



Department of Energy

Idaho Operations Office
850 Energy Drive
Idaho Falls, Idaho 83401-1563

August 15, 2003

Chief, Rules Review and Directives Branch
U.S. Nuclear Regulatory Commission
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Washington, DC 20555-0001

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U.S. Nuclear Regulatory Commission
Idaho Operations Office

SUBJECT: DOE-ID Comments on Draft NUREG-1773 (INTEC-PSF-03-025)

Dear Sir/Madam:

The DOE-ID NEPA Compliance Officer has reviewed the subject draft EIS and offers the following (enclosed) comments.

If you should have any questions or need clarification concerning the comments, please feel free to call Rodger Twitchell at (208) 526-0776.

Sincerely,


Jan Hagers
Project Manager

Enclosure

Template = ADM-013

E-IDS = ADM-03
Add - M. Blevins (MXB6)
J. Randall (JRH)

DOE-ID NEPA Compliance Office Comments on the EIS for the Proposed Idaho Spent Fuel Facility at the INEEL in Butte County, Idaho (Draft Report for Comment: NUREG-1773)

The NEPA Compliance Office read the subject EIS from cover to cover and has no major comments but found a few areas where clarification would help, some updating is required, and a few typos.

COMMENTS

Page xvi, 2nd para under the Proposed Action heading: "and associated radioactive material". Please provide a "such as" so the reader understands the nature of what the associated material may be.

Page xvii, first sentence: The wording in Para. F.2. of the Settlement Agreement says "replace wet, below ground facilities" not "wet storage and below ground facilities". Please change to the exact wording of the Settlement Agreement because precision has become an issue or matter for litigation in any reference to this agreement.

Page xix, end of fourth sentence under Air Quality: Please replace "within limitations" to "within regulatory limits" or "within applicable regulatory limits".

Page xx, 3rd sentence, remove "of" between numerous and consultations. Also on line 39 two recent programmatic impact studies are referenced and on line 42 three recent impact studies are referenced. Please specify their difference.

Page xxii, line 21, please add "State of Idaho" to "INEEL Oversight Program".

Page xxiii, line 46, we realize that NRC defines spent nuclear fuel as high level waste but this becomes a little confusing in the context of spent nuclear fuel and high level waste on the INEEL. Please add a text box explaining how NRC defines spent nuclear fuel and how it differs for the definition used in the Idaho HLW and Facilities Disposition EIS.

Page xvi that should be xxvi just before page xxvii, it appears this page is repeated.

Page 1-10, lines 6,7,11,12,13 and 16, It would be more proper, for matters relating to consultation, to use the title "State Historic Preservation Office" exclusively rather than in combination with "Idaho State Historical Society". We realize the letters from the SHPO have the Idaho State Historical Society heading.

Page 1-10, line 31, here it says SNF and HLW, please see our comment on page xxiii line 46 above.

Page 1-12, lines 26 through 32. The statement that FWENC is considered exempt or conditionally exempt from the need for a RCRA permit is not true.

Page 1-12, lines 37 and 39. Please see comment on page 1-10 above concerning the SHPO.

Page 1-13, line 15, should be contractors not subcontractors, DOE itself is not a contractor.

Page 2-8, line 19, "Based on these considerations, no other alternatives are reasonably likely to exceed these impacts" is not correct, should be changed to: "other alternatives are reasonably likely to result in equal or greater environmental impacts".

Page 2-10, Table 2-1, line 7 Water Quality, 3rd column, note that the risk of leaks from the SNF storage pools would continue. Line 8, 3rd column, it appears the water quality discussion was placed in the water use block. The last clause in the last sentence in this block should be changed to read "and current water use would not be affected".

Page 2-13, Table 2-1, 3rd column, the conclusion concerning the No-Action Alternative is not correct. This is because under No-Action the fuel would continue to be stored and all the associated risks to public and occupational health and safety would remain unchanged but would not be zero. In fact, the proposed action may have less impact because there is an element of certainty about how the SNF will be handled and stored. If the proposed action disappears the element of certainty disappears also.

Page 3-4, line 10, change "at" to "that" after communities.

Page 3-7, line 27, put a period after "DOE". Whether the Tribes may or may not hunt on the INEEL is conjectural.

Page 3-21, Flood Plains discussion. Note USGS has published a 2003 report, which revises flood flows downward, this report is "Estimating the Magnitude of the 100-Year Peak Flow in the Big Lost River at the Idaho National Engineering and Environmental Laboratory", USGS Report 02-4299. During the comment period on this EIS this report was recent and undergoing DOE review.

Page 3-28, line 43. Note: DOE Order 5400.1 has been replaced by DOE O 450.1.

Page 3-37, lines 1-5. Elk are the most numerous big game species on the INEEL and in fact often cause problems with adjoining private land owners. The elk use the INEEL as a refuge during hunting season and as base from which to raid farmer's fields.

Page 3-45, Table 3-7, 3rd column. DOE Order 5400.1 had be replaced by DOE O 450.1 and DOE O 5480.1B is no longer in effect.

Page 3-48, line 25 . Note some of these estimates take into account operation of the New Waste Calciner Facility, which is currently in standby and will never operate again without significant upgrades to the emissions system.

Page 3-81, line 18, change to the extent "possible" to "practicable"; line 38, change "the" to "a" commercial contractor.

Page 4-1, line 5, delete "would" and add an "s" to consider. Line 15, change "facilities" to "utilities".

Page 4-6, Air Quality Impacts, this Section needs to include a discussion, or reference, concerning "Compliance with General Conformity Regulations" under the Clean Air Act Such as "The INEEL is in an air quality attainment area and therefore a conformity determination is not required under the Clean Air Act [Sec. 176(c) (1)]".

Page 4-7, line 34, correct spelling of "constitute".

Page 4-12, line 43, change "will" to "would".

Page 4-13, line 1, insert "it is unlikely" after "Therefore," and delete "no" before "impacts".

Page 4-24, lines 21-26, will the results of "the more detailed evaluation of the impacts to he (sic) public health and safety" be presented in the final EIS? If not, it should be stated when and where the results will be made available to the public. How does this statement relate to events evaluated in Table 4-8. Suggest deleting the paragraph starting in line 21, or state how the safety evaluation report, and NEPA and licensing processes are related.

Page 4-25, Table 4-8, line 11, 2nd column, "Fuel Container Binding of Impact During Handling". Is this worded correctly?

Page 4-34, Table 4-10, 3rd column, the units of measure for PMF Elevations Above Area Floor should be added.

Page 4-35, Note: DOE-ID security advised the document manager to remove the discussion and analysis of aircraft impact hazards from the Final Idaho HLW EIS.

Page 4-36, line 22, remove the "s" from "hazards".

Page 5-1 line 35, after "Environmental", delete "Science and Research Foundation" and insert "Surveillance, Education and Research Program." Note that the Environmental Science and Research Foundation no longer exists and has been replaced by Stoller Corporation.

Page 5-4, lines 36 and 39, see comment(s) on Page 5-1 above.

Page 6-5, lines 34 and 36, see comment(s) on Page 5-1 above.

Page 8-3, line 42, suggest removing "minimal and" from the sentence. Because the existence of the dry spent fuel facility means an increase, however small over background, the radiation impacts cannot be said to be minimal though they are insignificant.