

January 18, 2001

Mr. Henry Sokolski  
Executive Director  
The Nonproliferation Policy Education Center  
1718 M Street, N.W., Suite 744  
Washington, D.C. 20036

Dear Mr. Sokolski:

I am writing in response to your letter of November 13, 2000 concerning the report of an interagency meeting to discuss the 1996 authorization to Combustion Engineering (CE) under 10 CFR Part 810 to export nuclear power technology to the Democratic Peoples Republic of Korea (DPRK). You request that the Nuclear Regulatory Commission (NRC) seek public comment as part of its review of any new or expanded Part 810 authorization for CE that the Department of Energy (DOE) might propose.

As you know, the Atomic Energy Act (AEA) sets forth clear distinctions between nuclear technology transfers on the one hand and nuclear exports licensed by the NRC on the other. Under Section 57b. of the AEA, the DOE, while required to consult with the NRC and the Departments of Commerce and Defense, has the authority to make decisions with respect to nuclear technology transfers. Concurrence is required only by the Department of State. However, given the importance that NRC places on its consultative role and the unique circumstances associated with this particular matter, we will consider your request once, or if, we receive the subject Part 810 authorization request.

Sincerely,

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Richard A. Meserve