

EDO Principal Correspondence Control

FROM: DUE: 03/28/11

EDO CONTROL: G20110162
DOC DT: 03/07/11
FINAL REPLY:

Representative Jeff Fortenberry
Representative Adam Schiff

TO:

Chairman Jaczko

FOR SIGNATURE OF :

** PRI **

CRC NO: 11-0097

Chairman Jaczko

DESC:

ROUTING:

Nuclear Proliferation Assessment as Part of the
Process for Commercial Applications for Enrichment
and Reprocessing Technologies
(EDATS: SECY-2011-0127)

Borchardt
Weber
Virgilio
Ash
Muessle
OGC/GC
Haney, NMSS
Wiggins, NSIR
Doane, OIP
Burns, OGC
Schmidt, OCA

DATE: 03/09/11

ASSIGNED TO:

CONTACT:

EDO

Rihm

SPECIAL INSTRUCTIONS OR REMARKS:

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

Note: Docketed as RM comments on PRM 70-09
American Physics Society petition to nuclear
proliferation assessments as part of the licensing
process for new enrichment and reprocessing
technologies.

Template: SECY-017

E-RIDS: SECY-01

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2011-0127

Source: SECY

General Information

Assigned To: OEDO

OEDO Due Date: 3/28/2011 11:00 PM

Other Assignees:

SECY Due Date: 3/30/2011 11:00 PM

Subject: Nuclear Proliferation Assessment as Part of the Process for Commercial Applications for Enrichment and Reprocessing Technologies

Description:

CC Routing: NMSS; NSIR; OIP; OCA

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20110162, LTR-11-0097

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

Signature Level: Chairman Jaczko

Sensitivity: None

Approval Level: No Approval Required

Urgency: NO

OEDO Concurrence: YES

OCM Concurrence: NO

OCA Concurrence: NO

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

Note: Docketed as RM comments on PRM 70-9 American Physics Society petition to nuclear proliferation assessments as part of the licensing process for new enrichment and reprocessing technologies.

Document Information

Originator Name: Rep. Jeff Fortenberry and Rep. Adam Schiff

Date of Incoming: 3/7/2011

Originating Organization: Congress

Document Received by SECY Date: 3/8/2011

Addressee: Chairman Jaczko

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Mar 08, 2011 16:28

PAPER NUMBER:

LTR-11-0097

LOGGING DATE: 03/08/2011

ACTION OFFICE:

ED/GC

AUTHOR:

REP Jeff Fortenberry

AFFILIATION:

CONG

ADDRESSEE:

Gregory Jaczko

SUBJECT:

Nuclear proliferation assessment as part of the process for commercial applications for enrichment and reprocessing technologies

ACTION:

Signature of Chairman

DISTRIBUTION:

OGC, RF, OCA to Ack

LETTER DATE:

03/07/2011

ACKNOWLEDGED

No

SPECIAL HANDLING:

Chairman Correspondence
EDO should coordinate response with OGC

NOTES:

Docketed as RM comments on PRM 70-9 American Physical Society petition to nuclear proliferation assessments a part of the licensing process for new enrichment and reprocessing technologies

FILE LOCATION:

ADAMS

DATE DUE:

03/30/2011

DATE SIGNED:

EDO --G20110162

Congress of the United States
Washington, DC 20515

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.

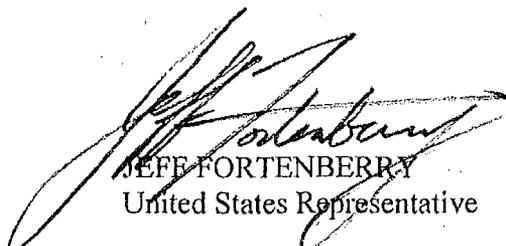
Nuclear proliferation assessments are consistent with the jurisdiction established by the Atomic Energy Act of 1954, which requires the NRC to evaluate whether the issuance of a license "would be inimical to the common defense and security or to the health and safety of the public" (42 USC 2133(d)). 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.

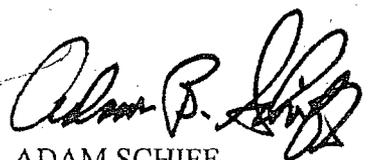
While nuclear proliferation assessments alone will not curtail proliferation, they can provide an added layer of protection that can help to restrict the covert spread of advanced nuclear fuel technologies. We believe that the Nuclear Regulatory Commission has the

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