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Submitter Information

Name: Norris McDonald

Address:

1629 K Street, NW, Suite 300
Washington, 20006

Email: NorrisMcDonald@msn.com

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RULES AND JURISDICTIONS
GENERAL

General Comment

See attached file(s)

Comments by the African American Environmentalist Association

Attachments

NRCSupplement38Comments

SUNSI Review Complete

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African American Environmentalist Association

Comments of Norris McDonald

President

African American Environmentalist Association

Regarding Indian Point Nuclear Generating Unit Nos. 2 and 3

Generic Environmental Impact Statement for License Renewal of Nuclear Plants

Supplement 38 - to NUREG-1437
Final Supplemental Environmental Impact Statement (FSEIS)

Draft Report for Comment

Division of License Renewal
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission

[Docket Nos. 50-247 and 50-286; NRC 2008-0672]

March 4, 2016

The African American Environmentalist Association (AAEA) is a national environmental organization based in Washington, DC with a local office in New York City. AAEA was founded in 1985 and is dedicated to the application of practical solutions to environmental problems.

9-L16-1

Indian Point Nuclear Generating Units Nos. 2 and 3 (IP2 and IP3) are located in Westchester County in the Village of Buchanan, New York, approximately 24 miles north of New York City.

AAEA supports the renewal of operating licenses DPR-26 and DPR-64, held by Entergy Nuclear Operations, Inc. (Entergy), for the operation of IP2 and IP3, for an additional 20 years of operation.

The Draft Report states that,

9-L16-2

“The GEIS established 92 separate issues for the NRC staff to consider. Of these issues, the NRC staff determined that 69 are generic to all plants (Category 1), whereas 21 issues do not lend themselves to generic consideration (Category 2). Two other issues remained uncategorized: (1) environmental justice and (2) chronic effects of electromagnetic fields. These two issues must be evaluated on a site-specific basis. A list of all 92 issues can be found in Appendix B to 1510 CFR Part 51.”¹

We question why environmental justice is uncategorized. We have raised similar concerns in regards to NRC’s GEIS in the past. The Draft Report gives no reasons for why environmental justice must be evaluated on a site-specific basis. Without guidance as a Category 1 GEIS issue, site specific environmental justice evaluations are usually given short shrift in EISs.

In regards to the Category 1 issue, The Draft Report states,

9-L16-3

“Air quality impacts (all plants),” considers air quality impacts from continued operation and refurbishment associated with license renewal and has an impact level of SMALL. The 2010 FSEIS (NRC 2010) considered the air quality impacts during refurbishment, but the air quality impacts from continued operation were not discussed. The discussion is revised below [in the Draft Report] to address air quality impacts from continued operation during the license renewal term.”²

We agree with this revision. This air quality area is also where environmental justice issues are usually relevant in evaluating impacts. In regards to the impact level being ‘SMALL,’ perhaps some consideration should be given to the great clean air benefits that nuclear power plants provide to nonattainment areas. So although the negative impact level is SMALL, the positive impact is LARGE.

The revised language (in red) on Page 44, Lines 2-8 should be supplemented with language that describes the major air benefits of IP2 and IP3. Some language should reflect the fact that Indian Point provides 25 percent of the electricity for New York City and Westchester County and does this with virtually zero carbon dioxide emissions.

¹ 5.0 NEW ENVIRONMENTAL ISSUES RESULTING FROM THE 1 REVISION TO 10 CFR PART 51, Lines 12-15.

² 5.1 Air Quality Impacts (All Plants), Lines 12-19.

This is more than 2,000 megawatts of virtually no carbon dioxide, nitrogen oxides, sulfur dioxide, and particulates. Indian Point Energy Center reduces carbon dioxide emissions by 8.5 million metric tons on an annual basis — or the equivalent of 1.6 million cars on the road. These are very significant considerations and some sort of language that describes these benefits should be included.

9-L16-3
cont'd

Section 5.12, Minority and Low Income Populations is woefully inadequate in addressing environmental justice as it relates to IP2 and IP3. According to 2010 Census data, 53 percent of the U.S. population residing within a 50-miles radius of IP2 and IP3 (approximately 17,231,000 individuals) identified themselves as minority. With such a large minority population within this 50-mile radius of IP2 and IP3, environmental justice merits more scrutiny. AAEA has provided such information for more than a decade. The short version is that the major benefits of the plant should be included in the impact analysis. We do not understand the NRC's seeming reluctance to include these benefits in its environmental assessments. IP2 and IP3 prevent significant numbers of hospitalizations and deaths from asthma and other respiratory and pulmonary problems. Such benefits speak directly to the importance of renewing the operating license for the facility.

9-L16-4

Supplement 38 should comprehensively examine these environmental justice benefits. The agency might even consider altering their conclusions about impacts to reflect these benefits. The SMALL impact designation is accurate in the context it is used, but does not address the LARGE benefits provided by a virtually emissions free electricity generating station. If the NRC insists on keeping the environmental justice issue as a site-specific category, then the NRC should provide the sort of zip code and Census Block information needed that the New York State Department of Environmental Conservation (DEC) provided for the 2000 Census but is having trouble with resources in producing Potential Environmental Justice Area information for the 2010 Census. In fact, AAEA has been producing, with extremely meager resources, the environmental justice record in the New York State water permit adjudications.

The NRC based most of its conclusion on the fact that:

“The Commission upheld the NRC staff’s analysis, finding, in pertinent part, that the FSEIS appropriately considered the reasonably foreseeable impacts of license renewal to minority and low-income populations and that supplementation of the FSEIS was not required 24(NRC 2015c).”

This conclusion was reached based on an:

“...intervenor filed a contention challenging the adequacy of the NRC staff’s analysis of the environmental impacts to minority and low-income populations in the 2010 FSEIS,

largely focusing on the consequences of a radiological emergency requiring sheltering-in-place or an evacuation.”

9-L16-4
cont'd

This narrow consideration missed the larger need as described above in addressing how IP2 and IP3 mitigate environmental injustice. The NRC needs to expand its impact analysis.

The GHG Emissions and Climate Change section (5.13.2) is inadequate because, as in the case of environmental justice, the benefits of the facility are not listed. At a very minimum, Supplement 38 should include the fact that the Indian Point Energy Center prevents (versus fossil fuel plant replacements) carbon dioxide emissions of 8.5 million metric tons on an annual basis — or the equivalent of adding 1.6 million cars on the road. Although it represents a small percentage in the grand scheme of things, carbon dioxide emission reductions are important to the State of New York, to the United States and to many other nations. It is an acknowledged global problem that needs to be mitigated. IP2 and IP3 are part of the solution to that problem. The general information is important but limiting impacts to extremely small on-site emissions is inadequate.

9-L16-5

This Supplement again does not adequately address the environmental justice benefits of IP2 and IP3 in 5.14.11 Environmental Justice. The cumulative environmental justice impacts are enormous in terms of mitigating negative air and health issues. Again, the Supplement should address these specific benefits.

9-L16-6

We disagree with four (4) out of five (5) of the impact conclusions included in Table 9–1, Summary of Environmental Significance of License Renewal and 1 Alternatives because of the exclusion of environmental benefits. Even in the case where we agree with the impact assessment, we believe there should be much more consideration of environmental benefits.

9-L16-7

Under 'License Renewal,' the impact is listed as SMALL. The negative impacts would be SMALL, but the positive impacts would be LARGE. The NRC should figure out a way to include this consideration. Under 'Plant Shutdown,' the impact is listed as SMALL. If the positive impacts of IP2 and IP3 are included, the environmental injustice mitigation impact would be very LARGE. The 'New Closed Cycle Cooling' alternative is a shutdown scenario, which would lead to a LARGE impact if the positive environmental benefits are lost due to such a closure. The 'NGCC at the IP Site or a Repowered Site,' alternative, again would eliminate the great environmental benefits of the facility and increase emissions in a nonattainment area. The 'NGCC at a New Site,' would have very LARGE negative consequences. The NRC's limiting the environmental justice benefits of IP2 and IP3 is a confounding variable that unfairly skews the impact conclusions.