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*6/20/2011
76 FR 35922*

August 2, 2011

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RULES AND DIRECTIVES
DIVISION OF ADMINISTRATIVE SERVICES

Subject: Comments on Interim Staff Guidance Regarding the Environmental Report for Applications to Construct and/or Operate Medical Isotope Production Facilities submitted by Babcock & Wilcox, Technical Services Group, Inc. Docket ID NRC-2011-0135

B&W appreciates NRC actions to prepare for the licensing of a medical isotope production facility and views this Interim Staff Guidance as an important step in that preparation. The attached comments are provided for NRC consideration in an effort to improve and clarify expectations for the content of the environmental report.

Thank you for considering these comments. If you have questions please me at 434-522-6313 or Steve Schilthelm at 434-522-6243.

Sincerely,

Dan Glenn
MIPS Program Manager
B&W Technical Services Group, Inc.

Attachment

cc: B&W MIPS Records

*SUNSI Review Complete
Template = ADM-013*

*FRIDS = ADM-03
Add = S. Sloan (5254)*

Babcock & Wilcox, Technical Services Group, Inc.
COMMENTS ON ‘Draft Interim Staff Guidance for NUREG-1537,
Part 1, Section 12.12,’ June 2011 (Request for comments, 76 FR 35922, Jun. 12,
2011, Interim Staff Guidance Regarding the Environmental Report for Application To
Construct and/or Operate Medical Isotope Production Facilities)

<u>Section</u>	<u>Comment</u>
General	It appears that the information requested represents an exhaustive list covering all possible applicant situations. While this is comprehensive, it also has the potential impact of creating expectations for information that will not be necessary in many cases (e.g., a “brown-field” site). Suggest that each section of the guidance be expanded to provide criteria for when information is and is not required in an effort to guide and inform both the applicant and the NRC Staff. This would eliminate the need for protracted discussion and justification of information that is not necessary to be submitted.
12.12	It should be stated that Section 12.12 of the Environmental Report should be submitted as a separate document in the application. Guidance should also be included regarding timing of the submittal in relation to the balance of the construction or operating application in accordance with 10 CFR 2.101 (e.g., maximum 6 month separation).
12.12.1	The expectation for “consultations” appears to go beyond the requirements of 51.45(d). Should “consultations” really be expected particularly if the chosen site is an existing “brown field” nuclear site? This expectation for consultations appears in several other parts of the document. Is there a difference in the applicants and the NRC responsibility for consultation?
12.12.2	Site Location and Layout. Given the limited scope of potential environmental impacts from MIPF construction and operation and its location on an existing industrial site, previous subject to NRC review, the requirement for descriptive information within 50 mile is excessive. A 10 mile area would be more reasonable.
12.12.3	The introductory two paragraphs appear to give the applicant discretion as to the content and detail of baseline information provided based on the “scope” of the proposed action. An explanation of “scope” would be helpful. Should “scope” be understood to include the significance and geographic extent of environmental impacts from activities and effluents associated with facility construction and operation?

Although 12.12.3 appears to allow the applicant judgment as to content and detail of baseline information provided, various subsections are specific about providing information within 50 miles (80 km). This requirement should be presented as a maximum requirement and guidelines should be provided for the applicant to use a lesser distance based on the “scope” of the project.

Additionally, it would be helpful if there were a discussion of the extent to which an existing environmental report or assessment for the site could be leveraged to minimize the information required in this section. If the facility is to be co-located with existing NRC licensed facilities, it would seem this information could be summarized with reference to prior NRC evaluations.

- 12.12.3.1 Land Use and Visual Resources. Given the limited scope of potential impacts on land use and visual resources from MIPF construction and operation and its location on an existing industrial site, previous subject to NRC review, the requirement for descriptive information within 50 miles is excessive. A 10 mile area would be more reasonable. Further, much of the information requested in this section is not applicable to the proposed MIPF.
- 12.12.3.2 Meteorology, Climatology, and Air Quality. Given the limited scope of potential air quality impacts from MIPF construction and operation the requirement for descriptive information within 50 miles is excessive. A 10 mi area would be more reasonable.
- 12.12.3.4 Water Resources. First bullet, this diagram would seem to be more appropriately placed in 12.12.2. As all water used in the MIPS reactor facility would come from Campbell County Utilities and Service Authority (CCUSA) the information required in this section seems excessive and non-productive. It would be more meaningful to request information about the ability of CCUSA to supply the required volume of water and potential for incremental water resource impacts in doing so.
- 12.12.3.7 Socioeconomics. The requirement for information on transient (seasonal) population including students attending colleges and universities within 50 miles is excessive. To the extent that this information may be relevant for the socioeconomic impact analysis for the MIPS, 10 miles is more appropriate.

- 12.12.4 In the first introductory paragraph, explain “direct and indirect impacts of the proposed action and alternatives as well as the cumulative impacts of other past, present, and reasonably foreseeable future actions.”
- It would be helpful if each of the subsections included an introductory statement providing an overview of the analysis and supporting information to be covered in the subsection. Subsections 12.12.4.3 Geology, Soils, and Seismology, 12.12.4.4 Water Resources, and 12.12.4.8 Historic and Cultural Resources approach providing this information.
- 12.12.4.2 Meteorology, Climatology, and Air Quality. The guidance in this section is confusing. One would expect a focus on impact analysis of construction and operation; however, much of the information requested is descriptive and more appropriately placed either in section 12.12.2 or section 12.12.3.2 as baseline information.
- 12.12.4.3 Geology, Soils, and Seismology. The lead sentence for the bullets should read: “In addition to the summary of the analysis of the potential impacts of seismic and other geological hazards the applicant or licensee should provide the following information in the ER:”
- 12.12.4.4 Water Resources. The analysis required is excessive relative to the proposed MIPS water consumption, source and effluent. For the most part, the analysis required is not relevant to the proposed MIPS.
- 12.12.4.5 Ecological Resources. Relative to Special Status Species, it should be made clear that the applicant need consult with FWS, NOAA and state and local agencies and tribes only when the applicant determines that there is a potential impact on special status species. Relative to Monitoring, it should be stated that the applicant’s monitoring plan, if any, is based on findings of possible significant ecological impacts.
- 12.12.4.8 Historic and Cultural Resources. Given the limited scope of impacts of MIPS constructed and operated on an existing industrial site, the requirements of this section are excessive. The guidance should provide for no off-site impacts and limited potential for on-site disturbance.

- 12.12.4.11 This section discusses Design Basis Accidents (DBA). This concept is inconsistent with the treatment of accidents in the balance of NUREG 1537 which uses the term Maximum Hypothetical Accident (MHA) and does not specify the identification of DBAs. Given the size and nature of the facilities, it would appear that the treatment of accidents in NUREG 1537 is appropriate and it may be more appropriate to identify MHA(s) for the reactor and for the isotope processing parts of the facility.
- 12.12.4.12 Environmental Justice. Given the likely insignificant environmental impacts of the proposed MIPS, what is the appropriate region to assess a target population for environmental justice?
- 12.12.5 This section appears to expect a quantitative evaluation (12.12.5.3) and cost benefit analysis of alternatives. It would seem that a more qualitative assessment would be more appropriate for this type of facility.
- 12.12.5.3 Cost Benefit of the Alternatives. The information required is excessive for explaining the costs and benefits of the proposed MIPS and alternatives. Specific environmental impacts identified for discussion are not significant and do not reveal any meaningful alternative to the proposal.
- 12.12.5.4 Comparison of the Potential Environmental Impacts. Given the limited environmental impacts of the proposed MIPS and the limited alternatives, this table seems unnecessary.
- 12.12.7 We question the purpose and need for the applicant or licensee to list the name, educational background, and summary of work experience for all personnel who had a role in preparing the ER. Where in 10 CFR and regulatory guidance has this been previously required?