



SNAKE RIVER ALLIANCE

IDAHO'S NUCLEAR WATCHDOG

March 23, 2011

Office of the Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C., 20555-0001

Administrative Judge G. Paul Bollwerk III
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001lso

By e-mail to hearingdocket@nrc.gov and paul.bollwerk@nrc.gov

Re: Safety Evaluation Report for the Eagle Rock Enrichment Factory in Bonneville County, Idaho

Gentlemen:

The following comments and questions are submitted on behalf of the members of the Snake River Alliance, Idaho's nuclear watchdog and advocate for clean energy. The Alliance and our members have regularly expressed concerns about the Eagle Rock Enrichment Factory (EREF) proposal. Our concerns have been shared by other public interest groups, including our neighboring Keep Yellowstone Nuclear Free.

It seems a stretch to classify Areva Enrichment Services (AES) as anything other than a foreign company based on the description in 1.2.3.1. At the end of the day and the top of the chain, Areva is owned by the government of France. It is therefore unsettling to see the Nuclear Regulatory Commission (NRC) staff determination that "any FOCI (foreign ownership, control, or influence) mitigation measures placed on AES would provide no additional benefit to the National Security of the United States" (1.2.3.2). That this determination is based on an internal US government letter that cannot be read by most US citizens is particularly galling. As problematic is that Areva's exemption from FOCI

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measures is strengthened by its relationship with Urenco, a German company, which has also been granted dubious FOCI mitigation exemptions. Our concern that the NRC may be too cavalier in its FOCI exemption is increased by its dismissal of proliferation concerns in the EREF final EIS (Vol 2, p 370).

The Alliance objects to the NRC's reliance on the relationship between AES and URENCO and specifically the relationship between AES's EREF and URENCO's LES plant in New Mexico for some of its safety conclusions. The LES plant has a very short operating history in the United States, and using it as the template for safe uranium enrichment is not warranted.

In particular, Chapter 7 seems to imply dependence on facility design to *preclude* fire in the cascades themselves. More information about this facility characteristic would be beneficial.

Please explain what is meant by "unnecessary regulatory costs" in the discussion of incremental funding on p. 1-14.

Page 8-3 of the Safety Evaluation Report includes the statement: "The applicant states that the possibility of a nuclear criticality incident occurring at the EREF has been determined to be highly unlikely." Frankly, we would as soon that determination be made by the *Nuclear Regulatory Commission*.

Are the draft copies of the Letter of Credit and standby trust agreement available to the public?

Will updated decommissioning cost estimates be made public?

It is a little disquieting that the information in every single appendix in the Safety Evaluation Report has been withheld. It makes independent assessment impossible.

We look forward to your responses.

Sincerely,

A handwritten signature in blue ink that reads "Beatrice Brailsford". The signature is fluid and cursive, with the first name being the most prominent.

Beatrice Brailsford
Nuclear program director