



United States Department of the Interior

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Mr. David L. Meyer
Chief, Rules and Directives Branch
Division of Freedom of Information and Publications
Office of Administration, Mailstop T-6D-59
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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Rules and Directives
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Dear Mr. Meyer:

The Department of the Interior has reviewed the Draft Environmental Impact Statement (DEIS) for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah, and has the following comments.

General Comments

The descriptions of the need for the Proposed Action and of the No Action Alternative should be revised to more fully give the reasons why at-reactor storage of the spent nuclear fuel is not practicable. The Nuclear Regulatory Commission (NRC) has stated publicly (and in the DEIS) that at-reactor storage is safe and would have no significant impact on the quality of the human environment. However, NRC has failed to adequately address the actual reasons why at-reactor storage cannot be expanded. While the reasons may vary from reactor to reactor, we would suggest that there may be two main causes. First, some reactors may not have sufficient room to expand their storage facilities or to construct new storage facilities. Second, even if the reactor has room to expand, several state legislatures or other governmental entities have expressed strong opposition to such expansion, sometimes in the form of legislation. These reasons, and any others, must be fully presented in the EIS in order to give the full picture of the alternatives to the decision makers and the public.

Similarly, the analysis of the Proposed Action must be revised to more fully state the reasons (and supporting analysis) why PFS prefers centralized storage over decentralized storage. Such reasons may include economy of scale (less land, construction materials, infrastructure, and staff); lower cost; or lower environmental impacts on a nationwide basis. The analysis supporting these reasons must also be provided, again to provide the decision makers and the public with complete information concerning the alternatives. Other NRC NEPA documents

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may contain similar analyses; in addition, several recent Department of Energy EISs may provide useful information.

Our comments are based on the assumption that the project has a fixed and short life (10 to 20 years, until a permanent site for disposal is available) and that the methods used for transport and storage will be sufficient to contain all radiation and prevent accidental spill or release of radiation. However, the expected life of the fuel storage site is not defined, nor are there guarantees that the fuels will be moved. The longer the fuels are stored in this location, the higher the potential for unanticipated release of radioactivity. It is unrealistic to assume that the methods now used to avoid radiation leaks or contamination will be sufficient for several hundred or several thousand years. If this project is approved, there should be a specified time frame and a firm commitment to move the spent fuel away from this area.

The proposed construction of a new rail line in Skull Valley would cross undeveloped public lands that comprise the Great Basin ecosystem. We have concerns about the direct and indirect effects related to the construction of this rail line to natural resources, including resident and migratory birds. The construction of the rail line is expected to result in the temporary loss of 776 acres of habitat with 155 acres permanently cleared for the life of the project. However, the construction of the railroad is likely to fragment wildlife habitat and is expected to cross 32 arroyos (i.e., ephemeral flowing drainages). Although culverts will be installed in these gullies, the culvert system is likely to increase wet season flows, increasing erosion and silting in these drainages and, more importantly, will provide a conduit for the transport of contaminants and noxious or invasive undesirable plant species in these sensitive areas. Impacts to these surface water drainages may require additional study in order to minimize effects related to siltation, erosion, and the introduction of contaminants or noxious plant species in these areas.

The construction and operation of the Private Fuel Storage Facility (PFSF) will require large quantities of water which will be supplied in part by new onsite wells. However, the impact of this water withdrawal to the natural environment has not been determined. There may be adverse effects to ephemeral springs and other water resources due to drawdown of localized aquifers. Potential effects to ground water resources should be evaluated in the Final Environmental Impact Statement.

The proposed rail line corridor has not yet been surveyed for wildlife resources. This is to be completed prior to initiating construction. We recommend that surveys be completed for this area and results included in the FEIS for review.

We also have concerns regarding the increase in daily use of Skull Valley Road, which is expected to increase 175 percent during the first phase of construction. This increase in traffic is likely to result in an increase in wildlife mortality and disrupt wildlife movement in the valley. These direct and indirect impacts should be evaluated in the FEIS document. Measures to avoid and mitigate potential impacts should be described.

Skull Valley suffers from annual range fires due to invasion of large areas by cheatgrass. Each fire further extends the areas of cheatgrass invasion and thus the area is subject to fires. The area proposed for the storage site is within the area that already frequently burns. The FEIS should address measures that will be taken to avoid accidentally starting a fire and measures that will be taken to protect the site and facilities in the event of fires.

The DEIS states that, prior to construction, a plan to control noxious weeds during construction and operation of the proposed PFSF and related rail facilities will be developed. However, the Service believes that this plan should be expanded to include both monitoring and control of exotic and noxious weeds within the PFSF and the proposed rail line. The plan should be included and available to the public and agencies for evaluation as to its sufficiency.

The U.S. Fish and Wildlife Service concurs with the DEIS in its determination of "no affect" to listed endangered and threatened species at the present. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

Specific Comments

Page xlvii, Condition 7. Construction Training--Private Fuel Storage (PFS) is to train onsite personnel responsible for ensuring that construction activities do not disturb sensitive ecological and cultural resources. The type of training is not clarified nor is the agency or personnel that will conduct the training identified. We recommend that State and Federal land and resource agencies be consulted for this process, particularly since migratory birds (i.e., raptors) are anticipated to occur in the area.

Page xlvi--It is stated that "A BLM decision to grant a right-of-way to PFS would be dependent upon the decisions made by the NRC and BIA." Please clarify the decision making process.

Page 2-9, Section 2.1.1.2 Facility Description, Access road, flood protection structures, and erosion control structures, last paragraph--The report describes an on-site drainage of the spent fuel rod storage pad area conveyed by a surface flow system to a 3 hectare storm water collection and detention basin. Will the drainage basin and water be monitored for radioactivity? What measures will be taken to ensure that avian species will not mistake the detention basin and any standing water for a wetland habitat or otherwise source of water?

Page 3-3, Section 3.1.2 Seismic Setting--The PFS's SAR (Safety Analysis Report) and NRC's SER (Safety Evaluation Report) are not readily available for review. A full description and analysis of seismic hazards for the PFSF (Private Fuel Storage Facility) site and rail line should be included in the Draft EIS. For example, at Tooele, Utah, northeast of the site, the probabilistic ground motion values for Peak Ground Acceleration (PGA) are 0.16g with a 10% probability of exceedence in 50 years and 0.36g with a 2% probability of exceedence in 50 years. The seismic criteria used for the design of the site and the rail line should be included.

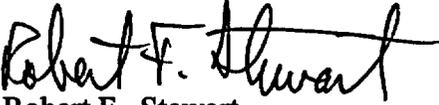
Page 3-4, Figure 3.1. Mapped and interpreted surface and subsurface structural features in the immediate area of the proposed site--A reference for this map is needed. The map shows the possibility of past lateral movement of up to 3 km on the Pass Canyon Cross Fault that could affect the rail line; however, without a description of these faults in the Draft EIS, review of the seismic risks is limited.

Page 3-55, Table 3.18. Average annual effective dose equivalent of ionizing radiations to a member of the U.S. population--The Table and accompanying text (3.7 Background Radiological Characteristics) indicate that the natural sources of radiation at the project site are equivalent to 84 mrem/yr, which is approximately 1.5 times the national average. Appendix D (page D-10, Section D.3.2 Radiological Impacts, third full paragraph) states that, during transport, each spent fuel cask is assumed to have a dose rate of 13 mrem/hr at a distance of 3 feet. What precautions will be taken to protect wildlife, particularly avian species, from this radiation? What effect will this additional, beyond elevated natural background, radiation have on wildlife, including free flying birds?

Page 4-10, 4.2.2.2 Potential Impacts Related to Flooding, third paragraph, first sentence--The Draft EIS states that " A flooding analysis was performed by PFS to determine if the propose PFSF would be protected from floodwaters during a PMF [Probable Maximum Flood]." The analysis addresses the flooding effects and elevations of floodwaters in the vicinity (post-construction) of the proposed storage facility, including a new access road and road embankment, railroad grade, and flood berms assumed to be in place. To provide support for the findings of the analysis as it relates to the effects of the PMF on the project area, the data, the method of analysis, the assumptions, and the quantitative results of the analysis should be documented in an appendix and added to the Draft EIS report.

Page 4-20, Section 4.4.2.1 Vegetation--PFS indicates that herbicides may be used to assist in maintaining the restricted-access area free of vegetation. The FEIS should address pesticide use not only in the context of nontarget vegetation but also other natural resources, including wildlife and water resources.

Sincerely,


Robert F. Stewart
Regional Environmental Officer