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**Via Electronic Mail: [aapilakowski@tva.gov](mailto:aapilakowski@tva.gov)**

Ms. Ashley Pilakowski  
NEPA Compliance  
Tennessee Valley Authority  
400 West Summit Hill Drive  
WT 11B  
Knoxville, Tennessee 37902

Re: Comments of Murray Energy Corporation on the Tennessee Valley Authority's *Potential Paradise Fossil Plant Retirement: Draft Environmental Assessment* (Muhlenberg County, Kentucky) (November 2018)

Dear Ms. Pilakowski:

Murray Energy Corporation ("Murray Energy") is pleased to have the opportunity to submit comments on the Tennessee Valley Authority's ("TVA") Draft Environmental Assessment ("EA") prepared by TVA to assess the site-specific impacts of the potential retirement of Paradise Fossil Plant Unit 3 ("Unit 3") located in Muhlenberg County, Kentucky. This letter sets forth the comments of Murray Energy on the EA and provides additional information for consideration by TVA in connection with TVA's evaluation of the future operation of Unit 3.

Murray Energy employs over 6,000 individuals at 13 major coal mining complexes in 6 states and Colombia, South America and produces 76 million tons of high-quality, bituminous coal each year predominantly for electric power generation. In Kentucky, Murray Energy, through its subsidiary companies, owns and operates KenAmerican Resources, Inc.'s Paradise Mine, The Western Kentucky Coal Company, LLC's Genesis Mine and The Muhlenberg County Coal Company, LLC's Pride Mine.

(b) (4)

Murray Energy is strongly opposed to the potential retirement of Unit 3 as contemplated in the EA. As an initial matter, the EA is flawed because TVA has failed to provide a sufficient opportunity for public review and comment on the EA. The 30 day comment period set forth in the EA is simply not sufficient for members of the general public to obtain, read and evaluate the EA along with the 37

other reports or documents cited in the EA. In addition, the retirement of Unit 3 is highly controversial and could devastate local and regional economies in the areas of western Kentucky surrounding the Paradise Fossil Plant. Yet, the EA fails to demonstrate a need for Unit 3's retirement, offers only a cursory statement of justifications for the action, and fails to provide hard data supporting the alleged costs that TVA claims will make future operation of Unit 3 too expensive.

The EA is also flawed because it only presents 2 alternatives – full retirement and de-commissioning or continued operation at current levels – thereby impermissibly limiting the range of alternatives under consideration. Indeed, the EA appears specifically designed to avoid consideration of any alternative other than retirement of Unit 3. Such an outcome-oriented assessment is antithetical to the purpose and requirements of the National Environmental Policy Act (“NEPA”) and TVA's own procedures for NEPA compliance. In short, TVA must consider additional alternatives for Unit 3. The EA also fails to consider the impacts from required decommissioning projects that will inevitably result from a decision by TVA to retire Unit 3.

Finally, and most importantly, the EA's assessment of the employment and economic impacts of a decision by TVA to retire Unit 3 significantly understates or ignores the expected loss of coal mining jobs and jobs in other industries in the region and generally fails to fully apprehend the direct and indirect consequences of retiring Unit 3 on the economy of western Kentucky. The EA gives economic and employment consequences no meaningful consideration in the analysis, and to the extent that the EA recognizes the economic and employment consequences of a retirement decision, it merely brushes them off as unimportant to the EA review.

**1. TVA has failed to provide a Sufficient Opportunity for Public Review and Comment on the EA.**

Murray Energy believes that the 30 day comment period set forth in the EA is not sufficient to allow for meaningful public review and comment on the EA. TVA's NEPA procedures encourage “timely and meaningful public input” on the environmental assessment process.<sup>1</sup> However, the EA was released by TVA on Monday, November 19 just before the Thanksgiving holiday and the beginning of the Christmas holiday season. While Murray Energy routinely monitors announcements affecting the coal and electric utility industries, it is very likely that word of the TVA announcement concerning the EA did not immediately reach members of the general public in sufficient time to allow for “timely and meaningful public input.”

Further supporting the argument that the 30 day comment period is not sufficient to allow for meaningful public review and comment on the EA is that the amount of information that a member of the general public would need to review, digest and analyze in order to fully and meaningfully evaluate the numerous conclusions in the EA is staggering. The EA itself is 62 pages in length and cites 37 other reports or documents totaling thousands of additional pages.<sup>2</sup> The EA further assumes that the reader will be knowledgeable of the thousands of pages of information generated as part of 6 other environmental assessments and impact statements.<sup>3</sup> Yet, the EA fails to cite in most instances to

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<sup>1</sup> *TVA's Procedures for Compliance With the National Environmental Policy Act*, Section 5.3.2 (hereinafter, “TVA NEPA Procedures”).

<sup>2</sup> EA at Chapter 6 (Literature Cited).

<sup>3</sup> EA Section 1.3 (Related Environmental Reviews).

specific sections of any of these documents to support the EA's many conclusory statements. As such, to weigh in on each point made by the EA, a reader would somehow need to digest thousands of pages of highly technical material, and develop comments, in less than 30 days. This is virtually impossible for most, if not all, members of the general public.

A decision by TVA to retire Unit 3 will have significant and far-reaching economic consequences for the entire western Kentucky region. Accordingly, TVA should not short-circuit the public review and comment process to exclude or limit meaningful public involvement. In this situation, both NEPA and TVA's own procedures for NEPA compliance require a more robust public participation process. In this case, however, TVA has largely kept the public shut out of the decision-making process and appears to be rushing ahead with a retirement decision before the voices of Kentuckians can be heard.

The purpose of NEPA's EA process is to generate "meaningful" public comment.<sup>4</sup> Such meaningful input is not possible in the limited 30 day period provided for comment, and TVA should extend the comment period by at least an additional 90 days -- or in the alternative, if TVA desires to pursue the retirement of Unit 3, TVA should support its decision not with a cursory EA but with a full environmental impact statement.<sup>5</sup> A decision of such momentous importance, which threatens the livelihoods of hundreds of individuals and the reliability and resiliency of TVA's power supply, deserves a full and complete opportunity to allow for public review and comment on the EA and associated documents.

Moreover, the timing of this rushed public review gives the impression that TVA does not really intend to give any consideration to the public comments it does receive. TVA is purportedly planning to make a *final* decision on Unit 3's retirement at its February, 2019 Board of Directors meeting. Even assuming the public went through the incredibly time-consuming exercise of reviewing and analyzing the many documents cited in the EA and providing detailed comments, there is simply no way TVA could meaningfully consider those comments in a few short weeks prior to the Board meeting in February.

Therefore, the need for more deliberation, by a fully staffed TVA Board, is all the more necessary here in light of serious allegations that TVA has intentionally misled or misdirected key policy makers regarding its intentions with respect to Unit 3. For example, U.S. Senator Rand Paul's office has stated, "[t]hroughout discussions regarding TVA's entire generating fleet being placed under review, no mention of a potential retirement of Paradise Unit 3 was made" until the draft EA was released in late November.<sup>6</sup> The numerous community members, industries, policy makers and

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<sup>4</sup> *Ohio Valley Env'tl. Coalition v. U.S. Army Corps of Engineers*, C.A. No. 3:08-0979 (S.D. W.Va. Oct. 31, 2008) (granting injunction where NEPA notice was insufficient).

<sup>5</sup> TVA NEPA Procedures at Section 5.4.1 ("The following actions normally will require an environmental impact statement...1. Major power generating facilities...4. Any major action, the environmental impact of which is expected to be highly controversial...5. Any other major action which will have a significant effect on the quality of the human environment...").

<sup>6</sup> <https://www.paul.senate.gov/news/sen-rand-paul-blasts-tva-proposed-closure-western-kentucky-coal-fired-plant> (last visited December 12, 2018).

stakeholders with an interest in this process were therefore caught off guard by the EA's publication and are being forced to respond to it on an unnecessarily truncated timeline, while TVA is also allowing itself virtually no time to meaningfully review the numerous comments it is still likely to receive.

Thus, at a minimum, TVA must provide a minimum of 90 additional days for the public to participate in the EA process, and to allow TVA itself additional time to evaluate public input after comments are received. Only by doing so can TVA begin to repair the damage it has continually caused to its relationship with ratepayers and the local community.<sup>7</sup>

2. **TVA's Retirement of Unit 3 will result in Significant Job Losses and Devastating Impacts to the Economy in Western Kentucky.**

The EA significantly understates both the direct and indirect job losses that will result from the retirement of Unit 3. First, the EA assumes that only a portion of the 131 direct TVA employees at Paradise will lose their jobs yet the EA provides no meaningful support for the assumption that some percentage of the Unit 3 employees will be able to find other employment. Aside from passing references to those workers maybe being able to find (lower paying) jobs in health care and education,<sup>8</sup> there is no data in the EA to support any conclusion that the lost employment resulting from Unit 3's retirement will ever be replaced.

In addition, the EA appears to assume no significant loss of coal mining employment as the result of a decision to retire Unit 3 stating that unless coal mines find alternative markets for the coal tonnage purchased for Unit 3, "minor indirect adverse economic impacts to the affected counties and a portion of western Kentucky would occur."<sup>9</sup> (Emphasis added). The problem is that the EA assumes that only 135 coal mining jobs are tied to the coal consumed by Unit 3, (b) (4)

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<sup>7</sup> Even today, TVA continues to send mixed messages to the general public with respect to Unit 3. For example, one portion of TVA's website states unequivocally that "Unit 3 will continue operation." <https://www.tva.gov/Energy/Our-Power-System/Coal/Paradise-Fossil-Plant> (last visited December 12, 2018). Although this may not be a deliberate attempt to mislead the public, such statements would lead the public to believe that TVA is not considering retirement of the unit, when in fact the EA indicates that retirement is the only option truly under consideration.

<sup>8</sup> EA, p. 46.

<sup>9</sup> EA, p. 47.

(b) (4)

Moreover, the EA's conclusion that the loss of hundreds of jobs is "minor" is insulting to the hard working coal miners who will be impacted by a decision to retire Unit 3. The EA itself acknowledges that unemployment in most of the region is well above the state average, so any loss of high-paying employment in the region is more than "minor" to those people who are impacted.

The EA also makes no meaningful effort to consider indirect employment impacts in the western Kentucky region. For example, while the EA recognizes that the transportation and limestone mining industries will be impacted, no attempt is made to determine the extent of these impacts.<sup>10</sup> In addition, indirect job losses affecting other industries including the retail, restaurant and service industry sectors can be expected to result from a decision to retire Unit 3. The indirect job losses could be staggering. A Penn State University study projects that in coal mining regions of the country, for every coal mining job, 11 jobs are created in the community. Although the EA significantly understates the potential loss of coal mining jobs, even using the EA's low figure of 135 coal mining job losses tied to Unit 3, the loss of those jobs has the potential to cause a total loss of almost 1,500 jobs in the surrounding communities. Given the relatively high wages and associated benefits of the TVA jobs involved at Unit 3, a similar impact could be anticipated for each worker at the Paradise Plant. Accordingly, a decision to retire Unit 3 has the potential to cause a total loss of well over 2,000 jobs in the region. As the EA itself acknowledges, there are only approximately 10,000 jobs in Muhlenberg County as a whole. The loss of over 2,000 jobs in Muhlenberg County and the surrounding counties threatens to send the local economies into Depression-era levels of unemployment.

In summary, the conclusions in the EA's socioeconomic analysis are significantly flawed. There is no doubt that the retirement of Unit 3 will have a devastating impact on jobs and the local economy of Muhlenberg County and the surrounding areas in western Kentucky. Yet, the EA significantly understates direct impacts to coal mining employment in the region, ignores indirect employment impacts to other industries, and fails entirely to apprehend the devastating economic impact to western Kentucky if Unit 3 is retired.

Additionally, the EA makes numerous unfounded or irrelevant statements in a misguided attempt to argue that the socioeconomic impact of the retirement of Unit 3 will be minimized by positive benefits of the retirement realized in other states. For example, in a shocking and insulting affront to the western Kentuckians who will be harmed by a retirement decision, the EA claims that retirement of Unit 3 will have "positive indirect economic impacts throughout the Southeast Region" because Alabama, Mississippi and Tennessee will receive additional in lieu of tax payments.<sup>11</sup> This statement unnecessarily confuses the analysis, and borders on disingenuous. First, it is cold comfort to any western Kentucky resident that loses his or her job as a result of the retirement of Unit 3 that the tax situation in other states may slightly improve after he loses his job. Second, the assumption that other states will see increased in lieu of tax payments may not be accurate, given that TVA plans to

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<sup>10</sup> EA, p. 47.

<sup>11</sup> EA, p. 47.

retire units in other states as well, so those other states may also see a decrease in payments.<sup>12</sup> Third, the discussion of alleged positive indirect impacts does not take into account the various taxes paid by the Kentucky companies in other industries like coal mining, limestone mining and transportation that support Unit 3.<sup>13</sup>

### 3. **There is No Demonstrated Need for Retirement of Unit 3.**

The EA fails to demonstrate a need for the retirement of Unit 3 offering only a cursory statement of justifications for the action. The EA further fails to provide hard data supporting the alleged costs that TVA claims will make future operation of the unit too expensive.

The foundation of NEPA review is a fully articulated statement of purpose and need for the proposed project, and an agency cannot define “need” so narrowly “that the outcome [is] preordained.”<sup>14</sup> Here, TVA asserts that it “needs” to retire Unit 3, but has failed to demonstrate that such need actually exists. By not fully justifying the need to retire Unit 3, the EA also fails to consider a sufficient range of reasonable alternatives. Indeed, the only conclusion that can be drawn is that TVA has an animus against coal-fired power generation and is performing the EA as a mere rubber stamp on a policy decision to abandon coal as a portion of its generation mix.

The EA makes cursory reference to “costs that would be incurred at PAF Unit 3 in the next few years” as the need to assess potential retirement of the unit.<sup>15</sup> But the fact that Unit 3 will incur costs in future years is no reason to retire it. All generating options will incur certain costs. The issue is whether the costs warrant retirement or pursuit of other options. The analysis in the EA fails to support the conclusion that costs at Unit 3 require retirement of the unit, because it fails to provide necessary data supporting cost estimates, fails to provide any methodology for analyzing these costs, and fails to provide any justification for why the alleged cost assumptions were reasonable. The EA is in fact utterly devoid of data outlining the “costs” involved, and wholly fails to compare these costs to the costs of other generation sources or similar sources in the industry. NEPA does not require the interested public to merely accept at face value all of the conclusions in the EA. Instead, the conclusions should be supported with meaningful data, which is wholly lacking in the statement of need.

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<sup>12</sup> At the same time it announced a potential retirement of Paradise Unit 3, TVA also announced plans to retire units at the Bull Run plant in Tennessee. The retirement of Bull Run would likely reduce in lieu of tax payments made in Tennessee as well, so it is unclear how TVA supports its assertion that that in lieu of tax payments will increase in Tennessee. Indeed, the conclusion that in lieu of tax payments will increase anywhere is supported by no data.

<sup>13</sup> Kentucky’s coal producers alone create hundreds of millions of dollars in severance, unmined minerals, sales, payroll and other taxes in Kentucky. See *Kentucky Coal Facts*, 17<sup>th</sup> ed. (2017) (“Kentucky Coal Facts”) at p. 34 available at [http://energy.ky.gov/Coal%20Facts%20Library/Kentucky%20Coal%20Facts%20-%202017th%20Edition%20\(2017\).pdf](http://energy.ky.gov/Coal%20Facts%20Library/Kentucky%20Coal%20Facts%20-%202017th%20Edition%20(2017).pdf) (last visited December 12, 2018) (describing extent of taxes paid by Kentucky coal industry).

<sup>14</sup> See *Alaska Survival v. Surface Transportation Bd.*, 705 F.3d 1073, 1084 (9<sup>th</sup> Cir. 2013).

<sup>15</sup> EA, p. 2.



The EA points to costs associated with EPA's Coal Combustion Residuals ("CCR") Rule as a reason to retire Unit 3. But this justification fails for several reasons. First, the EA does not actually document any costs at all; instead, it simply lists projects. And the EA recognizes that many of these projects associated with coal combustion residuals management *will be carried out regardless of whether the unit is retired or not*.<sup>16</sup> The EA therefore fails to demonstrate that CCR projects, standing alone, create a need to retire the unit.

The EA also points to a purported future rotor replacement as a need to retire the unit.<sup>17</sup> But again, no supporting information regarding this project is provided. The interested public is therefore left to wonder whether this is a legitimate cost, or instead a pretext to further TVA's agenda to move its generation mix away from coal power. And even if the rotor replacement is a legitimate cost item, there is no indication in the EA that this single project is of such an enormous cost as to support the drastic decision to retire the unit, especially in light of the costs TVA has already recently expended to upgrade the unit to meet various environmental requirements.

In fact, the EA does not address at all the costs already expended to upgrade Unit 3 or whether TVA will continue to recoup these costs from its ratepayers. TVA, and in turn its ratepayers, made massive investments in pollution control technology at Unit 3 over the past 10 to 15 years. The extent to which the ratepayers have already funded these projects (and the extent to which they will continue to do so for years to come), warrants significant consideration in determining whether a need to retire Unit 3 exists. Indeed, the EA recognizes that the continued operation of Unit 3 will not cause a negative environmental impact precisely because the unit has already been upgraded with modern pollution control technology.<sup>18</sup> It only seems logical that TVA would continue to obtain the benefit of this prior investment by operating Unit 3 to produce low-cost, reliable, and resilient and electricity for as long as reasonably possible, given the significant investment already made in the unit. Continuing to operate a unit that is already upgraded, and already paid for, certainly seems like a smarter decision than shuttering this viable unit and then spending approximately \$8 Billion over the next twenty years on new generating facilities, as TVA has committed to doing.<sup>19</sup> Ratepayers should be shocked that a utility which already claims to have so much generating capacity that it can retire a 1,150 MW unit without any need to replace that unit's lost capacity<sup>20</sup> would be spending \$8 Billion dollars on new generation, at the same time that it continues to raise rates.<sup>21</sup>

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<sup>16</sup> EA, p. 8-9 (listing ten separate CCR projects that will be performed "under either alternative").

<sup>17</sup> EA, p. 2.

<sup>18</sup> EA, pp. 15-17.

<sup>19</sup> <https://platform.mi.spglobal.com/web/client?auth=inherit#news/article?id=46098556&cdid=A-46098556-11814> (last visited December 12, 2018) (stating that TVA remains committed to spending \$8 Billion renewable energy generation in the next 20 years).

<sup>20</sup> EA, p. 3 (indicating TVA has "no immediate need to replace the generating capacity currently provided by PAF Unit 3).

<sup>21</sup> <https://www.tva.gov/Newsroom/Press-Releases/TVA-FY19-Budget-Maintains-Focus-on-Providing-Long-Term-Value-to-the-Valley> (last visited December 12, 2018) (reporting on TVA's recent 1.5% rate increase approved in August).

TVA must consider whether “costs”, standing alone, can ever be a sufficient basis for the retirement of Unit 3, given its crucial role in driving economic development in the western Kentucky region.<sup>22</sup> TVA’s mandate is unique, and extends beyond simply reducing its costs and increasing operating margins. Instead, TVA’s mission extends to fostering economic development of the region. The EA itself recognizes (but does not fully capture) the vital role the coal-fired generation at Unit 3 plays in economic development. In light of the outsized role this unit plays in the economic well-being of the region, an unnecessary move to retire a unit directly employing over 130 workers (and providing employment to hundreds more in other industries) is contrary to TVA’s economic development mandate, and calls into question whether any “need” to retire the unit exists.

Finally, any determination of “need” for retirement is necessarily premature given that TVA is still reviewing its future generation needs. Although the EA points to the 2015 integrated resource plan,<sup>23</sup> that IRP does not mandate the retirement of Unit 3. Moreover, the 2019 IRP process is still underway,<sup>24</sup> and so it cannot form the basis of a retirement decision at this point, unless of course the outcome of the current IRP is already a foregone conclusion with respect to abandonment of coal from the generating mix. Murray Energy strongly opposes the secrecy that has surrounded TVA’s 2018 IRP process.<sup>25</sup> But assuming TVA is acting in good faith in its ongoing evaluation of resource planning needs, it would be premature to make a retirement decision while that IRP process is still underway.<sup>26</sup> Further, TVA apparently intends to make a retirement decision at its next Board of Directors meeting, but the board does not have its full composition of members. At least one Board nomination remains pending before the Senate for confirmation. A decision of such major importance should await the outcome of the current IRP process and should be made by a full Board. Unless and until the current IRP process is complete and TVA has a full Board, there can be no true demonstration of need for the project.

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<sup>22</sup> <https://www.tva.gov/Newsroom/News-Features/Our-Year-of-Achievement> (last visited December 12, 2018) (describing one of TVA’s core missions as promoting economic development).

<sup>23</sup> EA, p. 2.

<sup>24</sup> <https://www.tva.com/Environment/Environmental-Stewardship/Integrated-Resource-Plan> (last visited December 12, 2018).

<sup>25</sup> *Id.* (members of the IRP committee are anonymous).

<sup>26</sup> Of course, it is logical to question whether the outcome of the IRP process is predetermined, given that TVA has already announced a commitment to spend \$8 Billion on renewables in the next 20 years, whether it actually needs to do so or not, and apparently without regard to what this might cost ratepayers.



4. **The EA Violates NEPA by Failing to Consider Available Alternatives to Retirement of Unit 3.**

NEPA requires a consideration of a full range of reasonable alternatives to the proposed action.<sup>27</sup> In contravention of this requirement, the EA analyzes only two (2) options: continued operation or full retirement of Unit 3. By presenting a black or white choice between continued operation of Unit 3 and full retirement and decommissioning of Unit 3, the outcome of the EA process is naturally slanted to support the preferred alternative. By ignoring other alternatives, the EA violates NEPA, and more fundamentally deprives TVA's ratepayers and other interested parties of a meaningful role in the environmental review process.

It is well known that alternatives to retirement and full decommissioning exist. For example, Unit 3 could be utilized as a peaking unit or potentially idled, but not fully retired. In addition, TVA could evaluate whether the sale of Unit 3 to a private entity for continued operation is a viable course of action. Alternatively, TVA could consider engaging a private party to operate Unit 3 with TVA having the option to purchase the electric power generated by Unit 3. Yet, in the EA, TVA has only considered 1 alternative to the continued operation of Unit 3, that being full retirement. Clearly, there are viable alternatives for Unit 3 that the EA has completely ignored.

The alternatives to full retirement mentioned above may better serve the ratepayers and customers of TVA by providing greater benefits when compared to full retirement of Unit 3. But the EA fails to consider any alternatives for Unit 3 other than full retirement. For example, operating Unit 3 as a peaking unit or idling Unit 3 would allow the unit to serve as security against disruptions in the nation's electric power grid and as a hedge against current natural gas price volatility and future increases in the price of natural gas or other fuel sources. Maintaining the potential to operate a fuel-secure coal-fired unit also provides reliability and resiliency benefits compared to the inherently intermittent nature of renewable sources.<sup>28</sup> Indeed, because the EA assumes no electric load growth, TVA would necessarily be required to make additional capital investments should electricity demand increase after Unit 3 is retired. Rather than boxing itself in to a reliance on intermittent and unreliable sources of fuel, the alternative of operating Unit 3 as a peaking unit or idling Unit 3 would serve as a protection against many future risks. By not considering these important alternatives, the EA's analysis is constrained to the point of being ineffective and incomplete.

5. **The EA Violates NEPA by Failing to Consider Full Costs of Retiring Unit 3.**

The EA acknowledges that if Unit 3 is retired, a number of decommissioning activities will need to take place in the near term. However, the EA glosses over or completely ignores the environmental impact of the de-commissioning activities. Indeed, the EA does not analyze the environmental impact of chemical impoundment closure or deconstruction and demolition of Unit 3,

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<sup>27</sup> 40 CFR 1502.14(a).

<sup>28</sup> Federal energy regulators are urging utilities to consider the importance of grid resiliency and security. It is possible that other utilities will soon be required to value these important attributes. *See, e.g.*, FERC Docket No. RM18-1-000. TVA will place its ratepayers at a significant disadvantage to those served by other utilities if it continues to take steps that make its generation fleet less resilient and less secure.

even though these projects are foreseeable in a retirement scenario.<sup>29</sup> By failing to give any consideration to the environmental impact of these de-commissioning activities, the EA improperly segments “retirement” of Unit 3 from its de-commissioning, even though the EA acknowledges that de-commissioning and retirement are inextricably intertwined. The intent is apparent – to avoid a meaningful study of environmental consequences by analyzing only “retirement” in a vacuum in a hypothetical future scenario that will never actually come to pass, thereby supporting TVA’s preferred (and apparently predetermined) outcome of retirement. NEPA review must reflect the natural direct results of the proposed action. In this case, Unit 3 will not simply be “retired” and cease producing power. Rather, a number of additional follow-on activities will take place. By failing to analyze these foreseeable future projects and the environmental or socioeconomic impact of these additional activities, the EA fails to comply with the requirements of NEPA.

In summary, for the reasons described in this letter, Murray Energy is strongly opposed to the potential retirement of Unit 3 as contemplated in the EA. (b) (4)

(b) (4)

(b) (4) In such a situation, both NEPA and TVA’s own procedures for NEPA compliance require a more extensive public participation process. As such, the opportunity for public review and comment should be extended by a minimum of 90 days, or in the alternative, if TVA desires to pursue retirement of Unit 3, TVA should support its decision with a full environmental impact statement instead of a conclusory EA.

Thank you for considering this additional information.

Sincerely,



Jason D. Witt  
*Assistant General Counsel*

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<sup>29</sup> EA, p. 7.