UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
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KANSAS CITY, KANSAS 66101

24 MAR 2009

Chief, Rulemaking, Directives, and Editing Branch
Division of Administrative Services
Office of Administration
Mailstop TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

1/23/09
74 FR 4257
(12)

Dear Sir/Madam:

RE: EPA Scoping Comments for Callaway Plant Unit 2, COL, Callaway County, Missouri, Notice of Intent to Prepare an Environmental Impact Statement and Conduct Scoping Process, Federal Register Notice: Volume 74, Number 14, January 23, 2009, page 4257.

Thank you for the opportunity to provide scoping comments on the proposed combined license to build and operate Callaway Plant Unit 2 at a site located in Callaway County, Missouri, in support of the U.S. Nuclear Regulatory Commission's preparation of an Environmental Impact Statement. The U.S. Environmental Protection Agency reviewed this project in accordance with the National Environmental Policy Act and Section 309 of the Clean Air Act. We request that, in the future, the NRC provide an adequate period of time after conducting site audits for the submission of scoping comments. In this instance, scoping comments are to be submitted during the same week that the NRC conducts its site audit for this project.

Pleased consider the following comments during the EIS development process.

Project Need - The need for the project should be clearly stated, as well as potential benefits and adverse effects of the proposed project to the County, State, region and the nation. Project impacts and impact mitigation are evaluated in the context of project need. The reasonableness of possible alternatives, including the 'no build' alternative, is also affected by the characterization of project need.

Alternatives - The analysis of alternatives is the *core* of the NEPA process. The forthcoming EIS should include a minimum of two feasible action alternatives to be fully considered, as well as the No-Action Alternative. Adverse impacts should be avoided or minimized while unavoidable impacts should be fully mitigated and these clearly described as part of the analysis of alternatives within the draft EIS. To ensure implementation, mitigation measures should be identified and included within enforceable permits or licenses in addition to their inclusion in the Record of Decision.

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A rationale for rejecting certain alternatives from further consideration should be provided. These rationales should include environmental reasons, along with other considerations. The selected alternative should avoid/minimize adverse impacts, so that the need for mitigation of impacts will be lessened or eliminated. A critical factor of the alternatives analysis is the avoidance/minimization of adverse impacts.

Radiation – The EIS should discuss monitoring of radiation, prevention of releases, and emergency planning procedures in case of an unintended release. Risks to employees and area residents should be addressed. Statements about high doses and low doses of radiation, their potential health effects, and established risk or exposure standards should be included in the DEIS.

Given the uncertainty involved with licensing the Yucca Mountain Nevada facility and the extremely long time-frames needed to secure Congressional approval and complete site preparation for any possible alternative permanent site for the disposal of spent nuclear fuel, all utilities planning on constructing additional nuclear units on current sites should consider contingencies for long-term storage of waste on-site. This is particularly important given that there will be two reactors on-site generating waste and spent fuel and there is no current on-site interim dry spent fuel storage facility.

Water Quality - The current Callaway site has an existing infrastructure, which includes intake and discharge structures. The proposed source of water for the proposed plant is the Missouri River. Potential impacts to plant operation associated with available river flow, particularly during periods of sustained low flow, should be thoroughly described in the DEIS. The DEIS should articulate the assurance of a long-term water supply (i.e., greater than 40 years) for the operation of both reactors. This analysis should address contingencies created by changing regional climate and potential future changes in the operation of the river by the U.S. Army Corps of Engineers (Corps) (i.e., flow releases). The current facility is covered by a National Pollutant Discharge Elimination System permit issued by the Missouri Department of Natural Resources. Additional discharges and changes in the quality of the existing discharge (e.g., total dissolved solids, biocides) will be addressed under this permit and should be discussed in the DEIS. Coordination should take place with MDNR early in the licensing process.

The DEIS should thoroughly characterize past contamination associated with the operation of Unit 1, particularly tritium spills, and document current condition of surface water and groundwater upstream and downstream from the site.

Non-Hazardous Waste – The DEIS should identify whether a construction landfill will be built and thoroughly assess the impacts associated with the landfill, including steps taken to minimize waste generation during construction and the nature of materials deposited in the landfill.

Noise - The document should indicate what noise levels can be expected from the project, and the distance to the closest residence/receptor. Background noise levels should also be included in the document. The NEPA evaluation should estimate the projected incremental increase of noise. Generally, EPA considers all increases over 10 dBA at any given noise level as a significant increase. Comparisons to any noise guidelines (e.g., FHWA, HUD) or city

ordinances are also appropriate. EPA has a *target* noise level (not a guideline or standard) of 55 dBA DNL for outdoor areas where people spend a varying amount of time (such as residences). All construction equipment should be equipped with noise attenuation devices, such as mufflers and insulated engine housings. In addition, OSHA regulations apply for all employees affected by job noises. Forms of noise mitigation include, but are not limited to, vegetative screens, vegetated earthen berms, and noise barriers.

Endangered Species - The U.S. Fish and Wildlife Service is the responsible agency for endangered species compliance, so EPA defers to FWS regarding assessments of Federally-protected endangered species. Given the on-going federal and state projects directed at the recovery of threatened and endangered species dependent upon Missouri River habitats and flows, the DEIS should address how plant construction and long-term operation could affect recovery efforts. The effects of dredging the channel to support construction activities (i.e., barge access) should be evaluated, particularly in those reaches of the river where habitat restoration projects are occurring or are planned and where river bed degradation has been documented. Early coordination with the FWS and the Corps is recommended.

Indirect/Secondary Impacts - The indirect or secondary impacts should be assessed. We are aware of the project applicant's intention to prepare an Environmental Assessment for transportation improvements to support the Callaway facility and, specifically, access improvements from Route 54 to the site. It appears that these transportation improvements are directly linked to and support the construction of the second reactor at the Callaway site. Consistent with Council on Environmental Quality regulations at 40 CFR 1502.4(a), we suggest that this project and its impacts would be best addressed within the EIS for the COL rather than through a separate EA for the highway improvements.

The secondary impacts from fuel mining and processing should also be addressed within the DEIS.

Cumulative Impacts - The NEPA document should estimate cumulative impacts on resources of concern associated with the proposed project. Cumulative impacts include the additive effects of a given parameter for all contributing projects in the study area and watershed. The document should define what cumulative impacts would result from implementation of the proposed project. Existing or future projects (Federal and non-Federal projects) with attendant pollutants should also be considered.

Specifically, impacts associated with the operation of Unit 2 might not appear to be significant in isolation, but could increase in significance when analyzed in conjunction with on-going impacts from the operation of Unit 1. Impacts from the operation of Unit 2 should be assessed separately and also in conjunction with those caused by the operation of Unit 1.

Environmental Management System - The CEQ published *"Aligning NEPA processes with Environmental management Systems-A Guide for NEPA and EMS Practitioners"* to improve NEPA implementation and environmental sustainability goals in NEPA and Executive Order 13423. The NEPA document should discuss EMS as appropriate.

We appreciate the opportunity to provide these scoping comments. We look forward to review of the DEIS that you will develop for the proposed project. If you have any questions, please contact Larry Shepard, of my staff, at (913) 551-7441.

Sincerely,

for Joseph E. Cothern
NEPA Team Leader
Environmental Services Division

cc: Brad Horchem, WWPD/WPIB/WWSP
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