



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**Docket No. 70-3103-ML**

**SERVED December 21, 2005**

The Honorable Christopher Shays  
United States House of Representatives  
Washington, D.C. 20515

Dear Congressman Shays:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated October 17, 2005, in which you requested that NRC address your constituent's concerns regarding the review of the Louisiana Energy Services (LES) license application for a gas centrifuge uranium enrichment plant to be located in the State of New Mexico. Your constituent raised concerns regarding nuclear proliferation and other national security threats that he believes are posed by this proposed nuclear facility. Specifically, he is concerned about the adequacy of national security reviews of the proposed licensee in light of the loss of control of gas centrifuge technology information at the Urenco facility in the Netherlands. I would like to assure you that before issuing a license, NRC must determine that the licensed activity would not be inimical to the common defense and security and would not constitute an unreasonable risk to the health and safety of the public, and that the LES centrifuge facility complies with all safeguards, security, and technology control requirements.

As part of the NRC staff's licensing review of the LES license application, we are evaluating pertinent safeguards and security issues. NRC staff documented its review and findings of the LES license application and related documents, including documents addressing safeguards and security issues, in the Safety Evaluation Report (SER) and the Environmental Impact Statement (EIS). The staff issued a draft EIS in September 2004, as well as a final EIS (NUREG-1790) and SER (NUREG-1827) on June 15, 2005. In addition, the U.S. Department of Energy (DOE) conducted a Foreign Ownership, Control, and Influence (FOCI) review of the application. The purpose of the FOCI review is to assure that U.S. national security information will be appropriately controlled. NRC and DOE are evaluating the potential national security risks of constructing and operating the proposed centrifuge enrichment facility.

The LES centrifuge facility is subject to the regulatory requirements found in Title 10 of the *Code of Federal Regulations* (10 CFR) Parts 25, 73, 74, 75, 95, 110, and 810 (note that 10 CFR Part 810 is a DOE regulation). These regulations provide for security clearances, physical protection of nuclear materials, physical security of the transportation of nuclear materials, and nuclear material control and accounting requirements to assure that uranium is not stolen or enriched to levels higher than authorized. These regulations also provide for international safeguards, protection of classified information, and technology control restrictions to ensure centrifuge technology does not become available to other countries. Any entity with access to classified and export-controlled information in the United States is subject to these same information security requirements.

Currently, LES protects classified information under a facility clearance issued to its security contractor under 10 CFR Part 95. Access to classified information is provided only to those individuals having appropriate security clearances. During construction and operation, classified matter will continue to be protected through the issuance of facility clearances and access to classified information will be limited to those having the appropriate security clearances. NRC inspectors will verify compliance with classified matter requirements through periodic inspections of the LES activities.

As a foreign-owned entity, Urenco is not prohibited from owning and operating a uranium enrichment facility by the Atomic Energy Act of 1954, as amended. In addition, an agreement between the United States and the United Kingdom, the Netherlands, and Germany authorizes the transfer of the Urenco centrifuge technology to the United States and specifies controls on the technology.

Your constituent also expressed a concern about any potential impacts of the LES facility on the U.S. agreement to reduce Russian weapons-grade uranium (the Megatons-to-Megawatts program). The purpose of this program is to reduce nuclear weapons stockpiles from the United States and the Russian Federation and to convert weapons-grade material into low-enriched nuclear fuel for commercial reactors. The program is scheduled to expire in 2013. The added production capacity of low-enriched uranium from the LES facility is not expected to undermine the Megatons-to-Megawatts program. This is because the LES facility, if licensed, will not be fully operational until 2013 and, as presently designed, will not produce sufficient amounts of low-enriched uranium to significantly affect the overall supply of enriched uranium.

The Atomic Energy Act, the Nuclear Non-Proliferation Act, the Nuclear Non-Proliferation Treaty, the U.S.–International Atomic Energy Agency (IAEA) Safeguards Agreement, and agreements for nuclear cooperation between the U.S. and certain other countries establish legal requirements to protect nuclear materials and technology against proliferation. The cooperation agreements ensure that nuclear materials and equipment imported to and exported from the United States will be protected in accordance with international standards and will be subject to the relevant IAEA Safeguards Agreement.

In 1983, the United States committed to make all commercial gas centrifuge enrichment plants in the United States eligible for IAEA safeguards inspections. The IAEA is expected to select the LES facility for safeguards inspections before the plant begins operations. The objectives of the IAEA inspections are to ensure (1) timely detection of diversion from a plant's declared nuclear material flow, (2) timely detection of facility misuse to produce undeclared product from undeclared feed, and (3) timely detection of the production of highly enriched uranium. The IAEA is expected to inspect the facility, if licensed, several times a year when the LES facility becomes operational. It is noteworthy that the Netherlands, Germany, and the U.K., also which are signatories to the Nuclear Non-Proliferation Treaty, are subject to IAEA safeguards inspections of their gas centrifuge enrichment facilities, and implement the Nuclear Supplier's Group export control guidelines.

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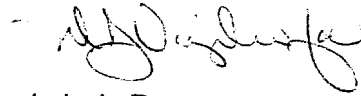
C. Shays

- 3 -

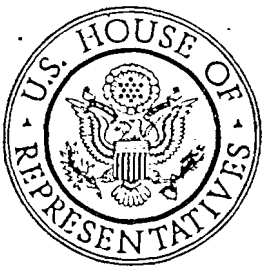
Over the past 30 years, and particularly after the terrorist attacks of September 11, 2001, there have been marked advances in and an increased focus on the safeguards and security of nuclear facilities and materials in the United States and worldwide. NRC has a key role in assuring that any new commercial nuclear facility built in the United States meets stringent safeguards and security requirements. We continually review these requirements to incorporate improvements and lessons learned from regulating existing facility operations

Your concerns will be added to the LES docket file. Thank you for your interest in this important matter, and I hope that the information provided adequately addressed your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Luis A. Reyes". The signature is fluid and cursive, with a prominent initial "L" and "R".

Luis A. Reyes  
Executive Director  
for Operations



# CONGRESS OF THE UNITED STATES

October 17, 2005

Mr. William Outlaw  
Acting Director of the Office of Congressional Relations  
Nuclear Regulatory Commission  
Washington, DC 20555

Dear William:

Enclosed is correspondence from a resident of Fairfield, Connecticut, George Lamb, who contacted my office concerned about the approval of the uranium-centrifuge facility proposed by Louisiana Energy Services (LES). As you know, a lead partner in the project is Urenco, the company whose nuclear blueprints were stolen by one of the world's worst nuclear proliferators, A.Q. Khan.

While I will reserve judgment at this time on the benefits versus the risk of the LES project, I would be interested in knowing, in detail, what steps the NRC is taking to ensure Urenco has the proper security procedures in place to prevent another leak of highly sensitive nuclear secrets. I would appreciate your review of the enclosed correspondence and any assistance you can provide.

Congressman  
Christopher Shays  
Fourth District Connecticut

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Please direct your reply to:

Congressman Christopher Shays  
Attention: Jordan Press  
Reference #1168578  
1126 Longworth House Office Building  
Washington, DC 20515

Thank you for your time and attention to this matter.

Sincerely,

To: Rep Christopher Shays  
Fax Number: 2022259629  
From: George K. Lamb  
RE: Demand a National Security Review of Urenco

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Dear Rep Christopher Shays,

I'm deeply concerned by revelations in the recent Sierra magazine article "Dangerous Liaisons" detailing the nuclear-proliferation links between Iran, North Korea, Pakistan, and a proposed centrifuge uranium-enrichment facility in New Mexico. The Nuclear Regulatory Commission and the Department of Energy have failed to conduct sufficient national-security reviews of the plant itself and the foreign-controlled consortium that wants to build it, thereby risking the safety of all Americans. I urge you to demand an immediate State Department investigation to determine what proliferation and other national-security threats are posed by this proposed nuclear facility.

Before allowing the construction on U.S. soil of a centrifuge uranium-enrichment plant by Urenco—a foreign-owned company tied to the world's worst nuclear-secret leaks—Americans have a right to know whether Urenco has plugged those leaks. We also have a right to know whether this plant will threaten global nonproliferation efforts by undermining the U.S. agreement with Russia to buy its poorly secured stocks of highly enriched uranium. How can the Nuclear Regulatory Commission, charged with licensing such facilities, justify approving this license if critical questions like these remain?

Sincerely,

George K. Lamb  
183 Fairfield Pl  
Fairfield, CT 06824-5605

[Go to Original](#)

**Dangerous Liaisons**  
By Marilyn Berlin Snell  
Sierra Magazine

May/June 2005 Issue

**"The biggest threat facing this country is weapons of mass destruction in the hands of a terrorist network."**

-- George W. Bush, presidential debate, September 30, 2004

**"My little town is welcoming a company that possess the very technology that terrorists want."**

-- Resident of Hobbs, New Mexico

Three decades ago, a brilliant young Pakistani metallurgist named Abdul Qadeer Khan managed to steal highly classified nuclear secrets while working in Amsterdam. It was a theft that would first shake Pakistan's Chagai Hills test site, and ultimately the rest of the planet. Working for a firm that contracted with Urenco, a Dutch-German-British company that provides uranium-enrichment services to nuclear power plants, Khan had access to Urenco's secret blueprints and manuals. He learned how to enrich uranium in centrifuges to make fuel for nuclear power plants but also for weapons. He took what he learned back to Pakistan, enriched uranium at the Dr. A. Q. Khan Research Laboratories, and helped his country build its first nuclear bomb.

Last year, Khan confessed to selling his nuclear know-how not only to Pakistan but also to North Korea, Libya, and Iran. The New York Times called his handiwork "the largest illicit nuclear proliferation network in history." Khan and the global nuclear black market he spawned are directly responsible for the current standoff over Iran's plans to build a centrifuge uranium-enrichment plant. The United States has charged that the facility, based on Urenco blueprints, is not for peaceful purposes but for building nuclear warheads. Now Pakistan has put Khan under house arrest, but the company that allowed the world's worst nuclear-security leaks is prospering. U.S. energy companies have invited Urenco to build the same type of uranium-enrichment plant in New Mexico that Iran wants, using a technology so dangerous that the United Nations has proposed a worldwide five-year ban on it so that better safeguards can be implemented. Nonetheless, powerful politicians and company executives are pushing for approval of the United States' first centrifuge uranium-enrichment plant, while the Nuclear Regulatory Commission - the agency responsible for licensing such facilities - is ignoring both Urenco's past and the UN's concerns about the technology's future. The plant's boosters are perilously out of step with a world fundamentally different from the one that existed when the NRC was created from the Atomic Energy Commission 30 years ago. Like cold war-era schoolchildren crouching under their desks for a duck-and-cover drill, believing that somehow a little wood and metal would protect them in a nuclear attack, they are relying on a licensing process that ignores the grave reality of 21st-century threats.

When the first atomic bomb was detonated at New Mexico's White Sands Missile Range in 1945, there was a blinding burst of light followed by a deep growling roar as the explosion mushroomed skyward. The genie loosed that humid July morning - "a great new force to be used for good or for evil," Brigadier General Thomas Farrell, of the Manhattan Project, called it - has since circled the globe, with the development of nuclear power succeeding nuclear weapons.

In addition to the United States, there are now six other documented nuclear states: Russia, China, France, United Kingdom, India, and Pakistan. North Korea's status is uncertain, and Israel is thought to have nuclear weapons but has not admitted it. Several other nations, including Iran, are feared to possess the technology to build nuclear bombs. (Before the 1991 Gulf War, Iraq was also a threat, as was Libya, until it handed over its technology to the United States last year.) Terrorist organizations like Al Qaeda have called the acquisition of weapons of mass destruction a "religious duty."

Though the 1970 Nuclear Non-Proliferation Treaty (NPT) has helped reduce nuclear arsenals and the further spread of nuclear weapons, it is today being tested as never before. One problem with Iran's proposed enrichment facility is that, unlike the older, gaseous-diffusion technology to enrich uranium, centrifuge plants can be much smaller and use much less energy, making them harder to detect. Centrifuge plants, of which there are only a handful worldwide, can also be easily and covertly retooled to produce weapons-grade uranium, the key component in nuclear warheads. Once you have the centrifuge equipment in place, says Ivan Oelrich, an expert on proliferation for the Federation of American Scientists, all you have to do is "adjust the piping of the centrifuges" to further enrich fuel-grade, which contains 3 to 5 percent of the uranium isotope 235, into bomb-grade, which is 90 percent U-235.

The "dual use" potential for centrifuge uranium-enrichment facilities is the basis for a 1983 call by the prestigious Stockholm International Peace Research Institute for a worldwide, permanent ban on centrifuge technology. But the technology continues to be attractive to the nuclear power industry. The two gaseous-diffusion plants operating in the United States use massive amounts of electricity. With the much more efficient centrifuge technology, costs of nuclear-reactor fuel production could come down exponentially.

If price and efficiency were the only factors, centrifuge uranium-enrichment would be a no-brainer. Unfortunately, according to Matthew Bunn of Harvard's Belfer Center for Science and International Affairs, it's also "the technology of choice for the determined nuclear cheater and people with few scruples."

In 2001, A. Q. Khan was interviewed at his home in Islamabad for John Friedman's 2002 documentary *Stealing the Fire*. He spoke calmly about his role as the "father" of Pakistan's bomb, defending his thievery as a necessary means to protect his country. The interview is chilling - all the more so because the nuclear secrets Khan stole are unrecoverable. "Today, people including President Bush say that the Khan network is finished," Friedman told me. But they don't understand that Khan set up an ongoing procurement system. "The technology is out there, and as long as there are buyers, there are sellers."

Of course New Mexico isn't Iran or North Korea. Presumably safeguards will be in place that would make U.S. technology less vulnerable. But plans and materials could still be stolen, as they were in Amsterdam. Moreover, if "responsible" nuclear states like the United States insist on using centrifuges to enrich uranium for their nuclear power plants, why shouldn't Brazil - which reportedly got the technology from the West German branch of Urenco in the 1970s, in violation of the NPT - or Iran, or any other aspiring nuclear state? If centrifuges become the technology of choice for nuclear-reactor fuel, it will be impossible to prevent the technology's spread.

The \$1.2 billion New Mexico project is proposed by Louisiana Energy Services, a consortium made up of Westinghouse, Entergy, Exelon, Duke Energy, and Urenco, the latter of which owns a 70 percent share and possesses the classified information necessary to build the plant. LES vice president Rod Krich, "on loan" from Exelon, claims that the facility poses no proliferation threat. "We have agreed to IAEA safety inspections," he says, referring to the UN's nuclear watchdog, the International Atomic Energy Agency. "And we have designed the plant so that it's impossible to enrich the uranium to weapons-grade." The plant could be retooled to produce highly enriched uranium, of course, but that's not what its critics are worried about. The problem is that no one knows whether the 21st-century Urenco has plugged its security leaks.

"[Urenco's] technology was stolen a long time ago and a lot has changed since then," says Bruce Moran, an NRC staffer who monitors international nuclear safety. When asked to explain exactly what Urenco had done to ensure that its classified nuclear secrets were secure, a Urenco spokesperson told me that since the New Mexico plant will be an "LES enrichment facility," I would need to speak with LES (even though, according to an LES spokesperson, the centrifuges will be assembled on-site by Urenco security-cleared contractors). I then asked LES vice president Marshall Cohen what had changed since A. Q. Khan's day to close security loopholes. Cohen didn't know offhand but repeatedly assured me, in calls, by e-mail, and in person, his company would provide an answer. It never did.

The UN's proposed five-year moratorium on the construction of centrifuge uranium-enrichment facilities is an effort to stop the threat of what a UN commission has called a "cascade of proliferation." The idea has been praised from quarters as unlikely as the conservative *National Review* magazine, never a fan of the UN. "It buys the world time to reevaluate the effectiveness of the current set of nuclear rules," wrote Henry Sokolski, executive director of the Washington, D.C.-based Nonproliferation Policy Education Center in the January issue. Given the European leaks that unleashed the nuclear genie in Pakistan, Iran, and North Korea, Sokolski emphasized that all states, not just "trouble states like Iran," should honor the moratorium.

Louisiana Energy Services has tried and failed twice before to build a uranium centrifuge facility in the United States. Low-income communities, first in Louisiana and then in Tennessee, needed the jobs but not the radioactive waste or airborne toxics produced by the facility, and ran the consortium out of town.

The third try may be the charm. In Hobbs, New Mexico, a boom/bust oil town of 28,000, the public is noticeably absent from February public hearings before the NRC's Atomic Safety and Licensing Board Panel, which will recommend whether to license the LES plant. City officials are solidly behind the idea, and local residents are desperate for new jobs. "Very few people have gone to these public hearings," says Rose Gardner. "They trust our leaders to make the right decisions." Gardner, 46, owns *Desert Rose Flowers and Gifts* in the tiny town of Eunice, 20 miles from Hobbs and 5 miles from the proposed site. On the first day of the weeklong hearings, she and retired Hobbs businessman Lee Cheney are the only members of the audience not associated with either the media or LES.

Each morning of the hearings, Gardner makes the trek from Eunice to Hobbs, shuttering her flower shop the week before Valentine's Day, her busiest season. "When I heard about the plant, I went to the LES office and asked for more information. They treated me like an imbecile. That was a mistake." Gardner has a soft voice and a powerful Tex-Mex accent. She's more soccer mom than rabble-rouser, but in 2004, when she began getting bits and pieces of news about the company that wanted to come to Eunice, something didn't sit right. When she couldn't get the information from LES, she went online. "I typed 'uranium enrichment,'" she says. "That's when my education began."

The drive between Eunice and Hobbs is flat and empty but for scrub mesquite, pump jacks, and gas storage tanks. The air is often thick with hydrogen sulfide, released when methane is pumped out of the wells. "It's why we're called the armpit of New Mexico," Gardner says with a crooked smile. "It smells like rotten eggs." Her father was a roustabout in the oilfields that encircle Eunice. Born and raised there, Gardner was a pumper for a while with Conoco and married a boy who had lived so

close to her growing up that she "could throw a stick at him anytime I wanted to." She and her husband raised two daughters. The Gardners and the other 2,700 residents of Eunice are bookended by Dynegy natural-gas processing plants on the north and south sides of town. At the town's center flies a massive American flag; it could easily envelop the average Eunice home. Gas flares in the hazy distance lend a sci-fi aura of a ruined future. Yet Gardner loves where she lives. "It's all I know," she says. Gardner went to her city council representatives and politely suggested they show up and get an education at the Hobbs hearings. Her husband, a city council member himself, has frequently been subjected to her chastisements about getting involved; she's on a mission and family members aren't exempt. "Proverbs 25:15 says patient persuasion can break down the strongest resistance and can even convince rulers," she says.

Gardner has environmental concerns about the facility, "but proliferation is the most important thing," she tells me one afternoon as we drive from Eunice along a section of highway that's been "adopted" by Warren Petroleum. "Homeland Security is constantly telling us to be prepared, be ready, and yet my little town is welcoming a company that possesses the very technology that terrorists want. In all good conscience, I can't welcome this plant. I don't know where else it can go, but I know I don't want it here."

The NRC's three-member panel spends the week listening to expert testimony, asking tough and technical questions of witnesses on both sides of the issue. Their queries involve everything from whether there are interconnected geologic fractures that would spread contaminated material into underground waterways to whether the company has a safe way to dispose of its radioactive waste. (The board will release its findings on these environmental issues in June.)

"It's a great process," says LES's Krich, adding that he's satisfied "all the important decisions are being addressed." But legal proceedings last year limited what could be discussed at these hearings. Two proliferation issues were ruled out-of-bounds by the NRC: the advisability of allowing Urenco to operate on U.S. soil, given its security lapses; and whether having a larger domestic fuel supply would slow U.S. efforts to deal with the huge stockpiles of weapons-grade uranium in Russia. That nation has 600 tons of poorly secured nuclear material, and Russian officials reported four incidents of "terrorist reconnaissance" of the stockpiles in 2001. Since 1993, the United States has been buying Russia's stockpiles, supplying it with needed currency while removing a sought-after ingredient for terrorists bent on nuclear mayhem. The Bush administration has acknowledged the importance and success of this program, calling it "a key element of U.S. nonproliferation policy." Dubbed "Megatons to Megawatts," it's also an excellent source of reactor fuel. Just as uranium can be enriched, the process can work the other way as well: Weapons-grade uranium can be "downblended" to create the less potent uranium used in reactors.

Lindsay Lovejoy, a Santa Fe attorney representing two Washington, D.C.-based groups, the Nuclear Information and Resource Service and Public Citizen, contends that the LES plant would slow Russia's stockpile reduction, since there would be less demand for Russia's product. Other experts aren't so sure. Harvard's Matthew Bunn, for one, says that New Mexico's current plans "are modest compared to the scale of Russia's stockpiles. From a nonproliferation point of view, it's not a huge problem if New Mexico goes ahead with the plant." Each year, Russia provides 5.5 million "separative work units," or SWUs, of low-enriched uranium to the United States; LES would produce 3 million SWUs. Bunn adds, however, that there might be a problem if both LES and a similar centrifuge plant proposed for Piketon, Ohio, were green-lighted.

Where the truth in this debate lies is apparently irrelevant to the NRC. In opening remarks to the panel, Lovejoy was forced to reduce his arguments on the Urenco and Russia connections to two sentences: "There are matters of the highest national importance, including the proliferation impact of this facility, that can't be addressed here but that should be," Lovejoy warned. "I hope someone is thinking about these issues." The three-judge panel thanked him and moved on.

The NRC's decision to limit debate "was disappointing but not surprising," says Amy Williams, co-coordinator for Concerned Citizens for Nuclear Safety in Santa Fe. "The NRC looks at licensing issues in a very black-and-white way." Proliferation is "outside the scope" of the very agency with the power to approve nuclear-plant licenses. The limiting of public debate has troubled New Mexico governor Bill Richardson (D), who released a statement last August criticizing the agency's refusal to consider important issues in the LES application, including "the adequacy of proliferation safeguards related to foreign ownership."

This Achilles heel worries Nuclear Information and Resource Service executive director Michael Marriotte as well. "The NRC doesn't have any mechanisms set up to examine national-security issues in this kind of context," he says.

The NRC's project manager for the New Mexico plant, Tim Johnson, is impatient when asked to explain the apparent lapse. Proliferation "has nothing to do with the licensing for this facility... it's not part of the decision that we're making." He adds that if such issues were a concern they would be investigated by the Department of Energy as part of the NRC's licensing process. Yet the DOE has already expressed its support for the LES plant. "They said it was in our national interest to have another [enriched uranium] supply located in this country," Johnson says.

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***"The trouble with secrecy is that it denies to the government itself the wisdom and the resources of the whole community."***

*- J. Robert Oppenheimer, father of the atomic bomb, 1955*



Though proliferation is off the table in the LES bid, the NRC has shown an interest in homeland security - but in ways that have infuriated opponents of the plant. For example, the company was allowed to argue at the hearing that it would provide domestic "energy security," protecting the country in the event of disruptions of foreign fuel supplies. (Never mind that LES is merely the American face of a company dominated by foreign-owned Urenco.)

Homeland security has also been invoked to hide frightening facts. Announcing that it needed to screen for "terrorist-useful information," last October the NRC shut down public access to most of the documents on its Web site - many of which contained information relevant to the LES license application. Representative Edward Markey (D-Mass.), a member of both the Energy and Commerce Committee and the Select Committee on Homeland Security, immediately questioned the move. In a letter to the NRC's chair, Markey wrote, "I am concerned that the Commission may now be using security as an excuse to further erode the public's right to find out about and participate in the Commission's activities."

Says the NRC's Johnson, "The potential for terrorism justified removing [certain] material," adding that information was scrubbed that might have helped terrorists "identify where they could do the most damage."

"That's a bunch of baloney," says Don Hancock, director of the Southwest Research and Information Center's nuclear-waste program. The missing files included floor plans and accident analyses, "including such 'terrorist-related' activities as the impact of an earthquake," he says. The now-absent material also noted that if a rail accident involving a shipment of radioactive waste from the facility occurred in an urban area, approximately 28,000 people could suffer adverse health effects, and if an accident involving uranium hexafluoride gas occurred on-site, there would be at least seven "latent cancer fatalities" from exposure.

Peter Brand is an investigator with the Project on Government Oversight, a watchdog group in Washington, D.C. "It's safe to say that, like most government agencies, the NRC overdoes the 'we need this to be secret to keep you safe' thing," he says. "Those 19 guys on September 11 weren't using specific information on Web sites. They just cased security and figured out what they could do." Adds Hancock, "If on the one hand LES is not a dangerous facility, then it's of no use to terrorists." If it is dangerous, "they should legally and morally tell the public what the real risks and impacts are."

In December the NRC ruled that if outside groups want to see the uncensored documents, they will have to sign confidentiality agreements promising not to disclose the information. (Though some expert witnesses have signed the agreements in order to prepare their testimony in opposition to the LES facility, no one else has yet signed away their freedom of speech to gain access to what until a few months ago were public documents.)

According to Hancock, the NRC is focusing on the wrong threats and ignoring the most salient national-security issues. So is Congress. "Congress is taking a basically hands-off approach; that LES is a private enterprise and under NRC jurisdiction so there's no point in intervening," he says. To the degree that there has been intervention, it has been boosterism on the part of Pete Domenici (R-N.Mex.), the powerful chair of the Senate Committee on Energy and Natural Resources. In 2003, the senator pledged to aid LES by working "at all levels to help get through the long permit and regulatory process." He then praised LES partner Urenco and its history of uranium enrichment in Europe. Of Urenco's past performance, he added, "We can expect as much here."

Domenici inserted language into the Energy Policy Act of 2003 that would "limit the consideration of need" for uranium-enrichment plants to whether they would advance both energy security and "the deployment of advanced centrifuge enrichment technology." He also added wording that speeds up the application process for such plants to no more than two years, and forces the U.S. government to take responsibility for the facility's radioactive waste. The energy bill will most likely be resubmitted in 2005.

Arizona's Republican senator John McCain was outraged by the action. "[It] would suspend important environmental reviews to facilitate the construction of uranium-processing facilities in New Mexico," McCain said, and added, "Even more disturbing, . . . Urenco has been associated with leaks of uranium-enrichment technology to Iran, Iraq, North Korea, and Pakistan."

Senator Domenici is an old friend of the energy industry. He was the top Senate recipient of money from electric utilities (which include nuclear power plants) during the 2002 election cycle. According to the Center for Responsive Politics, he received more than \$175,000 from electric utilities alone, and more than \$400,000 from the energy and natural-resources sector overall.

In interviews with the Santa Fe New Mexican, Domenici has expressed a desire to create a "nuclear corridor" along a 60-mile stretch of the Texas-New Mexico border, where radioactive waste dumps and the LES facility would support existing nuclear power plants and new plants around the country. Though no new nuclear power plants have been ordered since 1978, plans are now in the pipeline to relicense 18 reactors at 9 power plants nationwide. The LES centrifuge project would fuel the renaissance. "American utilities are fully supportive," says LES's Cohen. "We already have sales contracts, even though we're years from being able to provide enriched uranium."

Plant executives, and even the NRC's point people, talk about energy security, but they are really focused on what the New Mexico plant will do for the nuclear power industry. So focused, in fact, that they refuse to acknowledge what it could do for nuclear proliferation. With regard to the moratorium proposed by the UN's International Atomic Energy Agency, they simply argue that the United States is exceptional. LES executives Cohen and Krich as well as the NRC's Moran and Johnson each assured me individually that the United States would be exempt. "The IAEA has stated that [the moratorium] proposal is not intended to cover countries, such as the U.S., that already have enrichment capabilities," says Cohen.

In a piece written for London's Financial Times shortly before the New Mexico hearing, however, the IAEA's director general, Dr. Mohamed ElBaradei, stated unequivocally that all countries should honor the moratorium, which would present a rare opportunity to cool tensions with Iran. (The proposal will be debated during a May meeting at the United Nations to review the Nuclear Non-Proliferation Treaty.)

"The [United States] seems to have a double standard; it is determined to have other governments bend to its will when it comes to proliferation but is not willing to accept the same standards for itself," says Lawrence Wittner, a professor of history at the State University of New York, Albany, and author of the 2003 book *Toward Nuclear Abolition*. "The view that there are evil nations and virtuous ones scraps the earlier universalistic aspects of nuclear arms control and disarmament."

Three international crises of the Bush presidency - Iraq, North Korea, and Iran - were all fueled by fears of centrifuge programs. Remember those aluminum tubes? Vice President Dick Cheney argued for an invasion of Iraq based on outdated information that Saddam Hussein was "trying, through his illicit procurement network, to acquire the equipment he needs to be able to enrich uranium." Iraq's weapons program - based on centrifuge information reportedly provided by German scientists who had worked for a Urenco subcontractor - had been set back at least a decade by the Gulf War. Iraq posed no imminent nuclear threat. But there are other Saddams, who would like nothing better than to get their hands on nuclear warheads. It would be tragic if the smoking gun - the proof that there is no fail-safe way to use centrifuge enrichment technology - came in the form of a mushroom cloud.

### Atomic Timeline

**September 1942** - A U.S. effort, code-named the Manhattan Project, is formed in the midst of World War II to unlock the mysteries of the atom in pursuit of nuclear weapons.

**December 1942** - The first controlled nuclear chain reaction is achieved by Dr. Enrico Fermi, one of the eventual leaders of the Manhattan Project, at the University of Chicago.

**July 1945** - The first atomic bomb is tested by the United States in the valley of Jornada del Muerto, at the Trinity Test Site in New Mexico.

**August 1945** - The United States drops atomic bombs on Hiroshima and Nagasaki in Japan, killing 130,000 people; thousands more later die from the effects of radiation.

**August 1946** - The Atomic Energy Act is signed by President Truman, creating the Atomic Energy Commission and placing the new nuclear energy industry under civilian control.

**December 1953** - President Eisenhower gives his "Atoms for Peace" speech, calling for nuclear energy to be allocated for the "peaceful pursuits of mankind."

**July 1955** - Arco, Idaho, is the first U.S. town to be powered by nuclear energy.

**September 1957** - President Eisenhower signs the Price-Anderson Act, protecting the nuclear-power industry from financial liability in the event of a power-plant accident.

**October 1957** - The International Atomic Energy Agency is created under the auspices of the United Nations. The three main pillars of the IAEA's work are nuclear safety and security, science and technology, and safeguards and verification.

**December 1957** - The first large-scale U.S. nuclear power plant begins operation in Shippingport, Pennsylvania.

**1970** - 20 nuclear reactors are in operation in the United States. (A nuclear reactor is an individual operating unit-many nuclear power plants have more than one reactor.)

**1974** - The Energy Reorganization Act eliminates the Atomic Energy Commission, creating instead the Energy Research and Development Administration and the Nuclear Regulatory Commission. The new agencies are charged with regulating the

nuclear industry.

**October 1977** - The Energy Research and Development Administration is absorbed by the Department of Energy.

**March 1979** - The Three Mile Island Nuclear Power Plant in Pennsylvania suffers a partial core meltdown, resulting in the worst nuclear accident in U.S. history.

**1986** - An accident at Chernobyl in the Soviet Union results in 31 deaths, with delayed illnesses and deaths estimated in the hundreds of thousands.

**1990** - An all-time high of 112 U.S. nuclear reactors is reached, although no new plants have been ordered since 1978.

**January 1994** - The United States begins purchasing the former Soviet Union's "downblended" highly enriched uranium for use in U.S. nuclear reactors in an effort to keep the material off the nuclear black market.

**1996** - The Watts Bar 1 nuclear reactor in Tennessee is the last reactor to come on line in the United States.

**2000** - The Nuclear Regulatory Commission renews the first of 26 reactor licenses it has extended as of April 2004.

**February 2002** - The Bush administration introduces Nuclear Power 2010, a program to identify new plant sites, develop more advanced technology, and streamline the regulatory process.

**2003** - Three companies apply for Early Site Permits.

**2005** - After 25 years with no new projects initiated, a nuclear revival is under way across the United States. Three companies have applied for permits under Nuclear Power 2010; plans are now in the pipeline to relicense 18 reactors nationwide.

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*Marilyn Berlin Snell is Sierra's writer/editor. Her last investigative piece, The Cost of Doing Business, appeared in our May/June 2004 issue.*

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
LOUISIANA ENERGY SERVICES, L.P. ) Docket No. 70-3103-ML  
 )  
 )  
(National Enrichment Facility) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM LUIS A. REYES TO CONGRESSMAN CHRISTOPHER SHAYS, AS WELL AS THE LETTER FROM CONGRESSMAN CHRISTOPHER SHAYS DATED OCTOBER 17, 2005 have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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