withdrawal of groundwater from TMI-1 to TMI-2 to be capped. Any modification to increase water use for TMI-1 or TMI-2 would require a new proceeding.

The SRBC does not monitor radioactive water discharges. Eric Epstein cautioned the SRBC Commissioners that TMI's prior owners had attempted to dump 700,000 gallons of radioactive water into the Susquehanna River. Mr. Epstein addressed the Commission on December 15, 2022, and asked them to negotiate a Memorandum of Understanding with the Army Corps of Engineers and the Nuclear Regulatory Commission to monitor water releases into the Susquehanna River.

Based on the SRBC's Order on December 15, 2022, TMI-1 no longer has access to enough water to operate a nuclear power plant. Unit 2 has no rights to withdraw water. In addition, TMI-2 has no water infrastructure or intakes, and would have to construct a water line or install storage tanks for a water supply. Water use at Three Mile Island is complicated by the fact that ownership is split between two separate licenses.

TMI: Consumptive Water Use:
Before: 19.2 mgd per monthly average.
After: 6.0 mgd per monthly average.

TMI: Surface Water Use:
Before: 122.8 mgd per monthly average.

After: 44 .0 mgd per monthly average.

TMI: Ground-Water Withdrawals:
Before: .255 mgd per monthly average.
After: .099 mgd per monthly average.

Constellation's Application is a dramatic increase over current consumptive, groundwater, and surface water levels. (6) TMI-Alert supported the modification in TMI's permit that added Paragraph 24 to the Order. This stipulation allows for a minimal withdrawal of groundwater from TMI-1 to TMI-2 to be capped. Any modification to increase water use for TMI-1 or TMI-2 would require a new proceeding
The request qualifies as a major modification under § 806.20

(d) Major modifications. Major modifications are changes not considered to be minor modifications. Major modifications may include, but are not limited to:
(1) Increases in the quantity of water withdrawals, consumptive uses or diversions;
(2) Increases to peak day consumptive water use;
(3) Increases to the instantaneous withdrawal rate or changes from a single withdrawal rate to a varied withdrawal rate.

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6 Applications for renewal with modification for surface water withdrawal of up to 73.200 mgd (peak day) from the Susquehanna River, consumptive use of up to 21.000 mgd (peak day), and groundwater withdrawals (30-day averages) of up to 0.072 mgd from Well A, 0.054 mgd from Well B, and 0.045 mgd from Well C (Docket No. 20221203).

V. Conclusion.

Constellation's Application is premature and should be held in abeyance until all federal and state water related applications have been approved. The Application should be resubmitted as a Major Modification.

The Application is silent on the following water use issues: The impact of climate change and flooding. Constellation ignores the potential impact of extreme weather events on the chemical dump to the north of Three Mile Island. Constellation's rush to restart the reactor places comes well ahead of Clean Water Act, 401 permitting which will not resolved until September 26, 2026 at the earliest. The National Environmental Policy Act is actively being litigated at the Nuclear Regulatory Commission, and the findings will inform water use at Three Mile Island. In addition, after multiple submissions by Constellation, the National Pollutant Discharge Elimination System permit application (7) has not been submitted for approval by the Department of Environmental Protection to the Pennsylvania Bulletin.

There was no information contained in the Application relating to planned license extension or power uprates which require additional water. The application does not present a sustainable model as required by the Susquehanna River Basin Commission. There will be an ongoing need to increase water conservation and ensure public water supplies are sustainable."

Respectfully submitted,

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7 Re: Three Mile Island Alert's Comments on the Supplemental Information to Support TMI-1 2012 NPDES (PA-0009920) Renewal Permit Application. Submitted by Three Mile Island Alert on June 12, 2025.
Contributors: Eric Epstein, Three Mile Island Alert, LLC., Maureen Milligan, President, Sustainable Futures Communications, LLC, and Bart Ziegler PhD, Samuel Lawrence Foundation.