March 24, 2000

The Honorable James M. Inhofe, Chairman
Subcommittee on Clean Air, Wetlands,
Private Property and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Transnuclear, Inc. has filed a revised application (XSNM2611) for the export of highly enriched uranium (HEU) fuel to the High Flux Materials Testing Reactor at the European Commission's Joint Research Centre in Petten, The Netherlands (known as HFR Petten). The original application, submitted to the Nuclear Regulatory Commission (NRC) in May 1991, proposed the export of about 38 kilograms (kg) of HEU; the revised application proposes the export of a total of about 150 kg of HEU over a four-year transition period after which the reactor would use only low-enriched uranium (LEU) fuel.

Notice of the receipt of the original application was published in the Federal Register on June 5, 1991. NRC forwarded the application to the Department of State for Executive Branch review, pursuant to statutory requirements and formal interagency procedures. In July 1991, the Nuclear Control Institute filed a petition with the NRC seeking to intervene in the licensing case and requesting a public hearing in the matter. Additionally, in a letter dated July 17, 1991, to then-NRC Chairman Dr. Ivan Selin, several members of the U.S. House of Representatives expressed concern about the proposed export license and requested information on specific actions the Commission would take. Later, Congress passed legislation which placed further restrictions on HEU exports to foreign research reactors. The restrictions were signed into law as part of the Energy Policy Act of 1992.

The original application from Transnuclear, Inc. has been pending to the present time, awaiting an Executive Branch recommendation, without which NRC cannot complete its review or make a decision. Over the last few years, the Executive Branch has consulted with European representatives on the HFR Petten HEU supply question, including the steps required to satisfy the strict U.S. export licensing criteria, such as agreeing to convert the HFR Petten reactor to use LEU fuel. The amended application recently received from Transnuclear, Inc. is a result of those consultations. I understand that further information on the understandings and assurances which underlie the new request should be included in the Executive Branch analysis and recommendation which will be submitted to the NRC by the State Department.

Notice of the receipt of the revised export license application is being published in the Federal Register. NRC has requested the Department of State to complete the Executive Branch review and make a recommendation to the Commission on the new proposal. The NRC license file, including Executive Branch views, will be part of the public record. A copy of the revised application is enclosed for your further information.

Sincerely,

/RA/

Richard A. Meserve

Enclosure: Revised Application

cc: Senator Bob Graham

March 24, 2000

The Honorable Joe Barton, Chairman
Subcommittee on Energy and Power
Committee on Commerce
United States House of Representatives
Washington, D.C. 20515

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Richard A. Meserve

Enclosure: Revised Application

cc: Representative Rick Boucher

March 24, 2000

The Honorable Fred Thompson, Chairman
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

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Enclosure: Revised Application

cc: Senator Joseph I. Lieberman

March 24, 2000

The Honorable Charles E. Schumer
United States Senate
Washington, D.C. 20510

Dear Senator Schumer:

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Enclosure: Revised Application

March 24, 2000

The Honorable Edward J. Markey
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Markey:

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Richard A. Meserve

Enclosure: Revised Application

March 24, 2000

The Honorable Benjamin A. Gilman, Chairman
Committee on International Relations
United States House of Representatives
Washington, D.C. 20515

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Richard A. Meserve

Enclosure: Revised Application

cc: Representative Sam Gejdenson

March 24, 2000

The Honorable Jesse Helms, Chairman
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510

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Enclosure: Revised Application

cc: Senator Joseph R. Biden, Jr.

Identical letters sent to:

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United States Senate
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United States House of Representatives
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Washington, D.C. 20510

cc: Senator Joseph I. Lieberman

The Honorable Charles E. Schumer
United States Senate
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