EagleRockCEm Resource

From: Dave Hebditch [hebditch@cableone.net]
Sent: Wednesday, June 10, 2009 10:17 PM
To: EagleRockEIS Resource
Subject: Scoping Comment E-Mail
Attachments: NRC scoping comment June 9, 2009.doc

Dear Sirs,
Please see my scoping comment attached as WORD file and also below:

NRC scoping comment - June 9, 2009

This comment concerns the NRC-held public meeting at Idaho Falls on Thursday, June 4, 6.30-9.30PM, which sought issues that should be addressed in the NRC's environmental review of the proposed Eagle Rock uranium enrichment facility. My understanding, from an NRC staff member in response to a question from the meeting concerning the application of international safeguards to the proposed facility, is that the NRC staff do not yet know whether international safeguards will be applied or not. Further it was said by NRC staff that this issue was not pressing since safeguards equipment could be added by IAEA in a late stage of plant construction.

In this context, a workshop held by the IAEA in the fall of 2008 and reported in 2009 may be relevant. The report of the workshop is:

IAEA, Facility Design and Plant Operation Features that Facilitate Implementation of IAEA Safeguards, SGCP-CCA, Report STR-360, February 2009.

The report stated that: the IAEA workshop participants focused on IAEA safeguards, in particular, when they defined a proposed IAEA Safeguards by Design process as "an approach wherein safeguards are fully integrated into the design process of a nuclear facility - from initial planning through design, construction, operation, and decommissioning." The IAEA defines safeguards as "the means applied to verify a State's compliance with its undertaking to accept an IAEA safeguards agreement on all nuclear material in all its peaceful nuclear activities and to verify that such material is not diverted to nuclear weapons or other nuclear explosive devices."

Safeguards by Design is expected to facilitate reaching objectives, such as: a. enhancing safeguardability in new nuclear facilities; b. reducing the time and cost for the inspectors' physical presence at facilities; c. incorporating authentication and use of process monitoring data into the safeguarding of selected nuclear facilities; d. facilitating joint-use of equipment and instrumentation between the operator and the IAEA; and e. eliminating retrofit of instrumentation needed by IAEA and increasing flexibility for future equipment installation.

The workshop participants strongly endorsed the integration of safeguards into the design of new facilities earlier than is presently done.

Various beneficial design characteristics were identified by the report including:

- Early integration of safeguards in the design phase to minimize impact on production, and enable easy maintenance, and unattended operation
- Detailed knowledge by operators of safeguards systems to be applied to future facilities
- Improved integration of safeguards with safety and security

- Timely advice of IAEA needs to avoid retrofitting
- Effective stakeholder engagement in design phase minimizing changes during construction

These arguments may call for early NRC examination of the issues.

Secondly, it may have been helpful to the meeting participants if the division of safeguards (domestic and international) and security between the two NRC review areas of safety (SER) and environmental review (EIS) had been clarified. (Safeguards and security are often considered together.) The environmental area was stated in a viewgraph to include effects of terrorists. An early examination of international safeguards design within the NRC safety review would be valuable for the facility and support the U.S. leadership role in nuclear non-proliferation.

Thirdly, it may be useful for NRC to examine the issue of how several European, including France, host countries of uranium, centrifuge enrichment facilities select sites for and conduct international safeguards and the degree of optimization of safeguards, safety, and security that has taken place for the most recent facility and equipment designs. In April 2009, the IAEA held an International Symposium on Nuclear Security that included as an agenda item the 3S (safeguards, safety, and security) initiative.

Fourthly, a Non-Nuclear Weapons State (NNWS) party to the Nuclear Non-Proliferation Treaty (NPT) is obligated to place its facilities under international safeguards. The interaction with IAEA is usually initiated through notification of 'intent to build' a facility. Timing of this disclosure to the IAEA is governed by the applicable treaty, patterned after the relevant comprehensive safeguards agreement. By contrast, a Nuclear Weapons State (NWS) is not obligated under the NPT to place its facilities under international safeguards. Despite this, the United States has entered into a Voluntary Offer Agreement (VOA) with the IAEA such that its eligible (non-defense) nuclear facilities may be placed under international safeguards, if selected by the IAEA. (Some other Weapons States have also made VOAs.) Selection of an eligible U.S. facility by the IAEA can be made at any time after it is placed on the eligible facilities list. This could be at an awkward stage as far as timely application of safeguards by design is concerned.

In the Federal Register / Vol. 73, No. 199 / Tuesday, October 14, 2008 / Rules and Regulations, NRC provided a new final policy statement as follows in summary:

"This final policy statement reinforces the Commission's current policy regarding advanced reactors and includes new items to be considered during the design of these reactors, including security, emergency preparedness, threat of theft, and international safeguards. The effective date is November 13, 2008."

This is, of course, for advanced reactors as opposed to enrichment facilities, but does appear consistent with the general direction of NRC regulation. It requires the consideration of international safeguards during the design phase of the facility. Presumably through this measure the facility will more readily accommodate international safeguards should the IAEA later decide to select the facility. This may place a vendor or operator in an invidious position by incurring added costs during design and construction to accommodate the potential, later selection by IAEA, which in a purely numerical sense is an unlikely event.

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