

NMP3CEm Resource

From: Dereth Glance [dglance@citizenscampaign.org]
Sent: Monday, July 20, 2009 4:04 PM
To: cmhogan@gw.dec.state.ny.us; Michalak, Paul; NMP3COLEIS Resource
Subject: Thursday, May 21, 2009 Federal Register Notice p. 23895, Docket No. 52-038; NRC-2008-0581, Nine Mile Point 3 Nuclear Project, LLC and UniStar Nuclear Operating Services, LLC; Nine Mile Point 3 Nuclear Power Plant Combined License Application; Notice of I...
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Empowering Communities, Advocating Solutions.

July 20, 2009

Chief, Rulemaking and Directives Branch,

Division of Administrative Services,

Office of Administration,

Mailstop TWB-05-B01M,

U.S. Nuclear Regulatory Commission,

Washington, DC 20555-0001

RE: Thursday, May 21, 2009 Federal Register Notice p. 23895

Docket No. 52-038; NRC-2008-0581

Nine Mile Point 3 Nuclear Project, LLC and UniStar Nuclear Operating Services, LLC; Nine Mile Point 3 Nuclear Power Plant Combined License Application; Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping

To Whom It May Concern:

Citizens Campaign for the Environment (CCE) is an advocacy organization working to empower communities and advocate solutions for the protection of public health and the natural environment. CCE works on behalf of 80,000 members in New York and Connecticut. CCE appreciates the opportunity to provide written comments regarding the scope of the Draft Environmental Impact Statement considering the construction and operation of a new nuclear power plant in New York, the third at Nine Mile Point.

It is no secret that nuclear power generation comes with huge human and environmental risks. The legacy of toxic waste that persists alone threatens to contaminate our drinking water, land, and future generations. New York, especially upstate, is no stranger to the legacies of toxic contamination. Today, Western New York residents are struggling to secure a full clean up of West Valley, a nuclear reprocessing site, contaminated half a century ago. Radioactive waste is migrating towards tributaries of our Great Lakes. Will this same fight be forced in Oswego to protect the drinking water for millions of New Yorkers?

The energy generation landscape is changing in the United States and abroad as countries deal with global warming pollution and increasing energy independence. A sustainable approach to energy is needed, as the decisions we make today will have profound impacts on the lives of our children, and our children's children. Harnessing the power of Niagara Falls over 100 years ago has given us clean, abundant, and cheap power.

Will the investment in a third nuclear power plant at the Nine Mile complex yield the same benefits or end up being a further burden on the economy and the environment. Are there wiser investments to generate electricity without the risk and without the legacy of waste?

Local enthusiasm exists for any economic activity in upstate New York. We appreciate the hard work by union staff that operate and maintain the nuclear power plants. However, is there a better way to put our community back to work? Almost 50,000 jobs in New York are projected from state and federal investments in the clean energy sector. We question if continuing to build large centralized polluting electricity generation is the best solution for our community, state, and nation's sustainable economic future. To that end, CCE believes the Draft Environmental Impact Statement (DEIS) for the proposed new nuclear power plant must include a rigorous environmental and economic review of the realities of building and operating a new nuclear power plant adjacent to Lake Ontario.

Assessing the Risk. No new nuclear power plant has been built and become operational in our country in decades. We recognize the nuclear power plant worker's commitment to safety and are thankful that a tragedy like Chernobyl or Three Mile Island has not occurred near our community yet, but this risk is real, serious, and something that is critical for evaluation.

It is our understanding that the type of new nuclear plant proposed is a new design without much of an operational history. Furthermore, the addition of another nuclear power plant increases the risk, and cumulative risk, to the people, plants, and wildlife in the surrounding community. It is imperative that the DEIS include a comprehensive analysis and evaluation of the potential risks, detailed safety responses, and consequences of a meltdown, mechanical failure, and other unforeseen tragedies.

Reactor type. Is the Reactor design proposed the best, the safest, the most efficient? How does this specific design compare to existing reactor designs and reactor designs under development, including the very-high-temperature reactor (VHTR) and the sodium-cooled fast reactor (SFR). CCE requests the DEIS include a detailed comparative analysis of the specific reactor types as compared to existing and proposed reactors.

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- Mining;
- Refining;
- Transporting ore and refined fuel;
- Waste transportation and storage; and
- Transportation associated with the operating and safety professionals involved in all phases of the proposed new nuclear power plant.

Furthermore, the DEIS must consider the loss of carbon sequestration from any disturbances to forests, wetlands, and other pervious surfaces. To provide context for the carbon footprint analysis, CCE requests the DEIS to provide a comparative analysis evaluating electricity production from a minimum of coal, natural gas, hydro, wind, solar, and biomass plants.

The alternatives must be fully explored. The energy world is changing, rapidly. It is anticipated that a new nuclear plant can take between 10-20, or more years before it comes on-line. What will our nation’s grid look like in 10 to 20 years? Efforts to promote a ‘smart grid’ have the potential to yield significant demand reductions and smarter uses of energy. Currently, the New York Power Authority is moving forward on proposal to build large-scale solar generation and off-shore wind power in the Great Lakes. CCE requests the DEIS provide a cost benefit analysis, with annotated assumptions comparing the ability of a privately funded nuclear power plant to compete with a more mature and distributed renewable energy generation in 2029, in the context of a coming smart grid and increased federal and state investment in clean, renewable energy, like wind, solar, geothermal, and sustainable biomass. The DEIS must include alternative energy generation from non-nuclear power generation in addition to a no-action alternative.

Quantifying the need. The DEIS must explore and consider the real energy demand for the quantity of power proposed to be added to the grid for the present and future (2029). The Federal Energy Regulatory Commission (FERC) designated metro New York transmission capabilities as congested and constrained. It is obvious that the demand for more electricity is not local to the siting of Nine Mile point unit 3. The DEIS must answer the following questions:

1. Where is the proposed energy generated intended for consumption?
2. What transmission upgrades are projected to be needed between now and 2029?
3. What is the projected energy lost via transmission to areas of high demand?
4. Can energy needs be met through clean, renewable energy generation?
5. Can energy needs be met through a combination of energy efficiency improvements (demand-side management) and renewable energy generation?

Transmission infrastructure. As previously stated, NY is part of the federally designated electric transmission corridor and much of the corridor is further identified as congested and contained. The DEIS must evaluate the following issues associated with transmitting power to demand centers.

1. What party, public or private, is responsible for building and/or upgrading new and/or existing transmission lines to transport energy?
2. What are the anticipated costs passed to ratepayers and to taxpayers?
3. What is maximum and minimum electricity lost via transmission over both short and long distances?
4. Will the proposed new nuclear power plant be connected to electricity markets through existing rights of way?
5. What are the impacts to wildlife from transmission infrastructure?
6. What is the loss of pervious surfaces from construction?

Uranium Supply. U.S. domestic supply of uranium currently does not meet demand. In an era shaped by energy independence and security, the United States' uranium fuel is contrarily supplied by Russia, Kazakstan, Canada, and Australia. The DEIS must address:

1. How building this nuclear power plant will provide for America's energy independence from foreign sources of fuel;
2. Where the uranium is projected to come from; and
3. The location, specifically identifying the domestic lands that likely be mined to increase domestic production of domestic uranium

Additionally, CCE respectfully requests that the DEIS include a map that depicts current domestic uranium production, as well as those domestic lands projected for uranium mining, complete with an overlay of population and public lands including national parks, monuments, and other public and preserved lands.

Persistent toxic waste. The Nuclear Waste Policy Act, signed by President Reagan in 1983, directed a central high-level nuclear waste storage facility to be built at Yucca Mountain, NV. Almost 30 years later, this facility faces serious political opposition from Senate Majority Leader Harry Reid and reduced funding and support by President Obama. Recognizing the political realities of transporting high level nuclear waste across our nation and the lack of federal funding for the Yucca Mountain Project, the DEIS must give serious consideration to the likelihood of high-level radioactive waste to be stored on-site for both short and long term durations. The DEIS must address, at a minimum, the following concerns with persistent radioactive waste:

1. Potential impacts to drinking water
2. Potential impacts to the Great Lakes ecosystem
3. Potential impacts to groundwater contamination
4. Long term, if not indefinite on-site storage, including the parties responsible for paying for monitoring, maintenance, and safety.
5. Parties responsible for remediation of the radioactive toxic contamination of the land hosting the proposed nuclear power plant.
6. The funding mechanism for identified party or parties responsible for remediation of radioactive toxic contamination.

Transportation of high-level nuclear waste. To protect human health and safety, the DEIS needs to fully evaluate transportations options for moving high-level nuclear waste. CCE specifically requests the DEIS transportation analysis include the current state of our railroad system, our highway system, bridges, local and community roads, noise impacts, safety and exposure potential, community liability, demand on first responders and training needs, as well as, emissions including nitrogen oxides, sulfur dioxide, and carbon dioxide. Additionally, other transportation options, including over water and through air, should be similarly evaluated for transporting high-level nuclear waste across the country from New York.

America's freshwater wonder—the Great Lakes. We are blessed in New York with a shoreline on the world's largest freshwater ecosystem. In addition to abundant fresh water for drinking, agriculture and recreation, the Great Lakes are an energy center. The Northeast Midwest Institute estimates over 108,000 MW of electricity are generated in the Great Lakes watershed. Dozens of nuclear and coal-fired power plants dot their shores. Buffalo's Steel Winds and Tug Hill's Maple Ridge spin from the Lakes' great gales. St. Lawrence-FDR and the Moses-Saunders dams harness the power of pure water. Every energy generation plant has an environmental impact and the addition of new energy infrastructure requires a cumulative and holistic look at its impact on the overall freshwater ecology and multiple uses benefits of our freshwater wonder. At a minimum, The DEIS must consider the cumulative impact from the following:

1. Thermal pollution from cooling water discharge and impacts on native species;
2. Cumulative thermal pollution from average water temperature increases due to global climate change, combined with thermal discharges from electricity generating units, and that impact on ice coverage, evaporation, and ecosystem as a whole.
3. Fish and wildlife impacts from impingement and entrainment impacts due to water intake;
4. Low and high level waste storage and potential for leaching and leaking into the Great Lakes.
5. Impacts to infrastructure from aquatic non-native species like quagga and zebra mussels.
6. Average daily water withdrawals and consumptive use by the new plant, consistent federal and state laws and regulation on water withdrawals.
7. Impacts from water withdrawals on lake levels.

Economic impacts and taxpayer obligations. What are the costs to be borne by the public for financing, insuring, and providing security and regulatory oversight of the proposed new nuclear power plant? Statutes like The Price Anderson Act provides liability limitations and federal funding programs, like nuclear power loan guarantees, act as subsidies to the nuclear power industry. CCE requests the DEIS include a clear and comprehensive analysis of tax payer subsidies and liabilities associated with the construction, operation, and decommissioning of the proposed new nuclear power plant. Historically and currently construction cost overruns and timeline extensions are common and expected, it is critical for the DEIS to include the higher costs likely due to construction timeline extensions, cost overruns, unexpected delays and other unforeseen circumstances that could delay construction and operation. Furthermore, CCE requests the DEIS is crystal clear on identifying what party or parties, public or private, will be responsible for the costs.

Decommissioning. The DEIS must provide a detailed analysis of the parties responsible for decommissioning the new plant and the financing system for decommissioning.

Additional Resources. As it is developed, the DEIS should consider the following resources:

1. *Nuclear power in a warming world: Assessing the Risks, Addressing the Challenges*, Union of Concerned Scientists, December 2007.
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As said before, our Great Lakes are an energy center. It is up to us to decide what kind of energy, at what cost and with what legacy, we will build upon her fertile watershed. Can we generate more jobs and improve our economic well-being and quality of life by transforming to a clean, sustainable energy future? Is there a cleaner way to harness the gifts of the earth and not leave a toxic and radioactive legacy? Maybe there wasn't before, but there is now.

Respectfully submitted,

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Executive Program Director

dglance@citizenscampaign.org

cc: Christopher Hogan, Project Manager, Division of Environmental Permits, New York State Department of Environmental Conservation

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Comment Number: 11

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