

Rulemaking Comments

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**From:** Henry D Sokolski [npec@npec-web.org]  
**Sent:** Friday, August 08, 2008 1:10 PM  
**To:** Rulemaking Comments  
**Cc:** Tamara Mitchell  
**Subject:** Comment on 10 CFR Part 50 Docket No PRM-50-90; NRC-2008-279  
**Attachments:** comment on NRC petition-NpecLetterhead.doc

Dear Sir/Madame,

Attached is my organization's comment on the petition filed earlier this year by the Natural Resource Defense Council concerning the desirability for the NRC to make a new rule concerning the continued licensing of highly enriched uranium fuel.

Please let me know if you received this note.

Thank you in advance.

Sincerely,

Henry Sokolski  
Executive Director  
The Nonproliferation Policy Education Center  
1718 M Street, NW, Suite 244  
Washington, DC 20036

DOCKETED  
USNRC

August 19, 2008 (3:28pm)

OFFICE OF SECRETARY  
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Subject: Comment on 10 CFR Part 50 Docket No PRM-50-90; NRC-2008-279

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CC: "Tamara Mitchell" <pc@npec-web.org>

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# The Nonproliferation Policy Education Center

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August 8, 2008

The Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Sir or Madam:

I am writing on behalf of the Nonproliferation Policy Education Center (NPEC), 1718 M St., NW, Suite 244, Washington, D.C. 20036 (phone 202-466-4406), in regard the Natural Resource Defense Council's (NRDC) March 24, 2008, petition for rule making (PRM-50-90; NRC-2008-0279). NPEC, a nonprofit educational organization, focuses on strategic weapons technology proliferation issues. In this connection, my center urges the Nuclear Regulatory Commission (NRC) to approve the NRDC's petition for the NRC to amend the regulations that govern domestic licensing to establish a date when the NRC will no longer license the use or export of highly enriched uranium (HEU) except for restricted use by a few, specific facilities. Certainly, the credibility of U.S. and allied efforts to reduce the risks of a nuclear terrorist improvising a nuclear weapon would be seriously undermined if no such rule is made.

Part of the reason why such a rule is needed is just how long the U.S. has been trying to eliminate HEU fuels voluntarily. Almost immediately after its creation, the NRC focused on the security threat that HEU-fueled reactors posed. It was understood then that HEU is the very easiest material for nuclear terrorists to make a workable fission bomb from and that the physical security of these materials was inadequate. Shortly after NRC's spotlighting of this problem, the Department of Energy launched the Reduced Enrichment for Research and Test Reactor Program (RERTR). 2008 marks this program's 30<sup>th</sup> anniversary. The U.S. has also worked for more than a decade with Russia and other countries to secure HEU from Russian-made reactors operating within Russia and abroad.

By now, such sustained effort should have eliminated the problem. Unfortunately, it has not. A key reason why is what the U.S. government is still doing. It continues to endorse U.S. exports of HEU to Canada while the NRC continues to license them. Meanwhile, the U.S. Department of Energy still pays for and supplies HEU to the few remaining HEU-fueled reactors in the U.S., and there is no deadline either in U.S. law or policy to stop this. It is hardly surprising, then, that at least two dozen other countries continue to operate reactors that use HEU. The U.S. may urge them to convert these plants to use low enriched uranium (LEU) fuels, but we are essentially asking them to do as we say rather than as we do. Like the few remaining HEU-fueled research reactor operators here in the U.S., similar reactor operators abroad find mak-

ing this conversion "inconvenient."

After the events surrounding September 11, 2001, though, convenience should hardly constitute our main concern in reducing the threats posed by nuclear terrorism. The public has been told over and over again that the highest priority of our government and that of our closest allies and friends is to keep the most dangerous weapons out the most dangerous hands. It would be no exaggeration to say that our government's ability to deliver on this pledge is critical to its ability to call on the public's loyalty and support. That the continued U.S. distribution of the best nuclear fuel for a terrorist to make nuclear weapons is not being more actively blocked by our government, therefore, is most worrisome.

For these reasons and those laid out in graphic detail by the petitioner, the NRC should honor the request for a new rule regarding the continued use and licensing of HEU.

Sincerely,

Henry Sokolski  
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