



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

NOV 15 2010

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

Dear Mr. Lesar:

RE: Review of the Generic Environmental Impact Statement for License Renewal of Nuclear Plants, NUREG-1437, Supplement 42, Regarding Duane Arnold Energy Center, Final Report for Comment

The U.S. Environmental Protection Agency has reviewed the Nuclear Regulatory Commission's Generic Environmental Impact Statement, Supplement 42, for the Duane Arnold Energy Center Final Report. Our review is provided pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4231, Council on Environmental Quality regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act. The GEIS, Supplement 42, was assigned the CEQ number 20100409.

The NRC is proposing to renew the license of the Duane Arnold Energy Center (DAEC) for an additional 20 years beyond the expiration date of the facility's current 40-year license which is February 21, 2014. The facility is located in Linn County, Iowa, on the western bank of the Cedar River approximately 5.7 miles west-northwest of the city of Cedar Rapids and just less than 50 miles east-northeast of the Sac and Fox Tribe, Meskwaki Settlement.

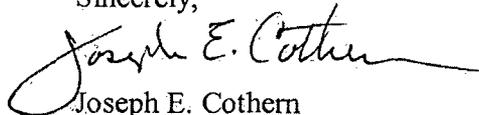
EPA had issued a rating of the draft Supplemental Environmental Impact Statement for this project EC-2 (Environmental Concerns-Insufficient Information) on April 16, 2010. This EC-2 rating was based on the uncertainty of potential impacts to aquatic resources near the Duane Arnold Energy Center (DAEC) and the evaluation of alternatives to DAEC license renewal.

EPA Region 7 NEPA staff have reviewed your responses to our individual comments contained in Appendix A and we appreciate your consideration of each of these issues. EPA has no issue-specific disagreements with NRC responses or your issue-specific decisions to make revisions to Supplement 42. EPA does note, however, some issues could be more thoroughly examined and disclosed, but are truncated by the GEIS/SEIS regulatory framework. We would like to strongly encourage the NRC to reconsider its treatment and coverage of many of these individual issues in its Generic Environmental Impact Statement for License Renewal of Nuclear Plants, NUREG-1437 (GEIS) and in facility-specific Supplemental Environmental Impact

Statements such as Supplement 42. We believe that there are many aspects to facility operation and potential impact in the context of an often unique, local environmental milieu which should be characterized and assessed in detail within each SEIS that are presently and routinely dismissed as Category 1 issues. In addition, much of this local setting changes physically and biologically over a 40 and 20 year license lifetime. The brevity with which many facility-specific structural and operational aspects and site-specific natural features are characterized in each SEIS renders review of these documents by public agencies and the general public to be largely perfunctory. Many of the remaining site-specific issues which are not dismissed by the NRC as Category 1 are often condensed in coverage within the SEIS and dismissed upon NRC staff determination as insignificant in impact or effect. Whereas it is clear to us that much data is collected, particularly through each facility's Radiological Environmental Monitoring Program (REMP), there is a discontinuity in the presentation of those data and their relevance within each SEIS. Finally, EPA reasserts the need for ecologically-based benchmarks to assess radiological risk to aquatic and terrestrial communities at each site. The assumption that a lack of significant risk from radiological exposure to the human community can be extrapolated to serve as the basis for determining the risk to other biological communities is not adequately supported.

We appreciate the opportunity to provide comments regarding this project and the NRC's process of license renewal. If you have any questions, please contact me at (913) 551-7148, cothern.joe@epa.gov.

Sincerely,



Joseph E. Cothorn
NEPA Team Leader
Environmental Services Division

cc: Marthea Rountree, OECA/OFA/NCD