

EagleRockCEM Resource

From: Andrea Shipley [ashipley@snakeriveralliance.org]
Sent: Friday, September 10, 2010 4:19 PM
To: EagleRockEIS Resource
Subject: Comments

September 10, 2010

To: Cindy Bladey, Chief
Rules, Announcements and Directives Branch
Division of Administrative Services
Office of Administration
Nuclear Regulatory Commission

Re: NUREG 1945, Eagle Rock Enrichment Facility

Dear Nuclear Regulatory Commission:

Please accept the following comments as you consider the pending application by Areva Enrichment Services (AES) for its Eagle Rock Enrichment Facility (EREF). My name is Andrea Shipley and I am submitting these comments as a concerned resident of the state of Idaho. My address is:

4702 Castlebar Drive
Boise, Idaho 83703

Areva's proposed uranium enrichment factory will store radioactive waste above the sole source aquifer for nearly 300,000 people, impact sensitive species, support the transport of radioactive materials, impact the Hell's Half Acre National Monument, support destruction of the John Leopard homestead which has been recommended for the National Register of Historic Places, enjoy billions in state and federal largess and utilize farmland that is potentially protected by the Federal government. The Alliance is here to say it is not worth the risk.

The purpose and the need for this facility fails to be addressed in the EIS. There is already uranium enrichment in the US and the raw material comes from a foreign source. Since the uranium that will be enriched by Areva will come from foreign sources, the licensing of this facility does not create increased domestic control of reliable supplies of enriched uranium (draft EIS, 2-6)

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).

Not to mention that the EIS claims that the need for Areva's enriched uranium will be spurred by the building of a new fleet of reactors. Economic costs, delays, and safety issues all indicate that this supposed "renaissance" is not only improbable, but unlikely.

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. As a matter of fact, Areva plans to ask federal regulators for permission to alter the normally required procedure as it ends the manufacturing of nuclear fuel on Mount Athos Road in Richland, Washington, because the company would still use the site for other nuclear activities. (Gentry, The News & Advance © Copyright 2009) So,

what's next for the Idaho facility if an extension is approved? The NRC must discuss the length of a potential extension and whether or not cumulative waste storage would be allowed.

This is not to mention the lack of a fully developed rule on disposal of depleted uranium and no operational deconversion facilities in the US, leaving no pathway for disposal of this waste and a line of already existing DUF6 awaiting deconversion.

Accidents happen and there are risks associated with the transportation of radioactive materials. 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.

The draft EIS (4-136) stretches credulity in attaching "Green House Gas 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. By this logic, my car is a GHG sink when I am not driving it. 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.

Accidents, fire, air and water quality and the development of on this land will impact several species including 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 area surrounding the EREF due to development and human activity. Sage-grouse is a candidate species for federal ESA protection. USFWS recently concluded that listing under the ESA is warranted, though formal listing is precluded by other agency priorities. The EIS is inaccurate based on the true scale of ecological effects and the 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.

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.

Further, 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 (EIS, 3-3). But because Areva has accepted a \$2 billion federal loan guarantee from the Department of Energy, the Federal Farmland Protection Act applies to this license and the required procedures under the Act must be completed prior to licensing.

The EREF could not function without the transmission line, which is critical to the proposed action. It is recommended that the routes for some proposed new transmission lines be part of its own NEPA process because of potential impacts to wildlife and the land.

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

Respectfully submitted,

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