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From: Debbie Musiker <dmusiker@lakemichigan.org>
To: "dgeis@nrc.gov" <dgeis@nrc.gov>
Date: 12/31/01 11:10AM
Subject: Comments on DGEIS on Decommissioning of Nuclear Facilities

On behalf of the Lake Michigan Federation and the Environmental Law & Policy Center of the Midwest, please accept the attached comments regarding the Draft Supplement to the Final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities, NUREG-0586.

Please contact Debbie Musiker if you have any difficulty opening the attached document or have any other questions. Thank you for your consideration.

Best regards,

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11/27/01 7:02 AM
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Template = ADM-013

E-REDS = ADM-03
Add = M. Masnik (MTM2)

December 31, 2001

Chief, Rules and Directives Branch
Division of Administrative Services
Mailstop T 6 D 59
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: Comments on Draft Supplement to the Final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities, NUREG-0586.

Dear Rules and Directives Branch Chief:

Please accept the following comments on behalf of the Lake Michigan Federation and the Environmental Law & Policy Center of the Midwest. The Lake Michigan Federation is a not-for-profit environmental organization that works to restore fish and wildlife habitat, conserve land and water, and eliminate pollution in the watershed of America's largest lake.

The Environmental Law & Policy Center is a Midwest public interest environmental advocacy organization, working, among other things to achieve cleaner energy resources and implement sustainable energy strategies.

As a preliminary matter, we support the prompt decommissioning of nuclear power plants and urge the United States Nuclear Regulatory Commission ("NRC") to ensure that decommissioning goes forward in the safest, most environmentally sound manner.

In reviewing the Draft Supplement to the Final Generic Environmental Impact Statement (hereinafter, "Draft GEIS"), NUREG - 0586, we have several concerns:

1. Considering the importance of the Great Lakes, which represent 20% of the world's freshwater supply, the NRC should prepare a site-specific impact analysis for the 18 nuclear facilities located on the United States side of the Great Lakes. The potential threat of a release along the shoreline or into the lake of radioactive material during decommissioning or storage of spent fuel requires special consideration. The Draft GEIS does not adequately consider the effects on aquatic ecology caused by an accidental, radioactive release.

Other aquatic environmental impacts also merit site-specific review. The location of intake and outfall structures in the lake alone requires site-specific analysis. As written, the Draft GEIS does not make clear whether an intake/outfall structure on the facility¹ is considered part of a previously disturbed area. If deemed part of the previously disturbed area, any work on the intake/outfall structure will be deemed generic and the impact small.

Any work on or removal of an intake/outfall structure should trigger site-specific analysis. Indeed, the Draft GEIS explains that the removal of near-shore or in-water structures could result in the establishment of non-indigenous species to the exclusion of native species. DGEIS, 4-17. It also explains that in some cases wetlands will develop in areas where the construction of the facility alters surface drainage patterns. DGEIS, 4-18. The Draft GEIS suggests that site-specific analysis is appropriate in certain circumstances when the impact is beyond the previously disturbed area and when there is a potential to impact the aquatic environment. DGEIS, 4-19. The above examples of establishment of non-indigenous species or wetlands are exactly the types of impacts that require site-specific analysis. Yet, the site-specific analysis recommended may not cover these examples because they may occur within the previously disturbed area.

Removal of intake/outfall structures may be the most beneficial action to the aquatic ecology, but it should not go forward without site-specific study of the environmental impacts.

2. Sixty years is an arbitrary and inappropriate time period to allow a nuclear reactor to remain in SAFSTOR, where the contaminated facility will largely remain intact and spent fuel may remain on-site. According to NRC staff, **no technical basis** exists for this 60-year timeframe.² See Transcript, December 6, 2001 Public Meeting, Drake Hotel, Chicago. First, if a company waits too long to decommission, it will lose its institutional memory and familiarity with the facility's structures because current workers may be deceased or otherwise unavailable. Such intricate knowledge of the facility is critical to avoiding radioactive releases during decommissioning.

Second, we are concerned that over the course of 60 years, the ownership of nuclear plants, financial status of licensees, and decommissioning obligations for many plants could change; if companies have not operated the facility long enough to accrue sufficient funds for decommissioning, and then go into an extended SAFSTOR period, bankruptcy of the facility owner could jeopardize clean up at the site. The extended time of storage combined with reduced staffing associated with SAFSTOR could mean that these sites are more likely to be subject to accident, theft of equipment, or attack.

Third, the Draft GEIS does not explain at what point in time radioactive decay of the material will make it sufficiently safe to proceed with any further dismantling. NRC should shorten the acceptable time period for SAFSTOR and link it to the timeframe that would make the material safer. NRC should encourage licensees to go forward with dismantling the facility under DECON as soon as appropriate, even if they start with placing the facility in SAFSTOR.

3. The terrorist attacks of September 11, 2001 have raised many issues concerning the currently, inadequate security of our nation's nuclear reactors. Because decommissioning creates opportunities for release of spent fuel and structures contaminated with radioactive material, the Final GEIS should revisit the appropriate security needed during decommissioning. Indeed, under the current plan, facilities under SAFSTOR will have fewer personnel at the site even though the

¹ If the intake/outfall structure is located off the facility, it is excluded from the Draft GEIS analysis and may not be given appropriate consideration.

² Moreover, the 60-year period may be inconsistent with the explanation on page 1-6 of the Draft GEIS that spent fuel may be stored safely on-site for approximately 30 years after the licensed life of the facility.

radioactivity of the material will still be high. With less security, these facilities are at greater risk for attack.

5. The NRC should be required to expressly approve a post-shutdown decommissioning activities report ("PSDAR") before a licensee initiates decommissioning activities. Otherwise, the licensees have little incentive to perform a rigorous analysis of whether their decommissioning activities fit within the envelope of environmental impacts set forth in the GEIS. Instead, they will likely assume they fit within the guidelines when they prepare their PSDAR. Moreover, a formal approval process should incorporate more opportunity for public input.
6. The Final GEIS should directly indicate that licensees must obtain all necessary environmental permits prior to beginning the decommissioning process. Omitting this information may imply that the compliance with the requirements of this GEIS is adequate.

The Lake Michigan Federation and the Environmental Law & Policy Center of the Midwest urge the NRC to do more to protect the Great Lakes from the risks associated with decommissioning as it prepares the Final GEIS.

Respectfully submitted,

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Lake Michigan Federation

Paul Gaynor
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From: DGEIS
To: Becky Harty; DaM2; Eva Hickey
Date: 1/7/02 7:36AM
Subject: Fwd: Comments on DGEIS on Decommissioning of Nuclear Facilities

Comments from Laker Michigan Federation