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Chief, Rules Review and Directives Branch  
U.S. Nuclear Regulatory Commission  
Mail Stop TWB-05-B01  
Washington, DC 20555-0001  
[IndianPoint.EIS@nrc.gov](mailto:IndianPoint.EIS@nrc.gov)

Re: Riverkeeper, Inc. Supplemental Comments on the U.S. Nuclear Regulatory Commission's Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 38, Regarding Indian Point Nuclear Generating Unit Nos. 2 and 3, Draft Report for Comment, Docket Nos. 50-247 and 50-286

Dear Rules Review and Directives Branch Chief:

Please accept the following supplemental comments of Riverkeeper, Inc. ("Riverkeeper"), on the above-referenced draft environmental impact statement concerning the license renewal of Indian Point nuclear generating Units 2 and 3 (hereinafter "IP DSEIS"). Riverkeeper previously submitted comments on the IP DSEIS on March 18, 2009, in accordance with the prescribed deadline.<sup>1</sup> Riverkeeper offers the following additional comments to bring to the U.S. Nuclear Regulatory Commission Staff's ("NRC Staff") attention recent information regarding a proposal for a new high-voltage direct current energy transmission project, and to explain how this new information bears upon the NRC Staff's obligation to fully assess alternatives to license renewal in the IP DSEIS, including alternative sources of energy to replace the power generated by Indian Point.

### New Information for NRC Staff's Consideration

A company named Champlain Hudson Power Express, Inc. ("CHPEI") recently began the process of applying for applicable permits and certifications to construct, operate, and maintain a new 2,000 megawatt (MW) underwater/underground high-voltage direct current (HVDC)

<sup>1</sup> Riverkeeper, Inc.'s Comments on the U.S. Nuclear Regulatory Commission's Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 38, Regarding Indian Point Nuclear Generating Unit Nos. 2 and 3, Draft Report for Comment, Docket Nos. 50-247 and 50-286 (March 18, 2009), ADAMS Accession No. ML090860983 (hereinafter "Riverkeeper's IP DSEIS Comments").

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828 South Broadway, Tarrytown, NY 10591 • 914.478.4527 • f: 914.478.4527 • [www.riverkeeper.org](http://www.riverkeeper.org)



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Call = A. Stoyenberg (9153)

electric transmission system, to be known as the Champlain Hudson Power Express Project. Submarine HVDC transmission cables are a technology that has been around for decades, and have been employed around the world.<sup>2</sup> CHPEI's project proposes to connect renewable sources of power generation in Canada with load centers in and around New York City and southwestern Connecticut. In furtherance of this project, on January 25, 2010, CHPEI submitted an Application for a Presidential Permit to the U.S. Department of Energy.<sup>3</sup> This application was noticed for public comment in the Federal Register on March 5, 2010.<sup>4</sup> More recently, on March 29, 2010, CHPEI submitted an application for a Certificate of Environmental Compatibility and Public Need with the New York State Public Service Commission.<sup>5</sup>

CHPEI claims that this proposed project would provide "critical capacity required to meet the increasing clean energy demands of the greater New York City metropolitan area and State of Connecticut."<sup>6</sup> CHPEI explains that "[a]s proposed, the Project would utilize competitively priced renewable sources of energy and would not contribute to emissions of particulate matter or greenhouse gases in New York City or Bridgeport."<sup>7</sup>

### **Energy Alternatives Assessment in the IP DSEIS**

Riverkeeper submits that, in light of the foregoing, the NRC Staff's discussion of alternative sources of energy to replace the power generated by Indian Point in the IP DSEIS must include an objective assessment of CHPEI's proposed project.

The Council on Environmental Quality ("CEQ") regulations pertaining to the preparation of environmental impact statements pursuant to the National Environmental Policy Act require agencies to "[r]igorously explore and objectively evaluate all reasonable alternatives."<sup>8</sup> Given CHPEI's recent efforts to seek regulatory approval for the proposed HVDC transmission system, the Champlain Hudson Power Express Project is certainly now a "reasonable alternative," as contemplated. Moreover, CEQ states that agencies "[s]hall prepare supplements to . . . draft . . . environmental impact statements if . . . [t]here are significant new circumstances or information relevant to the environmental concerns and bearing on the proposed actions or its impacts."<sup>9</sup> The new proposal for a HVDC cable purportedly capable of transmitting 2,000-MW of electricity generated from renewable sources, is significant information not previously known by NRC

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<sup>2</sup> See generally EnviroGulf Consulting, List of HVDC Projects with Marine Infrastructure, <http://www.envirogulf.com/hvdc.html> (last visited April 2, 2010).

<sup>3</sup> Transmission Developers Inc., on behalf of Champlain Hudson Power Express, Inc., Champlain Hudson Power Express HVDC Transmission Project Presidential Permit Application (January 2010), available at, [http://www.oe.energy.gov/DocumentsandMedia/FINAL\\_TDI\\_Presidential\\_Permit\\_Application\\_January\\_25\\_2010.pdf](http://www.oe.energy.gov/DocumentsandMedia/FINAL_TDI_Presidential_Permit_Application_January_25_2010.pdf) (hereinafter "CHPEI Application for Presidential Permit").

<sup>4</sup> Application for Presidential Permit; Champlain Hudson Power Express, Inc., OE Docket No. PP-362, 75 Fed. Reg. 10,229 (March 5, 2010).

<sup>5</sup> Before the Public Service Commission of the State of New York, Application of Champlain Hudson Power Express, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law, Case No. 10-T-0139 (March 30, 2010), available at, <http://documents.dps.state.ny.us/public/Common/AdvanceSearch.aspx> (search Case/Matter Number: 10-T-0139).

<sup>6</sup> CHPEI Application for Presidential Permit, Cover Letter pg. 2.

<sup>7</sup> *Id.*

<sup>8</sup> 40 C.F.R. § 1502.14(a); see also NRC regulations, 10 C.F.R. §§ 51.45, 51.71, 51.95.

<sup>9</sup> 40 C.F.R. § 1502.9(c)(1)(ii).

Staff, and which is directly relevant to the alternative energy analysis. It is, thus, clear that NRC Staff must consider CHPEI's cable proposal in the IP DSEIS, in all relevant respects.

Failure to fully evaluate CHPEI's proposal for a HVDC transmission system would render the NRC Staff's analysis of alternative energy sources in the IP DSEIS deficient in the following specific ways:

#### *Assessment of Purchased Electrical Power*

Section 8.3.3 of the IP DSEIS discusses the potential of purchased electrical power as an alternative to the operation of Indian Point. In light of CHPEI's proposed HVDC transmission system, many of NRC Staff's assumptions about purchased electrical power are undermined. While NRC Staff mentioned the ability of new transmission capacity to be "a partial solution to the retirement of IP2 and IP3," NRC Staff then only makes vague suggestions that "[s]uch new transmission capacity would likely come in the form of . . . new high-voltage direct current transmission facilities."<sup>10</sup> CHPEI's new proposal for such a transmission system makes the situation far less speculative than NRC Staff assumed.

Indeed, NRC Staff identified only one "serious transmission project proposed in the [New York Control Area] that would supply additional power to the New York City area."<sup>11</sup> Accordingly, NRC Staff did "not consider purchased power as a viable stand-alone replacement option for IP2 and IP3" and "did not conduct an independent evaluation" of the environmental impacts of such projects.<sup>12</sup> CHPEI's proposed HVDC transmission system would send half of the capacity of the system, i.e., 1,000-MW, to serve the New York City area. This capacity in conjunction with the proposed 1200-MW capacity transmission project discussed in the IP DSEIS nullifies NRC Staff's conclusion that purchased electrical power could not be a viable stand-alone replacement option. Thus, full environmental review of these projects is warranted.

Even viewed alone, the 1,000-MW of power that CHPEI's proposal would provide to NYC, enough to replace the power from one Indian Point reactor, deserves an objective assessment since, as discussed in Riverkeeper's IP DSEIS Comments, NRC Staff is obligated to evaluate alternatives to Indian Point Unit 2 separately from alternatives to Indian Point 3.<sup>13</sup>

#### *Assessment of Renewable Energy Sources*

Section 8.3.4 of the IP DSEIS discusses "[o]ther generation technologies" encompassing various forms of renewable power generation.<sup>14</sup> Although "considered," NRC Staff determined that such technologies would be "individually inadequate to serve as alternatives to IP2 and IP3."<sup>15</sup> However, this assumption is now questionable in view of CHPEI's proposal for a transmission project which would bring power generated only from *renewable* sources directly to New York

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<sup>10</sup> IP DSEIS at 8-56 to 8-57

<sup>11</sup> *Id.* at 8-57.

<sup>12</sup> *Id.*

<sup>13</sup> RK IP DSEIS Comments at 44.

<sup>14</sup> See IP DSEIS at 8-58 to 8-65.

<sup>15</sup> *Id.* at 8-58.

City in amounts sufficient to replace one of the Indian Point reactors. Given that NRC Staff is obligated to assess alternatives to Indian Point Units 2 and 3 on a separate basis, it is clear that a full objective assessment of CHPEI's proposed project is now warranted. Failing to do so would lead to completely inaccurate conclusions regarding the feasibility of replacing Indian Point with power from renewable energy sources.

For example, NRC Staff determined that development of hydropower would result in only 300-MW of baseload capacity, and that the potential for state and regional hydropower is well below the current capacity of Indian Point Units 2 and 3. However, now a "reasonable alternative" exists that would provide sizeable amounts of power to the area from renewable sources, including hydropower. Thus, NRC Staff's quick dismissal of this technology in the IP DSEIS is clearly flawed in light of CHPEI's proposal.

#### *Assessment of Combinations of Alternatives*

NRC Staff's arbitrary assumption that there are too many obstacles to implementing sufficient renewable energy sources to be able to replace the power of one or both of the Indian Point reactors, carries over into NRC Staff's assessment of combinations of alternatives in Section 8.3.5 of the IP DSEIS.<sup>16</sup> Indeed, both of NRC Staff's combination alternatives assume that renewable energy sources could not provide anything more than 200- to 400-MW of power towards replacing the power supplied by Indian Point. In addition to the reasons set forth in Riverkeeper's previous comments, NRC Staff's underlying assumption is now further undermined by the new information presented herein regarding CHPEI's proposal for a HVDC transmission system which would provide 1,000-MW of power to the New York City area produced solely from renewable sources.

NRC assessment of combinations of alternatives essentially concludes that no combination of energy sources would be able to replace the electrical capability of Indian Point Unit 2 and Unit 3 entirely.<sup>17</sup> However, CHPEI's proposed transmission system would appear to now contradict this determination. Such unsound conclusions demonstrate the deficiency of NRC Staff's assessment here.

#### *Assessment of the No-Action Alternative*

Failure to assess the new information about CHPEI's HVDC proposal manifests in an equally distorted evaluation of the no-action alternative. As discussed in Riverkeeper's IP DSEIS Comments, NRC Staff has not considered various energy options that are technically achievable and environmentally preferable to operating Indian Point Units 2 and 3, demonstrating that the no-action alternative is the better option. The potential viability of a 2,000-MW transmission project is now further evidence that other energy options may be available. Thus, NRC Staff must consider such information in order to accurately evaluate the feasibility of the no-action alternative.

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<sup>16</sup> See *id.* at 8-65 to 8-77.

<sup>17</sup> See *id.* at 8-65 (The combinations assessed in the IP DSEIS "include several alternatives that the NRC staff found to be unable to replace the entirety of IP2 and IP3 electrical capability.").

## Conclusion

For the reasons articulated above, Riverkeeper submits that the NRC Staff must consider new information concerning the proposal for an HVDC transmission system to convey about 1,000-MW of power from renewable energy sources directly to the New York City area in the environmental review process for the license renewal of Indian Point. There is no way that NRC Staff will be able to reach reasoned, accurate conclusions regarding the feasibility of replacing the power generated by Indian Point without a full, objective assessment and all such "reasonable alternatives."

Riverkeeper appreciates your consideration of the foregoing. Should you have any questions about any of the above comments or require further information, please do not hesitate to contact the undersigned at (914) 478-4501, ext. 230, or via e-mail at [dbrancato@riverkeeper.org](mailto:dbrancato@riverkeeper.org).

Sincerely,



Deborah Brancato  
Staff Attorney

cc: Drew Stuyvenberg  
Project Manager  
U.S. Nuclear Regulatory Commission  
Mail Stop O-11E19  
Washington, DC 20555-0001  
[andrew.stuyvenberg@nrc.gov](mailto:andrew.stuyvenberg@nrc.gov)