

From: <Marilyn.Snell@sierraclub.org>
To: <TCJ@NRC.GOV>
Date: 1/25/05 9:33PM
Subject: follow up re: LES license application

Dear Mr. Johnson,

I spoke to you several weeks ago by telephone regarding the proposed LES facility. I spoke to Sue Gagner (not sure of spelling) in Public Affairs today, who said I really needed to speak with you again, since she was unable to answer my questions. I am still trying to get an answer to the following question and I hope you can help me. In reviewing my notes of our earlier conversation, I fear that part of the problem was that I wasn't clear in what I was looking for. So, with apologies in advance for taking your time, I would like to try again:

In our last conversation you patiently tried to explain to me what type of requirements relating to nuclear security would need to be satisfied before the NRC would grant a license to LES. You explained the FOCI process, the facility clearance permit, and the manner in which LES would need to prove it had proper procedures in place for handling classified information.

When I spoke to Ms. Gagner, she said that the NRC is the final arbiter on license approval.

My question has to do with whether, with regard to LES, a more thorough national security review will be conducted by any other agency before final approval is (or is not) given. Will there be another level of inquiry with regard to Urenco? BNFL? etc? When I asked you earlier you said no, that the US doesn't regulate Urenco--so the answer to this may be a simple "no."

I just want to make sure:

- 1) NRC is the final arbiter on the LES license, correct?
- 2) There is no other federal agency that is looking into the permit as it relates to Urenco, BNFL, etc. Correct?
- 3) There is no other federal agency looking into the permit as it relates to proliferation considerations regarding the 1993 US/Russia Treaty on HEU (I know the NRC isn't, since it ruled the issue inadmissible). Correct?
- 4) There is no other federal agency looking into the permit as it relates to the recent call by the IAEA for a moratorium on the construction of uranium enrichment plants until new international security safeguards are in place. Correct?

I truly apologize for causing you headaches but as I try and find the answers to these questions I keep getting referred back to you. If you could help me, I would be grateful. I'm happy to discuss these questions by telephone but I thought I'd be less intrusive this time, so I tried the email route. In any event I look forward to hearing from you.

Sincerely,

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