



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105

July 27, 2009

RULES AND DIRECTIVES
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AM 8:56

RECEIVED

Michael Lesar
Chief, Rulemaking and Directives Branch
(Mailstop TWB 5B-01M)
Nuclear Regulatory Commission
Washington, DC 20555-0001

(11)

5/26/09

74FR 24884

Subject: Scoping Comments for the Palo Verde Nuclear Generating Station, Units 1, 2 and 3, Maricopa, Arizona

Dear Mr. Lesar:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Register Notice published on May 26, 2009, requesting comments on the Nuclear Regulatory Commission's (NRC's) Notice of Intent to Prepare an Environmental Impact Statement and Conduct Scoping Process for Palo Verde Nuclear Generating Station, Units 1, 2 and 3 (Palo Verde). Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act.

EPA recognizes the difficulty of finding a viable alternative to an existing facility, such as Palo Verde, but we encourage you to consider a full range of alternatives. We recommend that NRC examine the most recent information available on renewable energy generation. The Bureau of Land Management and Department of Energy have prepared many documents that may be helpful, and are currently working on a Solar Energy Programmatic Environmental Impact Statement (<http://solareis.anl.gov/>). This effort is intended to facilitate utility scale solar energy development in selected solar energy zones in six western states, including Arizona. We also recommend the Draft Environmental Impact Statement (DEIS) discuss the feasibility of using residential and wholesale distributed renewable energy generation, in conjunction with increased energy efficiency, as a viable alternative in your analysis.

With regard to the existing Palo Verde facility, we recommend the DEIS include: an evaluation of environmental justice concerns, based on CEQ guidance¹; a summary of routine releases and a description of any non-routine releases; a discussion of the capacity and adequacy of nuclear waste storage for an additional twenty years or more; an updated estimate to decommission the facility; and financial assurance mechanisms in place to ensure proper decommissioning in the event of bankruptcy on the part of the owner.

¹ Environmental Justice Guidance under the National Environmental Policy Act, Appendix A (Guidance for Federal Agencies on Key Terms in Executive Order 12898), CEQ, December 10, 1997.

SOUSI Review Complete
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Add = L. Regner (LMR2)

We appreciate the opportunity to provide comments on the preparation of the DEIS, and look forward to continued participation in this process as more information becomes available. When the Draft EIS is released for public review, please send one copy to the address above (mail code: CED-2). If you have any questions, please contact me at 415-972-3856 or kelly.thomasp@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Tom Kelly". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Tom Kelly
Environmental Review Office
Communities and Ecosystems Division