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Consideration on Environmental Impacts on Temporary Storage of Spent Fuel After Cessation of Reactor Operation

**Comment On:** NRC-2012-0246-0001  
Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation

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**Government Agency Type:** Federal  
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## General Comment

See attached file(s)

## Attachments

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IOWA CHAPTER

December 15, 2012

Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD

Via e-mail: [www.regulations.gov](http://www.regulations.gov)

Re: Docket ID NRC-2012-0246

Dear Commission:

The following comments on the scoping process for the Waste Confidence Decision and Rule are submitted on behalf of the Iowa Chapter of the Sierra Club. The Sierra Club is the nation's largest grassroots environmental organization with over 600,000 members. Its Iowa Chapter has approximately 5,000 members. The Sierra Club supports sustainable energy alternatives that do not harm the environment. The Sierra Club opposes nuclear power because its fuel cycle from uranium mining to spent radioactive fuel poses grave dangers to the environment. In addition, reliance on nuclear power unjustifiably delays the beneficial transition to clean and renewable energy sources.

One of the most serious concerns regarding nuclear power is the problem of disposal of spent nuclear fuel. Currently all of the spent fuel ever produced by nuclear reactors in the United States is stored in the cooling pools or temporary casks at each reactor site. There is no assurance that a permanent repository will ever be found for the spent fuel. As the court said in New York v. NRC, 681 F.3d 471, 474 (D.C. Cir. 2012):

The delay [in finding a permanent repository] has required plants to expand storage pools and to pack SNF [spent nuclear fuel] more densely within them. The lack of progress on a permanent repository has caused considerable uncertainty regarding the environmental effects of temporary SNF storage and the reasonableness of continuing to license and relicense nuclear reactors. (emphasis added).

In addition, the Blue Ribbon Commission on America's Nuclear Future has said that we may already be at a point where more than one permanent repository is necessary. As noted in New York v. NRC, at this point there is no possibility of finding even one permanent repository in sight at this time. Thus, as we continue to make more spent fuel, the problem becomes worse. Therefore, the only sensible course of action is to stop making more spent fuel. Therefore, the scope of the Waste Confidence Decision and Rule must include the alternative of discontinuing the production of spent nuclear fuel by not licensing any new reactors and decommissioning all existing reactors.

In discussing the alternative of discontinuing production of spent fuel, the EIS should consider how renewable energy can replace whatever current or future energy needs would have been supplied by nuclear power if nuclear power is discontinued as an energy source. Numerous studies have shown that we can generate all the energy we need from renewable sources with a comprehensive transmission and distribution grid if we will adopt policies supporting that vision. See, e.g., Archer and Jacobson, Supplying Baseload Power and Reducing Transmission Requirements by

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Interconnecting Wind Farms, Journal of Applied Meteorology and Climatology (v. 46, Nov. 2007); Jacobson and Delucchi, Providing All Global Energy with Wind, Water, and Solar Power, Part I: Technologies, Energy Resources, Quantities and Areas of Infrastructure, and Materials, Energy Policy (v. 39, p. 1154-1169); Jacobson and Delucchi, Providing All Global Energy with Wind, Water, and Solar Power, Part II: Reliability, System and Transmission Costs, and Policies, Energy Policy (v. 39, p. 1170-1190); Jacobson and Archer, Saturation Wind Power Potential and Its Implications for Wind Energy, found at [www.pnas.org/cgi/doi/10.1073/pnas.1208993109](http://www.pnas.org/cgi/doi/10.1073/pnas.1208993109). See also, The Energy Report: 100% Renewable Energy by 2050, prepared for the World Wildlife Fund by Ecofys and found at [www.worldwildlife.org/climate/energy-report.html](http://www.worldwildlife.org/climate/energy-report.html); Big Risks, Better Alternatives, prepared for Union of Concerned Scientists by Synapse Energy Economics, Inc. and found at [www.ucsusa.org/assets/documents/nuclear\\_power/Big-Risks-Better-Alternatives.pdf](http://www.ucsusa.org/assets/documents/nuclear_power/Big-Risks-Better-Alternatives.pdf).

The electric utilities and energy companies assert that in order to provide baseload power they have to use coal, natural gas or nuclear energy. But baseload as viewed by the utilities and power companies is an outdated concept. They are stuck with the narrow view of electric power coming from power plants. But rather than referring to the term baseload we are really talking about energy and capacity. Energy is the total amount of electricity that is being supplied to consumers. Capacity is the highest level of electricity that can be supplied at any one time to meet peak demand.

Renewable energy can meet the energy and capacity demands of the country, combined with a program of energy efficiency and conservation and expansion of the transmission grid. Most states, including Iowa, have energy efficiency programs subject to public utility regulation. Likewise, many states have renewable electricity standards requiring that a certain amount of the energy consumed in the state be from renewable sources. There are other policies, including feed-in tariffs, tax credits, loan programs, etc., that should be adopted to encourage the expansion of renewable energy. The waste confidence EIS should analyze all of these issues in examining the alternative of stopping the production of spent fuel by not permitting new nuclear reactors and closing existing reactors. This would lead us to a renewable energy future and away from the production of more radioactive nuclear waste.

The other important policy needed to support renewable energy is expansion of the transmission grid. We have heard the comment that since adequate transmission is not available right now we need to continue to expand the use of nuclear energy. That comment is incorrect for two reasons. First, expanded transmission is occurring right now. The Federal Energy Regulatory Commission (FERC) has over the past few years adopted policies to promote expansion of transmission lines. The most recent FERC action is Order 1000 adopted on July 21, 2011. And every area of the country has a regional transmission organization (RTO) that promotes and coordinates expanded transmission in each respective region. In the Midwest, for example, the Midwest RTO (MISO) has approved a number of transmission expansion projects designed to accommodate increased renewable energy production and they are ready for regulatory approval. Second, it takes at least 10 years for a new nuclear plant to be licensed and put on line. New transmission will begin to be constructed within the next year or two, long before we would gain any alleged benefit from additional nuclear power. Furthermore, a new nuclear plant, which would not be needed when renewable energy becomes dominant, would be licensed for probably 40 years and undoubtedly relicensed for another 20 years. We would be stuck with 60 more years of radioactive waste that could be avoided with the right policies supporting renewable energy.

We believe it is required that the waste confidence EIS consider the alternative of not making any more radioactive waste by ending our reliance on nuclear power. An EIS must discuss reasonable alternatives "to the proposed action." 42 U.S.C. § 4332(2)(C)(iii). The alternatives analysis is the "heart of the environmental impact statement." 40 C.F.R. § 1502.14. NEPA demands that the agency

“rigorously explore and objectively evaluate all reasonable alternatives.” 40 C.F.R. § 1502.14. The “existence of a viable but unexamined alternative renders an environmental impact statement inadequate.” Resources Ltd. v. Robertson, 35 F.3d 1300, 1307 (9<sup>th</sup> Cir. 1994). An agency must produce an EIS that “rigorously explores and objectively evaluates all reasonable alternatives” so the agency can “sharply define the issues and provide a clear basis for choice among options by the decisionmaker and the public.” 40 C.F.R. § 1502.14. And the main point of examining alternatives is to avoid environmental harm. So even if an alternative might be superior in non-environmental terms, an alternative can be reasonable if it avoids the environmental harm better than another alternative. Surfrider Foundation v. Dalton, 989 F.Supp. 1309 (S.D. Cal. 1998), aff’d per curiam, 196 F.3d 1057 (9<sup>th</sup> Cir. 1999).

So the Iowa Chapter of the Sierra Club respectfully requests that the scope of the EIS for the Waste Confidence Decision and Rule include the alternative of not producing any more radioactive waste. Please keep me informed of any further developments.

Respectfully Submitted,

/s/ *Wallace L. Taylor*

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