

Congress of the United States  
Washington, DC 20515

March 8, 2011 (1:50 pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

March 7, 2011

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 request that the Nuclear Regulatory Commission (NRC) require a nuclear proliferation assessment as part of the process for commercial applications for enrichment and reprocessing technologies.

Nuclear material and technology continues to proliferate. Last November, North Korea surprised the West when it showed a visiting U.S. nuclear weapons expert 2,000 centrifuges to enrich uranium that it had secretly built. In January 2011, the Director General of the International Atomic Energy Agency (IAEA), Yukiya Amano, told an audience at the World Economic Forum in Davos, Switzerland, that the IAEA "receives new information nearly every other day regarding smuggling of nuclear and radioactive materials."

At a time when the risks of proliferation are increasing, the NRC must take all appropriate steps to ensure that the nuclear technologies that they license are not diverted to uses that threaten the security interests of the United States.

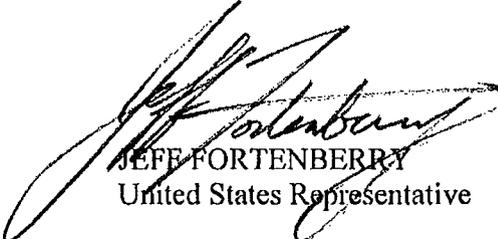
Nuclear proliferation assessments are consistent with the jurisdiction established by the Atomic Energy Act of 1954, which requires the NRC to evaluate whether the issuance of a license "would be inimical to the common defense and security or to the health and safety of the public" (42 USC 2133(d)). Such assessments are described in the Atomic Energy Act, under Section 123, in the context of U.S. agreements for cooperation with a foreign nation. In particular, the NRC participated in the nuclear proliferation assessment of an enrichment facility in 1999.

Nuclear proliferation assessments of new nuclear fuel technologies should not be viewed as an onerous addition to the licensing process. General Electric recently carried out its own proliferation assessment of its laser enrichment facility being developed in Wilmington, North Carolina. The assessment was done without creating delays and without jeopardizing classified or proprietary information.

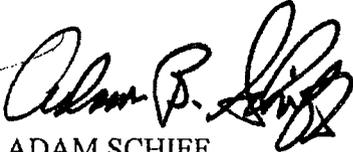
While nuclear proliferation assessments alone will not curtail proliferation, they can provide an added layer of protection that can help to restrict the covert spread of advanced nuclear fuel technologies. We believe that the Nuclear Regulatory Commission has the

authority to require such assessments under the Atomic Energy Act and we encourage the Commission to take an active role in preventing proliferation.

Sincerely,



JEFF FORTENBERRY  
United States Representative



ADAM SCHIFF  
United States Representative

## Rulemaking Comments

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**From:** Zarate, Robert [robert.zarate@mail.house.gov]  
**Sent:** Tuesday, March 08, 2011 12:20 PM  
**To:** Rulemaking Comments  
**Cc:** Saltman, Alex  
**Subject:** Re: Docket ID NRC-2010-0372  
**Attachments:** 20110307-Fortenberry Schiff-Letter to NRC-Nuclear Proliferation Risk Assessments.pdf

**Importance:** High

Dear Sir or Madam:

I write to submit a letter from Congressmen Jeff Fortenberry (R-NE) and Adam Schiff (D-CA) in re: NRC Docket ID Docket ID NRC-2010-0372. (See enclosed PDF.)

Sincerely yours,  
Robert Zarate

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