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Comment On: NRC-2009-0337-0020

Combined License Application for Turkey Point Nuclear Plant, Unit Nos. 6 and 7; Draft Environmental Impact Statement

Document: NRC-2009-0337-DRAFT-0185

Comment on FR Doc # 2015-05099

191

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General Comment

The NRC has failed to produce an EIS for the proposed nuclear reactors at Turkey Point that is easily amenable to public review. Even if the draft EIS werent fatally flawed by the lack of functioning footnotes, the NRC has failed to meets its responsibilities under NEPA to address the impacts of the proposed federal action. See our attached comments

Attachments

Greenpeace Comments TP6&7 EIS

SUNSI Review Complete

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May 22, 2015

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Comments on NRC's Draft Environmental Impact Statement for Combined Licenses (COLs) for Turkey Point Nuclear Plant, Units 6 and 7

The U.S. Nuclear Regulatory Commission (NRC) has once again displayed its disdain for both the National Environmental Policy Act (NEPA) and the public it supposedly serves. The NRC's failure to comply with the terms of NEPA as well as own regulations in the preparation of environmental impact statements was the subject of a 2013 NRC Office of the Inspector General (OIG) Report.

(<http://pbadupws.nrc.gov/docs/ML1323/ML13232A192.pdf>)

The OIG report found that NRC's NEPA documentation "does not clearly present, in an accessible way, the proposed action, alternatives, and conclusions to stakeholders" and "undermines its extensive efforts to be clear, open, and transparent." OIG Report at 12. The OIG criticized NRC's EIS documents for being "lengthy and complex" and "overwhelming to the average person." OIG Report at 7, 10-15.

(<http://pbadupws.nrc.gov/docs/ML1323/ML13232A192.pdf>)

The OIG's criticisms were not meant as a road map for continued NRC malfeasance. EVERY SINGLE FOOTNOTE IN THE DEIS IS HIDDEN BEHIND A FIREWALL!

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NEPA requires agencies to ensure professional and scientific integrity by setting forth the methodologies used and making "explicit reference by footnote [to] the scientific and other sources relied upon for conclusions in the statement." (*Earth Island Inst. v. U.S. Forest Serv.*, 442 F.3d 1147, 1160 (9th Cir. 2006), *abrogated on other grounds by Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7 (2008))

When the NRC staff was informed that every single citation in the DEIS was broken their reply was that it would be repaired in the final draft. OUTRAGEOUS! NRC has sought public comment on a two volume EIS totaling 1458 pages where every single citation is hidden behind a fire wall and the agency somehow thinks this is adequate? This pathetic inadequacy in citation wouldn't pass muster in a high school science class but somehow the NRC thinks it's appropriate for a DEIS to construct two nuclear reactors.

Since, according to the Miami Herald, Florida Power & Light has not formally committed to building the two new reactors, I strongly recommend that NRC withdraw the current document, repair the citations, and reopen the public comment period.

(<http://www.miamiherald.com/news/local/community/miami-dade/article18627960.html>)

Should the NRC ignore this request, we'd appreciate it if the agency would deign to consider our comments below:

NRC's Draft EIS is Flawed Because it Fails to Adequately Address the Impacts of Climate Change, Specifically, Sea Level Rise on the Turkey Point Site:

According to the NRC's Environmental Impact Statement for Combined Licenses (COLs) for Turkey Point Nuclear Plant Units 6 and 7, Draft Report for Comment (NUREG-2176) (Here in after DEIS):

The impact of sea level rise on the safe operation of the proposed units is considered in the NRC's safety review and is not within the scope of environmental review. Results of the safety review can be found in the Safety Evaluation Report (SER). However, sea level rise will be considered as one of the contributing factors to the cumulative impact of the proposed action and other past, present, and reasonably foreseeable actions in Chapter 7 of the EIS. (I won't bother with citing the footnote in NRC's Draft EIS since it does function!)

Sadly, the Huffington Post did a better job framing the issue of sea level rise at Turkey point in one graphic than the NRC did in nearly 1500 pages.

Turkey Point Nuclear Generating Station

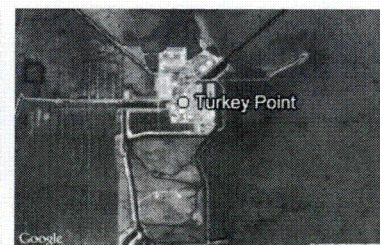
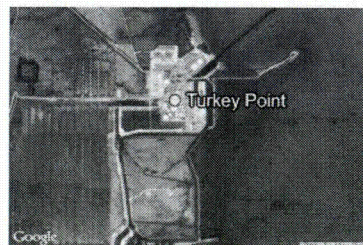
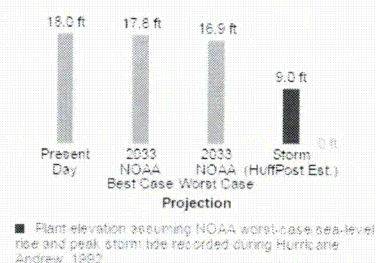
Operated by Florida Power & Light Co.

	Reactor	License Expires	2033 Plant Sea-level Rise Estimate	2033 NOAA Best Case	2033 NOAA Worst Case
Unit 3	Pressurized Water	7/19/2032	Approx. 4 in	2.76 in	13.08 in
Unit 4	Pressurized Water	4/10/2033	Approx. 4 in	2.76 in	13.08 in

Homestead, Fla. ●

Sources: Government Accountability Office, U.S. Nuclear Regulatory Commission (Unit 3, Unit 4)

Plant Elevation Above Sea Level



(http://www.huffingtonpost.com/2014/05/19/maps-rising-seas-storms-threaten-flood-coastal-nuclear-power-plants_n_5233306.html)

Yet NRC's DEIS seemingly fails to address the fact that the Turkey Point site will be an island during a storm surge by the time the proposed reactors would be operation should FP&L ever commit to building them.

One must really question the wisdom of a corporation, a federal agency or a process that would allow for the construction of two nuclear reactors here:



(Id.)

NRC 's Draft EIS is Deficient Because it Mischaracterizes the Impact of Hurricane Andrew on the Turkey Point Site:

Not only has NRC's DEIS failed to address the potential impacts upon the Turkey Point site of climate change but when NRC did address Hurricane Andrews impact on the site NRC mischaracterized and downplayed the risk posed by severe weather events.

According to NRC's DEIS:

Hurricane Andrew was historic because it was the first time that a hurricane significantly affected a commercial nuclear power plant. The eye of the storm, featuring sustained winds of up to 145 mph and gusts of 175 mph, passed over the Turkey Point site and caused extensive onsite and offsite damage. However, there was no damage to the safety-related systems of Units 3 and 4 except for minor water intrusion and some damage to insulation and paint (NRC 1993-TN542).

This is a significant mischaracterization of the impact of Hurricane Andrew on Turkey Point. In fact Hurricane Andrew resulted in a loss of offsite power at

Turkey Point that lasted six and a half days according to the joint NRC/INPO review:

A high priority was placed on restoring offsite power to Turkey Point. The Davis 1 line to the Turkey Point switchyard was energized 4 1/2 days after the storm, but suffered intermittent losses for several hours. Six and one-half days after the storm, the startup transformers for Units 3 and 4 were energized, and the EDGs were shut down. A second offsite line became available about a day later (see Appendix K for details). 25 Section 3 When offsite power was not available, the four EDGs ran continuously to supply plant safety-related loads. An EDG tripped on two instances during this period. Seven hours after the storm had passed, the "A" EDG for Unit 4 tripped during efforts to troubleshoot and isolate a ground on the dc control power supply. The crew immediately recognized that the troubleshooting procedure in use applied when the bus is energized from offsite power but not when the EDG is supplying loads. The EDG was restarted again after a few minutes, and the procedure revised. The "A" EDG for Unit 3 tripped 3 1/2 days after the storm. Troubleshooting to locate the cause of the trip was unsuccessful, and the EDG was successfully restarted in 2 1/4 hours. No further problems were encountered.

(Effects of Hurricane Andrew on the Turkey Point Nuclear Generating Station from August 20-30, 1992, Jointly sponsored by Institute of Nuclear Power Operations and the U.S. Nuclear Regulatory Commission, March 1993, section 3, p. 25. <http://www.osti.gov/scitech/servlets/purl/10158520/>)

The NRC seems to have merely cut and paste the Information Notice on Hurricane Andrew into its EIS but for some reason NRC decided to edit the following which contradict the blithe assurances in the DEIS.

The NRC's Information Notice on the impact of the Category 5 hurricane on the site states that, "(t)he onsite damage included loss of all offsite power for more than 5 days, complete loss of communication systems, closing of the access road, and damage to the fire protection and security systems and warehouse facilities. (<http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info/notices/1993/in93053.html>)

Damage at the Turkey Point Site was not limited to the electrical infrastructure. As the Union of Concern Scientists has pointed out FPL, Turkey point and the people of Florida got lucky:

The fire protection system at the plant was disabled when winds knocked a high tower tank onto a 500,000 gallon tank containing water for the fire protection system.... If the damaged stack had fallen, it could have landed on the building housing the emergency diesel generators for the nuclear units. Considering that the diesel generators were the only source of ac power at the plant for several days, it was extremely fortunate that the leaning stack of Turkey Point did not fall.

(<http://allthingsnuclear.org/fission-stories-48-hurricane-andrew-vs-turkey-point/>)

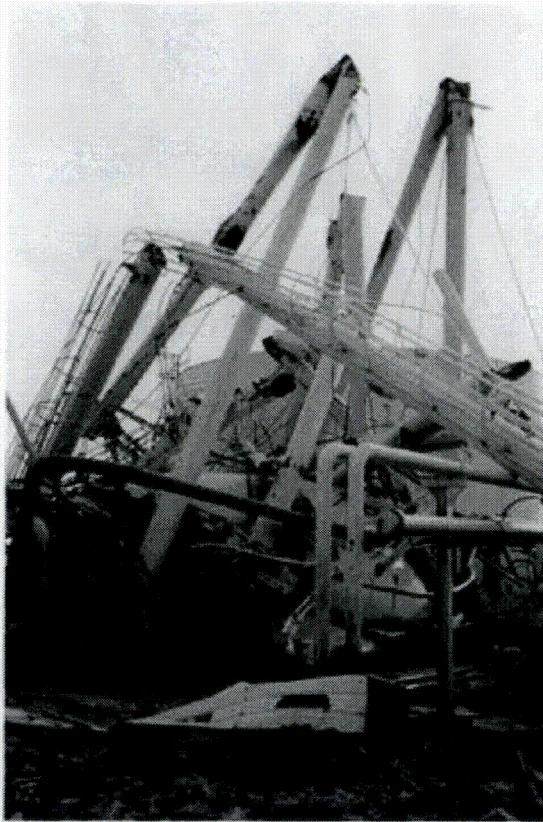


Figure 3.2 Water Tower

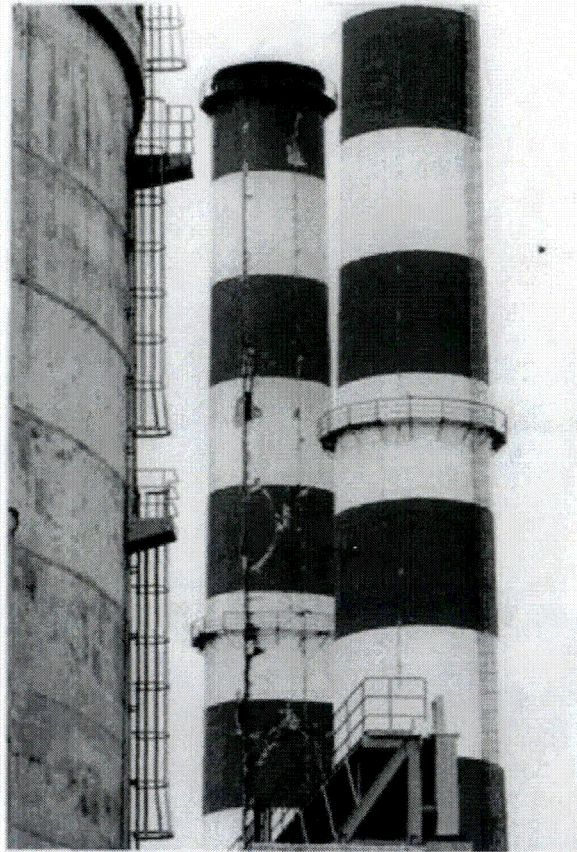


Figure 3.3 Chimneys for Units 1 and 2

The extent to which NRC mischaracterized the impact of Hurricane Andrew in the DEIS is demonstrated by the fact that NRC's own risk analysts found the hurricane to be an important accident precursor. NRC's risk analysts counted both units as accident precursors and attributed a risk of $1.6E-4$ or 1 in 10,000.

(U.S. Nuclear Regulatory Commission, Precursors to Potential Severe Core Damage Accidents: 1992 A Status Report, NUREG/CR--4674 ORNL/NOAC-232 Vol. 17, December 1993, p. 31. <http://www.osti.gov/scitech/servlets/purl/10125322/>)

NRC 's Draft EIS is Flawed Because it Fails to Adequately Address the Impacts of Severe Accidents From Multiple Units and or Spent Fuel Pools.

According to the NRC's DEIS:

The NRC staff evaluated the environmental impacts from DBAs and severe accidents for an AP1000 at the Turkey Point site. Based on the information provided by FPL and NRC's own independent review, the NRC staff concludes that the potential environmental impacts (risks) from a postulated accident from the operation of the proposed Turkey Point Units 6 and 7 would be SMALL, and no further mitigation would be warranted.

(See Appendix D, p. D-3. <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr2176/>)

NEPA provides for a detailed statement of, "the environmental impact of the proposed action, (and) any adverse environmental effects which cannot be avoided should the proposal be implemented." 42 U.S.C. § 4332(2)(C). However, the NRC characterizes impacts as "Small," "Moderate," or "Large." NRC's characterization of the postulated impacts as "small" is not supported by facts and instead relies upon claims of low probability of severe accidents. However as former Chairman MacFarlane acknowledged in one of her votes after Fukushima:

While postulated frequencies of accidents at nuclear power facilities in the U.S. are often expressed anywhere from one in 1,000 years to one in 1,000,000 years, it's important to recognize that the world has seen three severe accidents at nuclear facilities in the last 33 years – or essentially one every ten years, on average. Even though the circumstances, regulatory requirements, and plant designs differed from one accident to the next, these distinctions do not reassure most members of the public. To the contrary, this recurrence rate feeds much of the concern the public expresses about the safety of nuclear power.

(U.S. Nuclear Regulatory Commission, Commission Voting Record, SECY-12-0157, Consideration of Additional Requirements for Containment Venting Systems for Boiling Water Reactors with Mark I and Mark II Containments, March 19, 2003, p. 3, <http://www.nrc.gov/reading-rm/doc-collections/commission/cvr/2012/2012-0157vtr.pdf>)

Not only does NRC characterization of accidents as "small" violate NEPA but also the DC Circuits decision in *New York v NRC*, which found that, " (o)nly if the harm in question is so 'remote and speculative' as to reduce the effective probability to zero may the agency dispense with the consequences portion of the (NEPA) analysis." (*New York v NRC*, 68 F.3d 471, 482. (DC Cir. 2012) Given the commercial nuclear industry's track record of a meltdown per decade and the 2011 triple melt down of General Electric designed reactors in Japan, a severe nuclear accident at a U.S. nuclear plant involving multiple units is anything but speculative.

NRC 's Draft EIS is Flawed Because it Fails to Adequately Address the Threat of Terrorism and the Potential Consequences of a Meltdown in Multiple Units

The NRC's Environmental Impact Statement for Combined Licenses (COLs) for Turkey Point Nuclear Plant Units 6 and 7, Draft Report for Comment (NUREG-2176) fails to address the threat of terrorism to the Turkey Point site. Since 9-11 it has come to light that U.S. nuclear reactors have been viewed as targets by the like of Al Qaeda. In fact the FBI has arrested and convicted terrorist suspects in the US who referred to U.S. nuclear reactors as "nice targets" (<http://articles.latimes.com/2012/nov/13/nation/la-na-nn-saudi-student-texas-terrorism-20121113>)

But according to NRC's DEIS:

The comments that are outside the scope of the environmental review for the proposed Turkey Point site are not included in this appendix. These include comments related to the following: safety, emergency preparedness, NRC oversight for operating plants, security and terrorism, support or opposition to the licensing action, licensing process, nuclear power, hearing process, or the applicant. (See Appendix D.)

However, almost decade ago, the U.S. Court of Appeals for the Ninth Circuit required that the NRC account for the environmental impacts of terrorism under the National Environmental Policy Act's Environmental Impact Statement (EIS) provision. (San Luis Obispo Mothers for Peace v. Nuclear Regulatory Commission, 449 F.3d 1016, 1035 (9th Cir. 2006).

The 9th circuit determined that the possibility of a terrorist attack was not so "remote and highly speculative" and that the NRC should not exclude it from consideration under NEPA. Furthermore, the court found NRC position to be "inconsistent with the government's efforts and expenditures to combat this type of terrorist attack at nuclear facilities." (Id.)

The Court determined that NEPA requires that the NRC take a 'hard look' at the consequences of a terrorist attack upon a nuclear power plant. Mother for Peace was not asking the agency to engage in speculation or conjecture but to adequately address the range of environmental impacts if an attack took place. (Id.)

The NRC's DEIS ignores this decision. Although it remains an open question in Florida due to a split between the 9th and 6th circuits, sound regulation and a federal agency cognizant of and responsive to public concerns would have long ago adjusted its process to account for terrorism during the preparation of an EIS on known terrorist targets. (<http://www.pillsburylaw.com/siteFiles/Publications/839E98B17AA3C8E45D0ADA74928D1108.pdf>)

In conclusion, it is Greenpeace's view that the NRC's Environmental Impact Statement for Combined Licenses (COLs) for Turkey Point Nuclear Plant Units 6 and 7, Draft Report for Comment (NUREG-2176) should be pulled from public consideration unless and until the footnotes in the document actually work. I am amazed that the NRC even allowed the Draft EIS to see the light of day with every footnote hidden behind a fire wall. It is both a measure of the extent to which the NRC is captured and a measure of the disdain it has for the law and the public it supposedly serves.

If NRC fails to withdraw and repair the document, I fail to see how the agency can conclude that the public has been given an adequate opportunity to comment. As the OIG Report reported, "NRC ought to break down the information 'in a common sense approach so the average person can do a quick read and learn how they may be impacted by the action.'" (<http://pbadupws.nrc.gov/docs/ML1323/ML13232A192.pdf>)

The NRC has failed to produce an EIS for the proposed nuclear reactors at Turkey Point that is easily amenable to public review. Even if the draft EIS weren't fatally flawed by the lack of functioning footnotes, the NRC has failed to meet its responsibilities under NEPA to address the impacts of the proposed federal action.

Sincerely,

(original signed by)

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