EagleRockCEm Resource

From: Christopher Thomas [christopher@healutah.org]
Sent: Thursday, September 16, 2010 4:39 PM
To: EagleRockEIS Resource
Subject: Re: Comments on NUREG-1945, Eagle Rock Enrichment Facility
Attachments: HEALUtahArevaEISCommentsFinal.pdf

Dear Mr. Lemont,

Attached please find our comments on NUREG-1945, Eagle Rock Enrichment Facility. Thank you for considering them as you prepare the Final Environmental Impact Statement.

Sincerely,

Christopher Thomas
Policy Director
HEAL Utah
801-355-5055
www.healutah.org

Federal Register Notice: 74FR42466
Comment Number: 83

Mail Envelope Properties (F40C251C-6928-4AD9-B7F8-D0B4A99B1FF6)

Subject: Re: Comments on NUREG-1945, Eagle Rock Enrichment Facility
Sent Date: 9/16/2010 4:38:30 PM
Received Date: 9/16/2010 4:38:56 PM
From: Christopher Thomas

Created By: christopher@healutah.org

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

Post Office: healutah.org

Files	**Size**	**Date & Time**
MESSAGE	291	9/16/2010 4:38:56 PM
HEALUtahArevaEISCommentsFinal.pdf	610207	

Options
Priority: Standard
Return Notification: No
Reply Requested: No
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Expiration Date:
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RE: NUREG-1945, draft

To Whom It May Concern:

I am writing this letter in response to the Federal Register notice requesting comments on NUREG-1945, "Draft EIS for the Eagle Rock Enrichment Facility in Bonneville County, Idaho."

The classification of depleted uranium for disposal purposes has been a contentious issue that the State of Utah, the Nuclear Regulatory Commission, and other key-stakeholders have worked on for years, and relevant rule-making to govern the disposal of this unique waste is still underway. As such, the assumption in the draft EIS that there will be a disposal pathway for the depleted tails from the AES facility is unfounded.

The draft EIS states that "[t]he depleted UF_6 would be sent to a DOE conversion facility, and then shipped offsite for disposal" (2-25). Given the current NRC rule-making to develop a site-specific analysis for the disposal of large quantities of depleted uranium, and the State of Utah's own requirement for a site-specific analysis for DU disposal, it is premature to assume that depleted uranium will be found suitable for disposal at EnergySolutions' Clive facility or any other facility. Indeed, the standards by which any site could be found "suitable" for the safe, long-term disposal of DU have yet to be codified.

The draft EIS does not explicitly identify any specific site for the final disposal of the converted DU waste. We believe this is in part because no disposal site will currently accept depleted uranium waste for disposal. For instance, note that DU oxide waste from DOE's Savannah River Site (SRS) currently has no disposal pathway.

Although there has been some effort to move this waste from South Carolina to the Waste Control Specialists site in Texas, the waste would only be stored there on a temporary basis rather than permanently disposed. Furthermore, the single trainload of SRS DU waste that made its way to the Clive site is also being held in temporary storage until the completion of a site specific analysis in accordance with Utah Rule **R313-25-8 - Technical Analyses.**

If disposal at a DOE site were indeed a "plausible strategy" as noted in the EIS (2-25), the DOE would simply send this DU waste to one of its other disposal sites. The fact that DOE has been forced to look at temporary storage options for the SRS DU appears to be *prima facie* evidence that DOE has no disposal option. In light of recent events, the NRC Commission's decision that disposal of DU waste at a DOE site is a "plausible strategy" must be re-evaluated.

We believe the Draft EIS is deficient because it assumes that converted DU tails will have a disposal pathway, when in reality the most recent evidence indicates that this waste could indeed become an orphan waste stream, similar to the SRS DU. We believe that the final EIS should assess what would happen if there is not a disposal pathway for the converted DU tails. This assessment should address at least the following issues: how the DU tails would be managed, the health and environmental risks of such management, who would manage them, and at what cost. We believe these are critical issues that must be considered and addressed, given that DU disposal is not currently feasible, and may not be feasible for the next many years, especially if most or all near-surface disposal sites are eventually found to not be protective of human health and the environment in the longterm.

Please feel free to contact me with any concerns or questions you may have.

Sincerely,

Christopher Thomas
Policy Director

Vanessa Pierce
Executive Director