

EagleRockCEm Resource

From: Sara Cohn [scohn@idahoconservation.org]
Sent: Thursday, September 09, 2010 6:18 PM
To: EagleRockEIS Resource
Subject: NUREG-1945
Attachments: SC AREVADEIS 2010-09-10[1].pdf

Please find the Idaho Conservation League comments on the DEIS for the proposed Eagle Rock Facility in Idaho falls. Please let me know these comment have been received and appropriately filed.

Sara Cohn
Community Conservation Associate
Idaho Conservation League
PO Box 844, Boise, ID 83701
208.345.6942 x 23 € fax 208.344.0344
<http://www.idahoconservation.org> € <http://www.idahoconservation.org/blog>

Idaho's leading voice for conservation

Federal Register Notice: 74FR42466
Comment Number: 37

Mail Envelope Properties (C8AEB94F.96B7%scohn)

Subject: NUREG-1945
Sent Date: 9/9/2010 6:18:21 PM
Received Date: 9/9/2010 6:18:40 PM
From: Sara Cohn

Created By: scohn@idahoconservation.org

Recipients:
"EagleRockEIS Resource" <EagleRockEIS.Resource@nrc.gov>
Tracking Status: None

Post Office: idahoconservation.org

Files	Size	Date & Time
MESSAGE	458	9/9/2010 6:18:40 PM
SC AREVADEIS 2010-09-10[1].pdf		288303

Options
Priority: Standard
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received:



www.wildidaho.org

Idaho Conservation League

PO Box 844, Boise, ID 83701
208.345.6933

Chief, Rules and Directives Branch
Mail Stop TWB-05-B01
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

September 10, 2010

**RE: Draft EIS Comments for AREVA Enrichment Services, LLC Eagle Rock
Enrichment, Idaho Falls, ID - Docket No. 70-7015**

To Whom it May Concern;

Thank you for the opportunity to comment on the draft Environmental Impact Statement (EIS) for the proposed AREVA Enrichment facility in Idaho Falls, Idaho. Since 1973, the Idaho Conservation League (ICL) has been Idaho's voice for clean water, clean air, and wilderness—values that are the foundation to Idaho's extraordinary quality of life. As Idaho's largest state-based conservation organization we represent over 9,800 members, many of whom have a deep personal interest in protecting Idaho's natural resources and public health.

The ICL has reviewed the draft (EIS) for the Eagle Rock Enrichment facility and is concerned that construction and operation of the facility will pollute Idaho's natural resources and compromise public health. The EIS does not provide the level of detail that would allow ICL to assess environmental and public health impacts associated with the proposed project. Additionally, under Section 102 of the National Environmental Policy Act, federal agencies are directed to prepare detailed statements assessing the environmental impact of and alternatives to major federal actions significantly affecting the environment. Section 102 also requires federal agencies to lend appropriate support to initiatives and programs designed to anticipate and prevent a decline in the quality of the public health and the environment. ICL believes the draft EIS does not accomplish either of these requirements. More detailed analysis must be provided in the final EIS and the not yet released Safety Report to allow the public and interested parties the opportunity to evaluate the project and to ensure that no adverse impacts occur that pollute Idaho's clean water and clean air, or endanger public health.

Specifically, further analysis and mitigations plans must be prepared to:

- Ensure the safe disposal of depleted uranium;
- Reduce the risks associated with transport and storage of toxic, hazardous, and/or radioactive materials;
- Ensure no further contamination of Idaho's waters;
- Preserve Idaho's clean air;
- Protect public health;
- Analyze all potential risk associated with hazardous materials;

- Mitigate for wildlife and habitat disturbances;
- Reduce the risk of accident and fire.

We look forward to working with the project proponent, the U.S. Nuclear Regulatory Commission (NRC), additional federal agencies and interested parties to design a project that preserves Idaho's natural resources and provides adequate assurances that the project will not adversely impact public health. Please keep us on the list to receive both a hard copy and an electronic copy of the final EIS and the Safety Report once publically available.

Sincerely,

A handwritten signature in black ink, appearing to be 'Sara Cohn', with a long horizontal stroke extending to the right.

Sara Cohn
Community Conservation Associate
Idaho Conservation League

ICL Comments regarding the draft EIS for AREVA Enrichment Services, Idaho Falls, Idaho

Waste Storage

ICL has provided public comments on the scoping analysis for the proposed AREVA Enrichment facility in Idaho Falls, Idaho (see Attachment A) and provided comments on the Potential Rulemaking for the Safe Disposal of Unique Waste Streams Including Significant Quantities of Depleted Uranium (see Attachment B). As the Federal Register announcement for the potential rulemaking states, NRC does not currently provide adequate guidance for disposal of the type of waste streams that will be created by the proposed Eagle Rock enrichment facility and stored onsite. We are very concerned the lack of appropriate regulations for the safe disposal of depleted uranium will facilitate unsafe storage of such materials within the project site and above a sole source aquifer. Until rules are in place to govern the disposal of depleted uranium and existing disposal facilities have implemented those regulations, ICL believes it is inappropriate to license any new uranium enrichment facility in Idaho. NRC should consider the creation of adequate rules to guide the safe disposal of depleted uranium as paramount to permitting individual facilities.

Transportation

The ICL is very concerned about the transportation of hazardous and toxic materials to and from the project site. Based on the size of the facility and the number of trips expected to transport hazardous and toxic materials, the possibility of accidental spills and subsequent contamination is high. Transportation risk analysis should be provided within the final EIS to ensure that the transport of hazardous materials to and from the site will not result in the pollution of Idaho's waters and air, or endanger public health. More information is needed to understand the size and scale of the enrichment facility, the amount of waste produced and transported from the site, and the amount of hazardous and toxic materials imported and exported from the site. We also request information regarding the methods of transport and the types of containment vessels that will be used to transport materials.

Detailed plans should be prepared to reduce contamination and public health risks in the event of a spill or accident during transport.

The draft EIS should provide cumulative risk analysis regarding the amount of hazardous or toxic materials to be imported and exported across state lines. The documents provided do not consider methods to minimize risks associated with transport routes options. Alternative transportation modes, such as rail, should be analyzed. Transportation routes and modes that present significant risk to public health and natural resources should be avoided.

Permanent impacts associated with the project include the construction of two access roads from Highway 20 to the project site. Further analysis of this impact must include additional risk associated with fire and the spread of invasive weeds (for more detail on this topic see subsection Environmental Resources – *Invasive Weeds*).

Water Resources

The ICL is very concerned that spillage or leakage of hazardous materials and waste from the proposed facility will further contaminate Idaho's surface or groundwater. We are concerned that there will be large quantities of hazardous, toxic, and radioactive materials produced and stored onsite and that these materials may contribute to existing contamination of Idaho's waters. The Snake River Plain Aquifer is southern Idaho's primary source of drinking and irrigation water and is already contaminated with materials stored within the Idaho National Laboratory as well as nutrients associated with historical and existing agricultural practices. Should the facility operations result in further contamination of the aquifer, this pollution would have wide reaching effects on public health and Idaho's agricultural economy. Toxic and radioactive materials from enrichment facilities have been shown to leak through detention basins and contaminate groundwater. We are very concerned the proposed facility may contaminate Idaho's waters the way similar facilities have contaminated groundwater in Paducah, KY and Portsmouth, OH.

Due to the amount of pollutants expected to be stored onsite, the extremely hazardous nature of waste products like depleted uranium, the possibility of waste spills, the possibility of leakage from proposed retention basins, and the importance of the Snake River Plain Aquifer, much more information is needed, in the final EIS, to ensure no endangerment of public health or contamination of precious water resources. We request more information with regard to the amount of waste and hazardous materials expected to be stored onsite, the types of preventative measures that will be in place to ensure no contamination of water, as well as plans outlining monitoring and reporting methods and responsible parties. The applicant should also prepare reports and plans that detail the roles and responsibilities of agencies and AREVA in the event of spillage or contamination from the site. These plans should outline remediation, public alerts, public safety measures, and clean up strategies, among all other necessary actions to protect environmental and public health.

Nitrate contamination of groundwater is also of concern. Recent findings indicate that long-term exposure to elevated concentrations of nitrate may contribute to the risk of developing bladder and ovarian cancers¹ and non-Hodgkin's lymphoma².

Preconstruction Exemption

It is unclear under what authority NRC may offer exemptions for preconstruction activities when such impacts extend outside of NRC jurisdiction. For example preconstruction activities may impact waters protected under the Safe Drinking Water Act – the Eastern Snake River Plain Aquifer. The project must consult with EPA in order to ensure the preconstruction activities will not impact the Eastern Snake River Plain aquifer, a sole source aquifer for eastern Idaho.

Air Quality

¹ Weyer, P.J., Cerhan, J.R., Kross, B.C., Hallberg, G.R., Kantamneni, J., Breuer, G., Jones, M.P., Zheng, W., and Lynch, C.F., 2001, Municipal drinking water nitrate level and cancer risk in older women: the Iowa women's health study: *Epidemiology*, v. 11, p. 327-338.

² Ward, M.H., Mark, S.D., Cantor, K.P., Weisenburger, D.D., Correa-Villasenor, A., and Zahm, S.H., 1996, Drinking water nitrate and the risk of non-Hodgkin's lymphoma: *Epidemiology*, v. 7, p. 465-471.

The ICL is very concerned about the potential release of radioactive, hazardous and toxic materials into the air. Potential air releases associated with operation of this facility should be further analyzed, reported, and permitted through Idaho's Department of Environmental Quality. The environmental documents mention the use of Gaseous Effluent Ventilation Systems. We are concerned about the waste associated with the ventilation system and would like more detail with regard to the use and disposal of any filter-like product that may contain pollutants. We also concerned that hazardous materials will be concentrated in retention basins prior to and after evaporation of any water. These materials have the potential to settle in sediments and be released into the air with other dust particles.

We request that the applicant include air monitoring and reporting plans that are specific to the operations of the proposed facility. These plans should include guidance for public alerts, immediate containment, responsible parties, etc., should air releases be detected.

Air pollution resulting from construction of the proposed facility should be avoided or reduced using the best available management practices and control technology. To preserve Idaho's clean air during construction operations, the NRC should include mitigation measures for these pollutants. For example, fugitive dust emissions can be controlled through the use of water trucks, provided the Storm Water Pollution Prevention Program (SWPPP) ensures no discharge of sediment from the site. Additionally, diesel emissions should be reduced using best management practices for construction including limited idling of diesel equipment and the use of low-emitting fuels and low-emitting technology for construction equipment.

Public Health

The ICL is concerned that operation of this facility may expose Idahoans to toxic, radioactive, and/or harmful pollutants. Further detail and analysis must investigate risks associated with water and air contamination from enrichment operations. We request detailed information regarding the amounts and types of materials used, produced, and stored onsite. We would like detailed information about how these materials may be released and how releases may endanger public health. Detailed plans to contain releases as well as alert and protect the public will be essential in the final EIS. Additionally, further analysis must ensure no air releases during transportation of both uranium product and waste to and from the site. The health of Idahoans is of primary import and should not be compromised by enrichment product, waste, or transport.

Hazardous Materials

The EIS does not contain adequate information regarding hazardous materials existing onsite. Additionally, it is unclear how hazardous materials will be stored during operation of the proposed project, and as mentioned above, no adequate rules exist for disposal of such materials. The final EIS must provide detailed information with regard to any hazardous materials existing or proposed for storage onsite and any cumulative risk associated with the storage, transport, and use of hazardous materials during project operations. The final EIS must include a Management Plan for Toxic and Hazardous Materials. This document should be available for public comment and should address health and accident risks associated with toxic and hazardous materials onsite as well as

accident prevention and management strategies. This information is incredibly important to protect the health and lives of emergency responders and communities such as Idaho Falls, Pocatello, and others that would potentially be harmed by facility operations. The ICL is concerned that a hazardous materials analysis was not included in the draft EIS and that the Safety Report for this facility has yet to be released. The Safety Report- an important document that will evaluate the safety of the proposed facility and potential threats to public health – must be released for public comment and evaluation before the final EIS is approved and the NRC seeks a licensing decision.

Ecological Resources

The draft EIS does not adequately address impacts to ecological resources on site and the preconstruction exemption guarantees the loss of large areas of habitat to sensitive and candidate species such as greater sage-grouse and pygmy rabbit. The US Fish and Wildlife Service determined that greater sage-grouse warrant protection under the Endangered Species Act, but listing is currently precluded by the need to respond to other species at greater risk of extinction. As such, the greater sage-grouse is considered a candidate species for listing and the status will be reviewed annually by the US Fish and Wildlife Service. The BLM and Forest Service currently consider the greater sage-grouse as a Sensitive Species.

The pygmy rabbit (*Brachylagus idahoensis*) is currently considered as a candidate species by the US Fish and Wildlife Service, a Sensitive Species by the Bureau of Land Management, a Species of Special Concern (Category C – Undetermined Status Species) on the Idaho State Sensitive Species List (*Idaho Conservation Data Center, 1994*), and is managed by the Idaho Department Idaho Fish and Game as protected, non-hunted species. As with greater sage-grouse, loss of sagebrush steppe habitat has fragmented habitat and the US Fish and Wildlife Service is conducting a status review to determine whether to propose listing under the Endangered Species Act.³

Because listing under the Endangered Species Act (ESA) is a possibility for both species, we suggest the applicant design the project to avoid, minimize and mitigate for any impacts. Furthermore, these steps should be submitted for review in the environmental analysis.

Preconstruction Exemption

It is unclear under what authority NRC may offer exemptions for preconstruction activities when such impacts extend outside of NRC jurisdiction. For example preconstruction activities will impact sensitive and candidate species. Project impacts would normally require NRC to coordinate with the Idaho Department of Fish and Game in order to analyze and release for public comment the environmental and public health impacts of preconstruction clearing, blasting, and grading prior to conducting such activities. According to the draft EIS, such preconstruction activities are expected to take place prior to the licensing of the proposed facility. These efforts undermine the purpose of the EIS process. A mitigation plan must be created to avoid, minimize, and plan for mitigation of affected habitat.

³ Roberts, H. 2003. Status of the Pygmy Rabbit (*Brachylagus idahoensis*) in Idaho, Idaho BLM Technical Bulletin No. 03-6.

Avoid, Minimize, Mitigate

In terms of priorities, the NRC should first site facilities and infrastructure to avoid impacts to wildlife and cultural resources. If impacts cannot be entirely avoided, the NRC should incorporate design features to minimize impacts. Lastly, a plan should be prepared to mitigate for impacts that cannot be avoided or minimized.

Habitat, habitat fragmentation, and migration corridors

Portions of the project area contain habitat that is crucial to the sagebrush steppe obligate species such as sage-grouse, pygmy rabbits, sage thrasher, sage sparrow, and others. Such habitat has been severely fragmented and reduced through a variety of land management practices, including road construction and development of rights of way corridors. Although communities cannot be listed under the endangered species act, sagebrush steppe habitat is considered by federal agencies as “imperiled” and an area of primary concern. The project should avoid areas of critical habitat for species of concern, minimize negative impacts by using seasonal restrictions and other recommendations in the Idaho State Sage-Grouse Plan, and mitigate for any potential impacts by working directly with the Idaho Department of Fish and Game and Local Sage-grouse Working Groups. In addition, the NRC should establish siting criteria to minimize soil disturbance and erosion on steep slopes, utilize visual resource management guidelines, and avoid significant historic and cultural resource sites.

Sage-grouse

There is significant concern regarding the long-term viability of greater sage-grouse populations. The US Fish and Wildlife Service concluded that Greater sage-grouse are warranted for protections under the Endangered Species Act but this action is precluded by other priorities. The US Fish and Wildlife Service will continue to reassess the status of sage-grouse. If sage-grouse are listed, the protections could have far reaching effects on land management in Idaho and in the region.

Greater sage-grouse suffer from the loss, degradation, and fragmentation of habitat throughout the west. It's estimated that only 50-60% of the original sagebrush steppe habitat remains in the west (West 2000), and in 2007, the American Bird Conservancy listed sagebrush as the most threatened bird habitat in the continental United States.⁴ As such, we cannot stress enough how important it is for agencies to consider impacts to sage-grouse, conserve existing habitat, and actively restore altered sagebrush steppe habitats due to project-related impacts.

Depending on location and design specifics, the construction of additional roads within sage-grouse habitat could constitute “nonlinear infrastructure” under the *Conservation Plan for the Greater Sage-grouse in Idaho (Idaho Sage-Grouse Advisory Committee 2006)*. Nonlinear infrastructure is defined as “human-made features on the landscape that provide or facilitate transportation, energy, and communications activities.”⁵ The *Conservation Plan* lists infrastructure such as this as the second greatest threat for sage grouse, with wildfires as the greatest risk. Road construction and use associated with the facility represents high risk for loss of lek areas, nesting locations, and brood-rearing

⁴ West, N.E. Synecology and disturbance regimes of sagebrush steppe ecosystems, p. 15-26. In P.G. Entwistle, A.M. DeBolt, J.H. Kaltenecker, and K. Steenhoff, Proceedings: sagebrush steppe ecosystems symposium. USDI Bureau of Land Management Publication BLM/ID/PT-001001+1150, Boise, ID.

⁵ Idaho Sage-Grouse Advisory Committee. 2006. *Conservation Plan for the Greater Sage-grouse in Idaho*.

habitats (Braun 1986, Connelly et al. 2004).^{6 7}

Coordination with local stakeholder groups

We believe that an integral part of conserving and recovering sage-grouse will be relying on the guidance from local stakeholder groups. As such, we recommend that the applicant coordinate further efforts more closely with the US Fish and Wildlife Service, local Sage-grouse Working Groups, the Idaho State Sage Grouse Advisory Council, the Idaho Department of Fish and Game, and the Governor's Office of Species Conservation. Conservation groups to consult include the Audubon Society, the Idaho Chapter of the North American Grouse Partnership, the Idaho Falconer's Association, the Nature Conservancy, the Western Watersheds Project as well as the Idaho Conservation League.

Additional Wildlife

In addition to sage-grouse, other wildlife including pygmy rabbits, sage thrasher, sage sparrow, and birds of prey, are of concern. New construction and infrastructure will also change crucial habitat for these species and may inhibit the ability of these species to migrate. The project design should avoid construction in any designated areas or lands for special management of these species. There are also elk, mule deer, and pronghorn antelope in the proposed project area.

The project should avoid and minimize all impact to big game winter habitat. The project site contains good to excellent antelope and sage-grouse habitat. We are concerned how the proposed project will impact this important habitat and the species that depend on it. We are also greatly concerned the project will impact nesting habitat for migratory birds.

Invasive Weeds

The most cost-effective way to deal with noxious weeds is to protect strongholds of native vegetation from activities that either spread noxious weeds directly or create suitable habitat by removing native vegetation and disturbing the soil. Project activities should limit road construction in areas that contain mineral soils where weeds may become established. Roads serve as a primary route for noxious weed species expansion. Special care should be taken to safeguard ecologically intact areas that are not currently infested. The EIS needs to analyze the effects of noxious weeds and describe management of weeds in the project area. For example, management strategies may include ensuring the tires and undercarriage of access vehicles are hosed down prior to site access to dislodge noxious weeds. Further documentation should analyze the effects of regular weed control activities in previously undisturbed areas. For example, weed treatments may affect non-target species and vehicle access may increase fire hazard and soil disturbance.

⁶ Braun, C.E. 1986. Changes in sage-grouse lek counts with advent of surface coal mining. Proceedings, Issues and technology in the management of impacted western wildlife. *Thorne Ecological Institute 2*: 227-231.

⁷ Connelly, J.W., Knick, S.T., Schroeder, M.A., and S.J. Stiver. 2004. Conservation assessment of greater sage-grouse and sagebrush habitats. Western Association of Fish and Wildlife Agencies. Unpublished Report. Cheyenne, Wyoming.