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# The Nonproliferation Policy Education Center

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**Executive Director**

November 13, 2000

Henry Sokolski

Mr. Richard A. Meserve  
Chairman

**Board of Advisors**

U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Victor Gilinsky

*Energy Consultant*

Dear Chairman Meserve:

David Kay

*Vice President,  
Science Applications  
International  
Corporation*

On October 27, 2000 a report was posted on the U.S. Nuclear Regulatory Commission's (NRC) website entitled "North Korea - Interagency Meeting on Issues Related to 10 CFR Part 810 Authorization," (<http://www.nrc.gov/NRC/NEWS/WIR/weekly.html>), which summarized an October 25 meeting with Department of Energy (DoE) officials concerning a Combustion Engineering request to expand nuclear technology exports to North Korea. This request raises a number of important issues.

Morton Kondracke

*Editor, Roll Call*

To date, Combustion Engineering has exported nuclear technology under a Part 810 authorization made in 1995. Under this authorization, the company could only export nuclear technology to North Korea "necessary for the licensing and safe operation of the reactors and not technology enabling the design or manufacture of nuclear components or fuel." According to the NRC website report, though, the company is concerned that "at the current stage of planning...the technology needed by the North Korean authorities may exceed the limitations of the [1995] Part 810 authorization."

James R. Lilley

*Director, Asian Policy  
Studies, American  
Enterprise Institute*

Presumably, the nuclear technology that Combustion Engineering needs to export would allow North Korea to "design or manufacture" nuclear components or fuel. If the company were to attempt to export such nuclear items (as distinct from the nuclear technology needed to design or manufacture them), it would have to secure a NRC license. In fact, the NRC has found these items to be "significant from a nuclear explosives standpoint." Expanding the Part 810 authority to allow such nuclear transfers to North Korea, then, would constitute a truly unique case. In fact, it would be the first time such nuclear exports would be allowed to a state that is still in clear violation of the Nuclear Nonproliferation Treaty and its International Atomic Energy Agency obligations. The significance of the legal and political precedent that allowing such exports would set can hardly be overestimated.

Robert L. Pfaltzgraff, Jr.

*Professor, Fletcher  
School of Law and  
Diplomacy*

I understand that the U.S. Department of Energy will formally seek the NRC's views on any new or revised Part 810 request the DoE might propose in this case. I know that normally the NRC does not ask for public comment concerning the development of its views on Part 810 authorizations. However, this case is unique. The NRC is the only independent agency involved in this process -- one that will later be called upon to make quasi-legal licensing determinations concerning hardware exports to this project.

David Rapoport

*Editor, Journal of  
Terrorism and  
Political Violence,  
Professor,  
U. of California  
at Los Angeles*

Hon. Stephen Solarz

*President  
Solarz Associates*

Hon. Paul Wolfowitz

*Dean, Paul H. Nitze  
School of Advanced  
International Studies,  
The Johns Hopkins  
University*

Roberta Wohlstetter

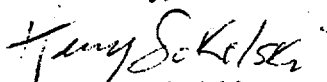
*PAN Heuristics, Inc.*

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It is critical that the NRC maintain its independence throughout this process and be seen to do so. That's why, in this instance, it would be both appropriate and desirable for the NRC to reach out for public comment on the agency's views concerning Combustion Engineering's request. I urge you and the other commissioners to do so. It will enhance the quality of the advice the NRC finally shares with the DoE, and it will further bolster the credibility and integrity of the NRC in this precedent-setting matter.

Sincerely,



Henry Sokolski  
Executive Director

Cc: Commissioner Greta Dicus  
Commissioner Nils Diaz  
Commissioner Edward McGaffigan  
Commissioner Jeffrey Merrifield  
The Honorable Fred Thompson  
The Honorable Joseph Lieberman  
The Honorable Jesse Helms  
The Honorable Joseph Biden  
The Honorable Benjamin Gilman  
The Honorable Ed Markey

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November 13, 2000

Ms. Linda Herr  
Nuclear Regulatory Commission  
1 White Flint North

Dear Ms. Herr,

Enclosed are letters for the Chairman and each of the Commissioners. If you could see that the other Commissioners receive their copies today I would be most appreciative. If you have any questions, feel free to call me at 202-466-4406.

Best,



Marianne Oliva  
Research Coordinator