

Blue Ridge Environmental Defense League

www.BREDL.org PO-Box 88 Glendale Springs, North Carolina 28629 BREDL@skybest.com (336) 982-2691

March 8, 2011

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

DOCKETED
USNRC

March 9, 2011 (7:50 am)

ATTN: Rulemakings and Adjudications Staff

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

RE: Docket ID NRC-2010-0372
Federal Register December 23, 2010
75 FR 246 80730-80731

On behalf of the Blue Ridge Environmental Defense League, I submit the following comments on the above referenced matter.

Background

The American Physical Society, an organization of research physicists, has submitted a petition for rulemaking to the Nuclear Regulatory Commission requesting that the agency amend its regulations regarding the domestic licensing of special nuclear material to include proliferation assessments as part of the licensing process. The petition was docketed by the NRC on November 18, 2010, and has been assigned Docket No. PRM-70-9. The NRC has determined that the petition meets the requirements for a petition for rulemaking under 10 CFR 2.802 and is requesting public comment on the petition.

Recommendations

We support the American Physical Society's petition (Docket ID NRC-2010-0372) to change the Nuclear Regulatory Commission's rules to require Nuclear Proliferation Assessments as part of the NRC licensing process.

We support amending the procedures and criteria for the issuance of licenses to receive title to, own, acquire, deliver, receive, possess, use, and transfer special nuclear material pursuant to 10 CFR part 70, "Domestic Licensing of Special Nuclear Material."

As you know, "Special nuclear material" is defined by the Atomic Energy Act of 1954 as plutonium, uranium-233, or uranium enriched in the isotopes uranium-233 or uranium-235. Uranium-233 and plutonium do not occur naturally but are manufactured in nuclear reactors and extracted from irradiated fuel by chemical separation. Uranium-233, uranium-235, and plutonium-239 are fissile materials, the primary ingredients of nuclear weapons. Enriched uranium-235 is created by gaseous diffusion enrichment plants; two are licensed by the NRC and operated by the United States Enrichment Corporation, a government corporation, in Paducah, Kentucky and Piketon, Ohio.¹

¹ <http://www.nrc.gov/materials/sp-nucmaterials.html>

Esse quam videre

Template = SECY-067

DS10

Specifically, we recommend that 10 CFR § 70.22, "Contents of applications," include the following language:

Nuclear Proliferation Assessment: Each applicant for the license of an enrichment or reprocessing facility shall include an assessment of the proliferation risks that construction and operation of the proposed facility might pose. Such an assessment must be prepared in draft form and be required to be reviewed by NRC staff, recognized external experts and members of the public and that public comments be solicited and incorporated into a final version of the assessment.

New nuclear technologies, such as the proposed GE-Hitachi laser enrichment facility in North Carolina or new spent fuel reprocessing technologies for which licensing regulations are being developed, present substantial proliferation risks. Therefore, the Nuclear Regulatory Commission should require that a proliferation assessment be completed before granting a license to such facilities. The alternative, waiting to deal with a situation in which nuclear technology is proliferating due to commercial demands or because of clandestine use, is contrary to the agency's principal mission "to assure the common defense and security and to protect the health and safety of the public."²

Conclusion

The League joins with those urging the NRC to accept the American Physical Society's petition and require a thorough analysis of the proliferation implications of new nuclear technologies related to uranium enrichment, reprocessing and other new nuclear technologies.

Thank you for the opportunity to submit these remarks.

Respectfully,

A handwritten signature in black ink that reads "Louis A. Zeller". The signature is written in a cursive style and is followed by a horizontal line.

Louis A. Zeller
Science Director

<http://www.regulations.gov/#!submitComment;D=NRC-2010-0372-0003>
Rulemaking.Comments@nrc.gov

² Title I of the Atomic Energy Act of 1954

Rulemaking Comments

From: bredl [bredl@skybest.com]
Sent: Tuesday, March 08, 2011 5:46 PM
To: Rulemaking Comments
Subject: Docket ID NRC-2010-0372
Attachments: BREDL RE Docket ID NRC-2010-0372.pdf

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Rulemakings and Adjudications Staff

RE: Docket ID NRC-2010-0372
Federal Register December 23, 2010
75 FR 246 80730-80731

On behalf of the Blue Ridge Environmental Defense League, I submit the attached comments on the above referenced matter.

Respectfully,

Louis A. Zeller
Blue Ridge Environmental Defense League