Cathy Watrobski/OEEE/NYSDPS

07/20/2009 02:43 PM

To NMP3.COLEIS@nrc.gov

cc James Austin/OEEE/NYSDPS@NYSDPS, Richard Powell/OEEE/NYSDPS@NYSDPS

bcc

Subject Nine Mile Point Unit 3 Nuclear Power Plant: Scoping Comments

This document IS flagged as a record

Attached are the comments of Mr. Jim Austin of the New York State Department of Public Service regarding the above named project.

NM3CPCNLetter&Questions07160958.doc

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STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
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July 20, 2009

Christopher M. Hogan, Project Manager
Division of Environmental Permits
NYS Department of Environmental Conservation
625 Broadway, 4th Floor
Albany, New York 12233-1750

Re: Proposed Nine Mile Point Unit 3 Nuclear Power Plant: Scoping Comments

Dear Mr. Hogan:

The Department of Public Service (DPS) has reviewed the request by the Department of Environmental Conservation (DEC) for comments on the scope of the draft environmental impact statement for the proposed construction and operation of a new nuclear power plant, Nine Mile Point 3 Nuclear Power Plant (NM3). As proposed, the facility would have a generating capacity of approximately 1600 megawatts (MW), on a 921 acre site adjacent to the Nine Mile Point Units 1 & 2 nuclear power plants on the southern shoreline of Lake Ontario. Our scoping comments are contained in this letter and attachment.

DPS includes the Staff of the Public Service Commission (PSC) and will be an involved agency in the State Environmental Quality Review Act (SEQRA) review of the NM3 generating plant. Under Public Service law (PSL) §68, the electric corporation proposing to construct NM3 will be required to obtain a certificate of public convenience and necessity (CPCN). The §68 review includes consideration of the capability of the developer to function as an electric corporation and to provide safe and reliable service. The PSC may not grant a CPCN unless it finds that the construction of the electric plant in question is necessary and convenient for the public service.

DPS has reviewed many energy development projects and has experience and expertise in considering the environmental and engineering effects of facility siting, construction and operation. DPS has participated as an involved agency in many SEQRA reviews of independent power production facilities pursuant to its responsibility under PSL §68. The §68 review can only proceed following receipt of an application by the developer, including a verified statement by a responsible official of the company showing that it has received all legally required municipal consents giving it the right to use municipal property, such as the rights-of-way of public streets. Consideration of a PSL §68 petition may also require that DPS coordinate review

with the Office of Parks, Recreation and Historic Preservation (OPRHP) pursuant to §14.09 of the Parks, Recreation and Historic Preservation Law, unless there is a federal agency review that implements §106 of the National Historic Preservation Act.

In addition, PSL Article VII may be applicable to new electric transmission facilities associated with the generation facility, depending on voltage and length. In the event that final transmission facility design exceeds the threshold criteria for Article VII applicability, a separate application for a Certificate of Environmental Compatibility and Public Need would be necessary. Regardless of the applicability of Article VII, the analysis of environmental impacts of, and reasonable alternatives to, a proposed electric transmission facility should be addressed in appropriate detail as part of the SEQRA review of the overall NM3 project.

DEC should require that the issues and regulatory requirements regarding environmental impacts that are identified in this letter and attachment be addressed in adequate detail to demonstrate a hard look at impacts, and to fully develop findings. Findings should specifically address the environmental issues identified in the Environmental Assessment Form and in this correspondence, to enable the PSC to adopt that environmental review in considering whether to make the requisite finding of public convenience and necessity pursuant to PSL §68.

Besides the information appropriate for the PSL §68 filing that is contained in the attachment, DPS Staff has identified the following questions and information requests that the developer should provide answers to in its §68 petition:

1. The capacity at which the nuclear generating facility is proposed to operate.

2. If the operating capacity is above 1200 MW:

   a. Where will the additional power go? Include a description of intended geographic locations and identify whether these locations are in State or out of State?

   b. Provide a discussion of the transmission operator that would carry the operating reserves.

3. Provide copies of all completed transmission studies (including feasibility studies and the system reliability impact study) for interconnecting the proposed generating facility to the grid.

4. Provide a discussion of the expected time the proposed generating facility will be off-line for refueling.

5. Provide a discussion of the generating facility's operating time between refueling outages.

6. Provide a discussion of the types of backup power that will be required when the proposed generating facility is forced or scheduled to be off-line. Identify the source(s) of replacement power and the capacity of each source.

7. Provide a discussion of what changes will be required to the present operating transmission system to provide for the proposed generating facility during normal operation and during line trips or outages.

8. Provide a discussion of the proposal for connecting the proposed generating facility to the transmission system and explain the effects this proposed facility would have on the operation of the other generating plants in the area. Explain the impact upon the Oswego generation complex when an Oswego complex transmission facility is lost or goes off line.

9. Provide a demonstration that the facility will satisfy electric generating capacity needs or other electric system needs in a manner reasonably consistent with the most recent state energy plan, as required by §8-0109(2)(h) of the Environmental Conservation Law.

10. Discuss the appropriateness of, and any proposals for, non-radiological decommissioning and site restoration.

11. Provide a description of the plant to be constructed and of the manner in which the cost of such plant is to be financed, serviceable, and proof that the applicant is able to finance the project and render adequate service and evidence that the proposed plant is in the public interest and is economically feasible.

Please contact Richard H. Powell at (518) 486-2885 regarding further project review and environmental assessment scoping.

Thank you for your consideration of these comments.

Sincerely,

James Austin, Deputy Director
Office of Energy Efficiency and the Environment

cc: Nine Mile Point 3 Nuclear Project, LLC
David B. Johnson, Esq. Read & Laniado
Steven Blow, Esq., DPS
Edward Schrom. DPS
Paul Eddy, DPS
Richard H. Powell, DPS
J. Bonafide, OPRHP

Information for the PSL §68 Petition
July 20, 2009

The following information is to be provided in a Public Service Law §68 petition. To the extent the information relates to environmental issues, it should be addressed in the Draft Environmental Impact Statement.

1. Provide a list of engineering codes, standards, guidelines and practices that the company intends to conform with when planning, designing, constructing, operating and maintaining the generating facility power plant, substation, transmission line, inter-connection, and associated buildings and structures.

2. Provide a list and estimated schedule for the application and receipt of the following items: permits, approvals and permissions the company will have to obtain to construct, operate and maintain the generating facility power plant, substation, transmission line, inter-connection, and associated buildings and structures.

3. Provide a Quality Assurance and Control plan, including staffing positions and qualifications necessary, demonstrating how applicant will monitor and assure conformance of facility installation with all applicable design, engineering and installation standards and criteria as indicated in item 1 above.

4. Provide a statement from a responsible company official that:

   a. the company and its contractors will conform to the requirements for protection of underground facilities contained in Public Service Law §119-b, as implemented by 16 NYCRR Part 753;

   b. the company will comply with pole numbering and marking requirements, as implemented by 16 NYCRR Part 217 (if any); and

   c. the company will comply with its obligations to conduct tests for stray voltage on all publicly accessible electric facilities, to give notice of generation unit retirements, and to report personal injury accidents pursuant to 16 NYCRR Part 125.

5. Provide plans and descriptions indicating design, location and construction controls to avoid interference with existing utility transmission and distribution systems. Indicate detailed locations and specify design separations of proposed facilities from existing electric, gas, and communications infrastructure. Indicate measures to minimize interferences where avoidances cannot be reasonably achieved.

6. Provide description and indicate details of plans to limit public access and assure security at the generating facility, substations, and transmission facility interconnection.

7. Provide transmission facility design and construction plans, indicating vegetation clearing and disposal specifications, structure locations, access requirements, grading and access improvements, and environmental control measures including stormwater and erosion control practices and facilities.

8. Provide facility maintenance and management plans, procedures and criteria. Specifically address the following topics:

   a. turbine maintenance, safety inspections;

   b. electric transmission, and interconnect line inspections, maintenance and repairs;

      (i) vegetation clearance requirements;
      (ii) vegetation management plants and procedures;
      (iii) inspection and maintenance schedules;
      (iv) notification and public relations for work in public right-of-way;
      (v) minimization of interference with electric and communications distribution systems

   c. vegetation management practices for switchyard and substation yards, transmission interconnections, and for danger trees around stations; specifications for clearances; inspection and treatment schedules; and environmental controls to avoid off-site effects.

9. If the company will entertain proposals for sharing above ground facilities with other utilities (communications, cable, phone, cell phone relays, etc.) provide criteria and procedures for review of proposals.

10. Provide emergency response plans, notification and coordination procedures. Specify plans and procedures for addressing power plant outages and electric line outages, specifying 24 hours per day storm and emergency response situations. Include measures for communication and coordination with operators of existing utility facilities, NYS Department of Public Service, the New York Independent System Operator, Niagara Mohawk Power Corporation (d/b/a National Grid), the New York Power Authority, and residents of adjoining or affected locations.

11. Specify commitments for addressing public complaints and procedures for dispute resolution during facility construction and operation.

12. Provide switchyard and substation design drawings and site plans, indicating:

   a. property lines and setbacks; access road location, width and gradient; site grading, cut and fill, drainage and environmental controls; all proposed improvements and equipment; fencing and gates; permanent erosion control measures;

   b. any station lighting needs, and appropriate design criteria;

   c. that any future lighting will be designed to avoid off-site lighting effects (i.e., avoid up-light direction except for as-necessary maintenance task-lighting; avoid drop-down optics to minimize light trespass);

   d. all electrical equipment and specifications for substation and switchyard facilities;

   e. interconnection facility design plan and profile information.

13. Provide a status report on equipment availability and expected delivery dates for major generating facility components, such as heat recovery steam generators, turbines, transformers, and related major equipment.

14. Provide an analysis of the electrostatic and electromagnetic fields for the proposed 345 kV electric transmission line. Include a cross-section diagram and chart showing the results of the field strength analysis at average annual and annual maximum conductor current flow (maximum conductor rating). The cross-section diagram should demonstrate the electrostatic and electromagnetic field strengths extending horizontally from facility centerline to a distance of 300 feet.

15. Provide production estimates as follows:

    a. How much power does the applicant expect the project to generate annually in Megawatt hours ?

    b. What daily, seasonal and annual variation in production is expected?

16. Provide the estimated gas and /or oil usage by the facility monthly and hourly, if any.

17. Provide the gas pressure required for any gas turbines or diesel-fired generators to be located on site and how the pressure will be regulated or increased.

18. Provide any backup fuel used by the facility and quantity stored on site with the facility. Explain how many days will be on site and the amount of fuel to be burned each day. Discuss and explain how much off site fuel storage the applicant has.

19. Provide a discussion about how fuel will be switched when a gas emergency is declared or occurs if gas is used as a backup fuel.

20. Provide a description of the generating facility's black start capabilities, if any.

21. The assessment of environmental impacts needs to consider the full scope of equipment and construction that will likely be required by the project facilities. System communications improvements will be necessary to enable communications between the proposed interconnection substation and other existing substations associated with the bulk electric transmission system. Siting considerations for the substation and communications equipment may include soils and bedrock limitations on system grounding, and possible interference with other electric and communication facility grounding and protection systems. The applicant should provide the details of the communication systems proposed and plans to address the potential for interference.