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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JAN 28 1994

Mr. John W. N. Hickey
Chief, Enrichment Branch
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Hickey:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA, we have completed our review of the Draft Environmental Impact Statement (EIS) prepared by the U.S. Nuclear Regulatory Commission (NRC). Information in the EIS will be considered in the review of the license application by Louisiana Energy Services L.P. to construct and operate a uranium enrichment facility in Claiborne Parish, Louisiana.

The proposed action, as stated in the Draft EIS, is to construct and operate a uranium enrichment facility that uses the gas centrifuge process to enrich natural uranium hexafluoride material. The expected life cycle of the facility is: construction, 5 years; operation, 30 years; and decommissioning, 5 years.

At the request of the NRC, the U.S. Environmental Protection Agency (EPA) Region 6 held a comprehensive scoping meeting with NRC representatives and their contractors on September 23, 1992, and offered many environmental comments at that time. We now offer the following comments in review of the Draft EIS for your consideration.

GENERAL

We find the discussion of the proposed action, purpose and need, and alternatives to be confusing. If, as stated, the proposed action is to construct and operate a uranium enrichment facility, then the purpose and need and alternatives sections need to be more fully addressed. There is presently an absence of any justification in the discussion of the purpose and need section as to why this facility is needed now, and why at the proposed location. If, however, the proposed action is to grant a Federal license for operating and constructing this type of facility, then indeed the alternatives could be limited to either issuing or denying the license. The current alternatives discussion

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seems to support this assumption. For example, on page xviii, the Draft EIS states that the no-action alternative is the only alternative considered in the EIS. We assume what is meant is that it is the only other alternative considered in addition to licensing the proposed facility at the preferred site. The purpose and need would then revolve around the need to meet Federal regulatory requirements for licensing the facility. Note however, that it is still necessary to evaluate the impacts of construction and operation of the proposed facility (as you have done) as these are the direct result of issuing the license.

If the proposed action is, in fact, to construct and operate the enrichment facility, a more thorough evaluation of the alternative sites is required. The EIS, on page 2-55, states that three potential sites were found to be adequate, but only the LeSage site was analyzed in detail. It further states that the other two sites remain as qualified alternative sites. CEQ regulations at 40 CFR 1502.14 (a) and (b) state that the EIS should rigorously explore and evaluate all reasonable alternatives, and should devote substantial treatment to each alternative. We are concerned that the two alternative sites were not analyzed in detail, and recommend that NRC evaluate all three of the above sites in detail in the Final EIS.

RADIATION COMMENTS

National Emission Standards for Hazardous Air Pollutants (NESHAP)
-- Subpart I, Emissions from NRC Licensed Facilities...:

The facility owner or operator is required to obtain approval from EPA before beginning construction on this facility [40 CFR 61.07(a)]. The application for EPA NESHAP approval must contain the information and data listed at 40 CFR 61.07(b). Please note that the exclusion at §61.106(b) only applies to new construction or modification at an existing facility. This approval requirement should be added in Section 6 of the Final EIS, under the Subpart I entry.

We also note that prior EPA approval may also be required if the facility is to be modified by making any physical or operational change (§61.15), unless an exclusion applies (e.g., §61.15(d) or §61.106(b)).

Please indicate, in the Final EIS, that the data listed on page 4-38 in Table 4.11 are chi/Q data, and give the units.

The conversions given in the footnotes on pages 4-40 through 4-43 are incorrect. The Sievert unit is 100 rem (not 0.01 rem) and the person-Sievert is 100 person-rem (not 0.01 person-rem). This should be corrected in the Final EIS.

Please clarify in the Final EIS what is meant on page 4-44, lines 5-6, by a dose to the "whole bone."

Please clarify in the Final EIS what is meant on page 4-58, line 14, by an annual uranium throughput of 34 kilograms. This appears to be some type of maximum inventory.

ACCIDENTS

A range of potential accident scenarios is discussed in Section 4.2.2.6. of the Draft EIS. However, we are concerned that the analysis does not quantify the impacts of accidents in terms of risk (probability x consequences). We recommend that the Final EIS include a quantitative risk assessment of the more severe and more likely accidents that can potentially occur at this facility.

WASTE DISPOSAL

The Draft EIS indicates that annual hazardous and mixed-wastes generated at the proposed facility will be collected, inspected, volume-reduced and transferred to treatment facilities or disposed of at authorized waste disposal facilities. Our concerns on this subject revolve around the availability and capacity of disposal facilities for the life of the project, as well as the location and method of transport to these authorized facilities. The EIS should indicate whether or not there are adequate facilities to deal with the projected volume of wastes, where these facilities are currently located, and how this material would be transported along with an identification of any potential environmental impacts resulting from this activity (e.g., accidents, leaks, etc).

NPDES PERMIT

Consistent with National Pollutant Discharge Elimination System (NPDES) application No. LA0092916 and associated correspondence related to this facility, the Draft EIS addresses two outfall sources to Bluegill Pond, which has been determined to be "waters of the United States."

Outfall 001 is the discharge from the sewage treatment system which treats sanitary, industrial and treated, radiologically contaminated wastewaters. However, it should be noted that EPA will not regulate uranium and associated radioactivity under the NPDES permit since this will be a NRC licensed facility. Outfall 002 provides discharge, through the hold-up basin, of untreated storm water from the yard and building roofs via drains.

Consistent with the NPDES application, EPA has prepared a draft permit for Outfalls 001 and 002. For Outfall 001, this includes limitations for Flow, Chemical Oxygen Demand (COD), Total Organic Carbon (TOC), Total Suspended Solids (TSS), ammonia (as N), Total Residual Chlorine (TRC) and Ph. An internal Outfall 01A has been established for treated sanitary sewage effluent and limits TSS,

BOD5, fecal coliform and Ph. For Outfall 002, limitations are applied for TSS, oil and grease, and Ph.

The Louisiana Department of Environmental Quality is considering the appropriate water quality standards to be applied to Bluegill Pond. However, the Louisiana numerical water quality criteria are significantly greater than the expected daily discharge levels indicated for appropriate parameters such as carbon tetrachloride.

POLLUTION PREVENTION

In accordance with the Pollution Prevention Act of 1990, EPA has initiated a program to consider pollution prevention throughout the NEPA process. One of the principles is a pollution prevention/waste minimization directive for agencies to minimize the use of hazardous materials and the number and size of waste streams. We did not see a reference to pollution prevention/waste minimization in the Draft EIS. We request that the Final EIS describe waste minimization and pollution prevention measures that will be employed during the construction and operation of this facility.

CHLOROFLUOROCARBONS (CFCs)

The EIS states on page 2-21 that CFCs will be banned from use in the year 2000. This statement is incorrect. CFCs may not be produced in the USA after December 31, 1995. The only regulations concerning the use of CFCs are those issued under section 608 of the Clean Air Act. We note that the proposed project is expected to use CFCs to cool water and air, and as a solvent for degreasing equipment. The intention is to replace CFCs with less environmentally harmful fluids as they become commercially available. We anticipate that CFCs will become increasingly expensive and difficult to locate starting in 1996, and encourage the NRC to use alternative fluids both from an economic and environmental standpoint. It would be more cost-effective, and the process would be more efficient, to purchase and install equipment designed to use alternative fluids at the time the proposed project is constructed. We strongly urge the NRC to use alternative fluids from a pollution prevention/waste minimization standpoint because of the CFCs' adverse effects on ozone in the upper atmosphere. One non-CFC alternative fluid for Freon R-11 would be HCFC-123 or HFC-134a. For more information on CFCs, contact our Stratospheric Ozone Hotline at 1-800-296-1996.

ENVIRONMENTAL JUSTICE

Based on the type of project and the location of the preferred site, we are concerned that your Draft EIS did not specifically address the issue of "environmental justice." This issue is a reaction to the belief that historically there has been a propensity for facilities that present an environmental or health

risk to be located in predominately low income and minority areas. As you know, the issue has been raised in the media, as well as in the public scoping meeting on this project.

EPA is closely scrutinizing our own actions with regard to this issue. We believe it is prudent for other agencies to do so as well. A conscientious effort to deal with this issue in regard to community or site selection could possibly avoid potential reactions to this or any project, such as expense, in money and time, and law suits.

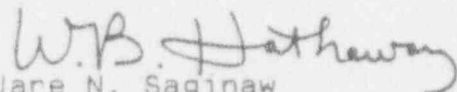
RATING

We classify your Draft EIS as EC-2 (Environmental Concerns - Insufficient Information. Specifically, EPA expresses environmental concerns on NEPA alternative analysis, accidents, waste disposal, pollution prevention, CFCs and environmental justice.

Our classification will be published in the Federal Register according to our responsibility to inform the public of our views on the proposed Federal actions, under Section 309 of the Clean Air Act.

We appreciate the opportunity to review the Draft EIS. Please contact Mr. Norm Thomas of my staff at (214) 655-2260, if we may provide further explanation of our concerns or comments. We request that you send our office five copies of the Final EIS at the same time it is sent to the Office of Federal Activities, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Sincerely yours,

for 
Jare N. Saginaw
Regional Administrator

SUMMARY PARAGRAPH FORM

D-NRC-G06008-LA

ERP NUMBER

RATING ASSIGNED TO PROJECT

EC-2 (Environmental Objections
- Insufficient Information)

OFFICIAL RESPONSIBLE
FOR REVIEW OF PROJECT

Jane N. Saginaw

SUMMARY OF COMMENT LETTER

EPA expresses general concerns regarding NRC's discussion of the proposed action, purpose and need, and alternatives. Specific concerns are raised in the areas of accidents, waste disposal, pollution prevention, and environmental justice. EPA recommends that NRC provide clarification and additional information on these subject areas.

PARAGRAPH APPROVED FOR PUBLICATION

(Initials of OFA
Approving Official)

NOTE: Transmit 2 copies to MIU