

EDO Principal Correspondence Control

FROM: DUE: 07/14/10

EDO CONTROL: G20100424  
DOC DT: 06/30/10  
FINAL REPLY:

Representative John M. Spratt, Jr.  
Representative Jeff Fortenberry  
Representative Andre Carson  
Representative Adam Schiff  
Representative Bill Foster  
Representative Doug Lamborn

TO:

Chairman Jaczko

FOR SIGNATURE OF :

\*\* PRI \*\*

CRC NO: 10-0303

Chairman Jackzo

DESC:

ROUTING:

Inclusion of a Nonproliferation Assessment as Part  
of the Process for Evaluating License Applications  
(EDATS: SECY-2010-0345)

Borchardt  
Weber  
Virgilio  
Ash  
Mamish  
OGC/GC  
Wiggins, NSIR  
Leeds, NRR  
Johnson, NRO  
Schmidt, OCA  
Burns, OGC

DATE: 07/02/10

ASSIGNED TO:

CONTACT:

EDO

Rihm

SPECIAL INSTRUCTIONS OR REMARKS:

Please prepare a response in accordance with OEDO  
Notice 2009-0441-02 (ML093290179). NSIR, NRR, and  
NRO to provide input to Roger Rihm, OEDO, if  
required. Roger Rihm to coordinate response with  
OGC and OCA.

Template: SECY-017

E-RIOS: SECY-01

# EDATS

Electronic Document and Action Tracking System

**EDATS Number:** SECY-2010-0345

**Source:** SECY

## General Information

**Assigned To:** OEDO

**OEDO Due Date:** 7/14/2010 11:00 PM

**Other Assignees:**

**SECY Due Date:** 7/16/2010 11:00 PM

**Subject:** Inclusion of a Nonproliferation Assessment as Part of the Process for Evaluating License Applications

**Description:**

**CC Routing:** NRR; NSIR; NRO

**ADAMS Accession Numbers - Incoming:** NONE

**Response/Package:** NONE

## Other Information

**Cross Reference Number:** G20100424, LTR-10-0303

**Staff Initiated:** NO

**Related Task:**

**Recurring Item:** NO

**File Routing:** EDATS

**Agency Lesson Learned:** NO

**OEDO Monthly Report Item:** NO

## Process Information

**Action Type:** Letter

**Priority:** Medium

**Sensitivity:** None

**Signature Level:** Chairman Jaczko

**Urgency:** NO

**Approval Level:** No Approval Required

**OEDO Concurrence:** YES

**OCM Concurrence:** NO

**OCA Concurrence:** NO

**Special Instructions:** Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). NSIR, NRR, and NRO to provide input to Roger Rihm, OEDO, if required. Roger Rihm will coordinate response with OGC and OCA.

## Document Information

**Originator Name:** Rep. Spratt, Fortenberry, Carson, Schiff, Foster, and Lamborn

**Date of Incoming:** 6/30/2010

**Originating Organization:** Congress

**Document Received by SECY Date:** 7/2/2010

**Addressee:** Chairman Jaczko

**Date Response Requested by Originator:** NONE

**Incoming Task Received:** Letter

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

Date Printed: Jul 02, 2010 11:35

PAPER NUMBER: LTR-10-0303

LOGGING DATE: 07/01/2010

ACTION OFFICE: EDO/OGC

AUTHOR: REP John Spratt

AFFILIATION: CONG

ADDRESSEE: CHRM Gregory Jaczko

SUBJECT: Concerns including a nonproliferation assessment as part of the process for evaluating license applications

ACTION: Signature of Chairman

DISTRIBUTION: RF, OIP, OCA to Ack

LETTER DATE: 06/30/2010

ACKNOWLEDGED No

SPECIAL HANDLING: EDO to coordinate with OGC.

NOTES:

FILE LOCATION: ADAMS

DATE DUE: 07/16/2010

DATE SIGNED:

EDO --G20100424



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

June 30, 2010

The Honorable Gregory Jaczko  
Chairman  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16G4  
Washington, DC 20555-0001

Dear Chairman Jaczko:

We are writing to express our support for including a nonproliferation assessment as part of the process for evaluating license applications. This is of particular interest with the continuing expansion of domestic and international civilian nuclear power generation as well as this Administration's increased commitment to strengthening the nonproliferation regime.

We believe that the Nuclear Regulatory Commission (NRC) should take all appropriate actions to ensure that the nuclear technologies that they license are not diverted to uses that could threaten the security interests of the United States. As you will recall, the recent Nuclear Security Summit's multilateral communiqué emphasized "the importance of robust national legislative and regulatory frameworks for nuclear security" to contain the threat of proliferation. Indeed, the uncovering of A. Q. Khan's clandestine proliferation networks has taught us that we can never be too careful in protecting nuclear materials and technologies.


As you know, emerging nuclear technologies are becoming smaller and more efficient, and therefore more difficult to detect if a country attempts to develop them covertly. *Technical Steps to Support Nuclear Arsenal Downsizing*, a recent report by the American Physical Society, found that the NRC has the responsibility for reviewing license applications for new technologies that could carry substantial proliferation risks. In light of the evolution of nuclear technology, we think that it would be prudent for the NRC to conduct a nuclear nonproliferation assessment as part of its process for evaluating license applications. Such assessments would not be—and should not be viewed as being—an onerous addition to the process.

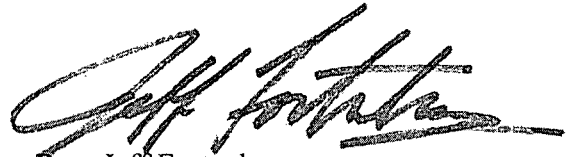
Most important, we firmly believe that NRC licensing assessments of nuclear proliferation risk would be completely consistent with the jurisdiction established by the Atomic Energy Act of 1954 that requires the NRC to evaluate whether the issuance of a license "would be inimical to the common defense and security or to the health and safety of the public." We understand that such assessments, by themselves, will not ensure that nuclear technologies are not diverted to nuclear weapons production or other military purposes. However, making nonproliferation a


consideration in licensing such technologies can provide an additional and perhaps crucial layer of protection against their proliferation and use against the United States.


We look forward to your response and to hearing what steps the NRC will take to address our letter.

Sincerely,

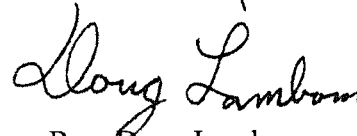
  
Rep. John M. Spratt, Jr.

  
Rep. Jeff Fortenberry

  
Rep. Andre Carson

  
Rep. Adam Schiff

  
Rep. Bill Foster

  
Rep. Doug Lamborn

cc: Commissioner Kristine L. Svinicki  
Commissioner George Apostolakis  
Commissioner William D. Magwood  
Commissioner William C. Ostendorff