

## EagleRockCEm Resource

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**From:** Liz Woodruff [lwoodruff@snakeriveralliance.org]  
**Sent:** Friday, September 10, 2010 1:01 PM  
**To:** EagleRockEIS Resource  
**Subject:** NUREG 1945  
**Attachments:** Written Comments to the NRC NUREG1945 LW.doc

September 10<sup>th</sup>, 2010

Dear Nuclear Regulatory Commission,

Thank you for accepting these written comments in regards to NUREG 1945, the draft Environmental Impact Statement written for the proposed Eagle Rock Enrichment Facility (EREF) in eastern Idaho. While I am an employee of Idaho's nuclear watchdog and clean energy advocate, The Snake River Alliance, these comments are submitted on behalf of myself, as a resident of the state of Idaho. These comments first address what I view as the primary issues associated with the draft EIS and then provide additional comments on other sections of the EIS, in alphabetical order. After reviewing the draft EIS in full, I believe it inadequately addresses many critical issues and must be revised to integrate the following concerns. Most importantly, ***the entire premise of the draft EIS, that there is a need for domestically supplied enriched uranium, is deeply flawed, fully hypothetical, repeatedly contradicted and disproven in the draft EIS itself, and an unacceptable warrant for the licensing of this facility. The NRC must either find legitimate warrants for taking the proposed action that actually outweigh the environmental and public health risks associated with this facility, or they must choose the "no action alternative" and not license the proposed EREF.*** Moreover, preconstruction plans must be halted and no preconstruction activities should be allowed until an evaluation of the environmental impacts of those activities has been integrated into an EIS. To allow preconstruction in October of 2010 is unacceptable, and I believe such action will be adamantly opposed by residents of the state.

Sincerely,  
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### Summary of Concerns with the Draft EIS for the Eagle Rock Enrichment Factory

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#### Purpose and Need for the Facility

- The draft EIS fails to establish that the current approach to supplying enriched uranium is unreliable. There is uranium enrichment in the US, enriched uranium has always been an international market, the raw material comes from foreign sources, and this system has adequately provided fuel for US reactors for decades.
- Since the uranium slated for enrichment will be from foreign sources, the licensing of this facility does not in fact create increased domestic control of reliable supplies of enriched uranium (draft EIS, 2-6).

- The EIS specifies that the numbers of license requests for new enrichment facilities in the US are in excess of the need for new enriched uranium (draft EIS, 1-6). The EIS does not adequately prove that the Areva facility is necessary.
- The EIS clearly states that Areva's product will be shipped overseas, therefore nullifying the project's effects on domestic uses of enriched uranium. Because Areva is a French company, its production of enriched uranium in the US does not actually result in domestic control of that product (draft EIS, 2-17).
- The EIS claims that the need fulfilled by the Areva facility will be spurred by the building of a new fleet of reactors. Economic costs, delays, and safety issues all indicate that this supposed resurgence is not only improbable, but unlikely.

## Waste Management

- The draft EIS assumes that depleted uranium hexafluoride will not be stored on site beyond the licensed life of the facility. But the draft EIS also acknowledges that Areva may well apply for a license extension. The NRC must discuss the length of a potential extension and whether or not cumulative waste storage would be allowed.
- The lack of a fully developed rule on disposal of depleted uranium creates great uncertainty about the disposal pathway for this waste.
- Any newly operating deconversion facilities in the US will first process already existing depleted uranium waste, the time-line for the removal of DUF6 from Idaho is therefore uncertain and verifiably in excess of the time-line specified by Areva in the draft EIS.

## Bias Towards Licensing

- Because of an exemption granted in March 2010, Areva will be allowed to start "preconstruction" activities as early as October 2010. ***This preconstruction exemption shows a bias towards licensing.*** It appears the NRC has already made the decision to allow the project to move forward even before the necessary impact assessments and public comment periods have been completed. (draft EIS, xxviii)
- Preconstruction constitutes one part of a major federal action. 40 CFR 1500.1(b) requires that information be available *before* an agency makes decisions or takes any action. Considering that public comment is open until September 13, 2010. It is impossible for the NRC to produce a final EIS and ROD before preconstruction starts in October. ***The NRC must either revise the current draft to include the impacts of preconstruction or must write an additional EIS that specifically addresses preconstruction activities. The NRC should not allow preconstruction to commence until after a ROD is filed.***

## Threat Posed by Fire

- The draft EIS fails to even consider the threats associated with wildfires at the proposed site. While the draft EIS looks specifically at the geology and weather patterns at the site, it does not provide a detailed analysis of the threats posed by fire, claiming that fires do not occur east of the Idaho National Lab (INL). ***The recent example of the Jefferson Fire at and stretching east of the INL (and within 10 miles of the proposed EREF) demonstrates this is a real hazard which warrants specific analysis.***

## Ecology

- According to the NRC's own definition of the significance of potential impacts, a large impact is one that "the environmental effects are clearly noticeable and are sufficient to destabilize important attributes of the resource." According to the draft EIS, the sage-brush steppe located within the proposed EREF

would improve due to the elimination of grazing. The NRC must flesh out the connection between claims of potential improvements and the amount of habitat that will be compromised.

- Several species will be impacted by development on this land including sensitive species, raptors, and sage-brush obligate species (draft EIS 4.2.7). Pronghorn antelope, greater sage-grouse, and ferruginous hawks all will likely abandon the EREF site and areas surrounding the EREF due to development and human activity. It is difficult to see how, when an ecosystem is considered as a whole, it be improved if the animals that depend on it can no longer use it. In other words, it is not a healthy sagebrush ecosystem if there are no antelope, grouse, and hawks. ***The conclusion of small to medium potential ecological/wildlife impacts contained in the draft EIS is inaccurate based on the true scale of ecological effects.***
- This problem is compounded by construction of the proposed electric transmission line and poles, which sage-grouse are known to avoid because they serve as perches for raptors.
- Sage-grouse is a candidate species for federal ESA protections. USFWS recently concluded that listing under the ESA is warranted, though formal listing is precluded by other agency priorities. ***The treatment of the threats to sage grouse is inadequate in the draft EIS.***

## Accidents

- The risks of accidents associated with the transportation of radioactive materials into and out of the site should require the Nuclear Regulatory Commission to notify all relevant regional offices when radioactive material will be shipped to and from the Areva facility.

## Air quality

- Are the filtration systems set up to decontaminate water prior to evaporation adequate to ensure that contaminants will not be released in the air?
- The amount of radioactive material that will be present on the proposed site represents an implicit severe threat to air quality in the event of an accidental release of radioactive toxins.

## Alternatives

- Since the only justification for the facility is an asserted but unsupported need for domestically produced enriched uranium, which the EREF does not in any case provide, a “no action” alternative should be chosen.

## Compliance with applicable regulations

- The EIS may not be in compliance with the Federal Farmland Protection Act. The EIS claims that the licensing of this facility is exempt from the Farmland Protection Act since the site is on private property. To quote the draft EIS:

“Some of the land located within the proposed property was designated as prime farmland by the U.S. Natural Resources Conservation Service (NRCS). Prime farmland is protected by the *Federal Farmland Protection Policy Act* (see Title 7 of the U.S. *Code of Federal Regulations* (7 CFR 658.2). Per 7 CFR 658.2 (c)(1)(i), the intent of this Act is to protect prime farmland from other uses as the result of Federal actions. The Act does not apply to Federally permitted or licensed actions on private lands. Therefore, the Act and its designation as prime farmland do not restrict land use on the proposed EREF property”(EIS, 3-3).

From information gathered from the Idaho State USDA, I've confirmed that because Areva has accepted a \$2 billion federal loan guarantee from the Department of Energy, the Federal Farmland Protection Act likely applies to this license and the required procedures under the Act must be completed prior to licensing. From 7 CFR Section 258.2 (c):

*“Federal program means those activities or responsibilities of a Federal agency that involve undertaking, **financing**, or assisting construction or improvement projects or acquiring, managing, or disposing of Federal lands and facilities.”*

## Geology and soils

- Due to the indefinite storage of depleted uranium hexafluoride on site, seismic activity in the area of the proposed facility poses a major safety hazard that could lead to a critical level accident. The NRC should clarify why a complete analysis of seismic risk is delayed until the Safety Evaluation Report.

## Greenhouse gas emissions

- The draft EIS (4-136) stretches credulity in attaching “GHG sink” attributes to EREF. The reasoning in the EIS is that the project should be considered a greenhouse sink because it would produce enriched uranium for use in nuclear reactors that might replace traditional coal and other fossil fuel plants. This tertiary GHG benefit is improper particularly in light of the EIS’s failure to acknowledge the secondary and tertiary environmental and public health threats created by EREF and its operations, from uranium mining to disposal of reactor waste and reactor decommissioning. If the EIS credits EREF for such greenhouse gas emission reductions due to its contribution to nuclear reactors, it must also credit EREF for the known environmental and health threats that are also attributed to the same nuclear reactors.

## Historic and cultural resources

- Construction of the facility would lead to the destruction of a site that has been recommended for the National Register of Historic Places. The John Leopard homestead (MW004), would be destroyed in preconstruction activity. ***A Memorandum of Understanding must be signed with the Idaho State Historic Preservation Office before any activity is initiated that would affect this historic site.***
- The draft EIS (draft 4-5) notes that “The greatest potential for impacts on historic and cultural resources would occur during ground disturbance during preconstruction.” Yet these preconstruction activities are specifically removed from review in this study. ***Again, the impacts of preconstruction must be integrated into this draft EIS.***

## Proliferation

- The NRC should produce an unclassified non-proliferation assessment for the Areva enrichment plant. To refuse to do so based on the fact that Areva intends to enrich uranium to no more than 5% misses an important point. Gas centrifuge uranium enrichment is a proliferable technology. A comparable case occurred in Idaho during the environmental evaluation of pyroprocessing. In that instance, no one was arguing that the DOE intended to recover pure plutonium. But, because pyroprocessing is a proliferable *technology*, the DOE produced a non-proliferation assessment as part of the final EIS on the *facility*.

## State and federal largess

- In 2008, the state of Idaho showered Areva with huge tax breaks funded by Idaho taxpayers, including a cap on property tax valuation at \$400 million and unnecessary sales tax exemptions.
- Warned by Areva that it probably wouldn't build the enrichment factory without US taxpayer support, the Department of Energy reached into your pockets to grant the French-owned company a \$2 billion loan guarantee.
- Not convinced the state had already done enough, the state Departments of Labor and Commerce gave Areva \$750,000 to help offset the cost of a highway interchange at its site, even though the project hadn't been approved by the NRC and sidestepping traditional Idaho Transportation Department review.

## Transmission

- The NRC's exemption that authorizes Areva to undertake preconstruction activities as not part of the proposed action (draft EIS xxvii) should not include exempting utilities installations, including transmission lines and associated substations and other utility infrastructure. Installation of 80-foot, 161kv transmission lines should not be considered as having "cumulative" impacts but rather direct impacts that must be analyzed in the EIS. Contrary to assertions (draft EISk 1-10) that "this transmission line is not considered by the NRC to be part of the proposed action," EREF could not function without the transmission line, which is critical to the proposed action.
- The routes for some proposed new transmission lines, including the proposed Mountain States Transmission Intertie, have not been determined and as such should not be considered as certain future transmission infrastructure.
- The draft EIS should analyze the benefits of burying any additional transmission lines to minimize the acknowledged harmful impacts to birds, bats and other wildlife. This is especially important given "impacts of transmission line construction and operation could also include wildlife disturbance and wildlife mortality." (4-150)
- The Idaho Department of Fish and Game, in a response to the NRC dated April 14, reaffirmed the threats transmission lines would pose to wildlife (draft EIS B-26) and challenges the methodology of sage grouse and lek analysis in the EIS (B-27), recommends burying transmission lines, and suggests Areva submit to the NRC for review plans to mitigate for the expected wildlife impacts. These concerns do not appear to have been addressed in this EIS.

## Transportation

- The EIS should fully evaluate the safety threats posed by the transportation of radioactive material into and out of the EREF. The accident scenarios should include an analysis of the potential environmental and public health effects of an accident on roadways in the event of a spill of the various radioactive materials that will be transported to and from the facility: uranium hexafluoride; enriched uranium, and depleted uranium.

## Visual and scenic resources

- The proposed facility will have a visual impact on the Hell's Half Acre National Monument.

## Water resources

- The facility will store radioactive waste above the ***sole source aquifer for nearly 300,000 people. This threat to a vital and unique resource outweighs any perceived benefit of the facility.***

Liz Woodruff  
 Energy Policy Analyst  
 Snake River Alliance  
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The Snake River Alliance is celebrating 30 years of grassroots organizing!

More information on special events and celebrations to be announced throughout the year.

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