



Comments on Notice of Intent to Prepare an EIS for the Proposed LES Gas Centrifuge Uranium Enrichment Facility

Comments of the Institute for Energy and Environmental Research on the Nuclear Regulatory Commission Notice of Intent of Feb. 4, 2004 to Prepare an Environmental Impact Statement for the Proposed LES Gas Centrifuge Uranium Enrichment Facility

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The scope of the EIS should include the following:

1. The No Action Alternative should consider the non-proliferation merits of using downblended LEU fuel derived from US and Russian surplus highly enriched uranium. It should also consider the effect of the enrichment plant proposed by USEC on total enrichment capacity in the U.S. and the world in regard to evaluating the no action alternative, with due consideration for the fact that USEC is already building a pilot plant. This alternative should also consider the environmental benefits in terms of reducing mining, milling, and uranium processing and enrichment and reduced depleted uranium generation from using downblended HEU compared to LEU made from mined uranium.
2. The EIS should add an alternative of increasing the amount and pace of downblending. Specifically, it should evaluate the benefits for the environment and for non-proliferation of additional purchases of HEU from Russia and of increasing the pace of purchase of downblended reactor fuel. It should similarly evaluate the effect of increasing the pace and amount of US downblending. This effect should consider the benefits of the U.S. adopting a policy of non-proliferation leadership by example instead of by fiat as is the tendency at present (see below).
3. The proposed alternative should consider the proliferation impacts of putting additional LEU capacity on the market when HEU downblending is already slower than it should be. The NRC should also consider the combined effect of the LES plant and the proposed USEC plant on prices and the potential that depressed prices may slow downblending of surplus HEU, with consequent heightened risks of proliferation.
4. For the proposed action, the NRC should compare the generation of additional DU tails relative to the no action alternative. It should include an evaluation of the waste characteristics of DU relative to TRU waste in the scope of the EIS.
5. The NRC should evaluate the economic effect on the plant on the contingency that DU is declared a waste equivalent in radiological terms to transuranic waste, so that it would have to be disposed on a repository comparable in cost to WIPP. It should not use WIPP as a disposal possibility because, among other things, it is designated for military transuranic waste. The NRC should specifically consider the possibility the DOE will not be in a position to accept DU from a commercial facility. The DOE has not always kept its promises to the public or industry, so this issue is very germane. The missing of the 1998 deadline for accepting spent fuel from nuclear utilities the most relevant example that the NRC should consider.
6. The EIS should evaluate the effect of building a new commercial enrichment plant at a time when the United States is trying to stop other countries, specifically Iran, from building one.



Specifically, the NRC should evaluate the corrosive effect of such a policy on proliferation in the context of the deleterious impact that this U.S. approach has already had on proliferation. It was the opinion of Mahatma Gandhi (among others) that policies advocated by example are far more powerful than those rendered from on high by fiat. It is the considered judgment of IEER that the NRC should evaluate the effects on alternatives using this Gandhian framework specifically in regard to nuclear proliferation issues and in regard to U.S. policy regarding the Iranian enrichment plant.

The matters relating to the proliferation impact of the proposed LES enrichment plant as well as the reasons for classifying DU as a waste equivalent to TRU for purposes of management have been discussed in detail in [IEER comments on the LES plant made public on January 7, 2004](#). These comments are incorporated here by reference.

IEER has, jointly with the Lawyers' Committee on Nuclear Policy, also evaluated the deleterious effect of a U.S. policy of do-as-I-say and-not-as-I-do in a book, [Rule of Power or Rule of Law?](#), Apex Press, New York, 2003. A [summary of this book is available online](#).

This summary is incorporated into these comments by reference.

The purpose of incorporating the summary of Rule of Power or Rule of Law? and the January 7, 2004 comments of IEER on LES's proposal here is to indicate in more detail than I have given in these brief comments the kinds of considerations that the NRC should include when it publishes its draft scope. If there are any questions about the interpretation of these documents in regard to the scope, I would be happy to work with the NRC staff to clarify them. IEER can also supply the entire book, Rule of Power or Rule of Law, to the NRC staff free of charge, as well as literature on Gandhi (also free of charge), and specific proliferation examples, should the NRC desire clarification or amplification of these comments.

Thank you for your consideration of these comments.