September 7, 2016

Dr. Ernest Moniz
Secretary of Energy
U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585
The.Secretary@hq.doe.gov

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attention: Rulemaking and Adjudications
NRCExecSec@nrc.gov
Hearing.Docket@nrc.gov

Dear Secretaries,

We write to express deep concern about NNSA's application to the NRC (XSNM 3776) – published in the *Federal Register* of August 15, 2016 – to export 7.2 kilograms of 93.20% enriched, weapons-grade, highly enriched uranium (HEU) metal to France, to be fabricated into targets to be irradiated in reactors in the Netherlands and elsewhere and then processed to produce medical isotopes at the Institute for Radioelements (IRE) in Belgium.

The proposed export violates the commitment by the United States and the three other countries at the 2012 Nuclear Security Summit in Seoul, South Korea, which stated: "Belgium, the Netherlands, and France, in cooperation with the United States, reaffirm their determination to support conversion of European production industries to non-HEU-based processes by 2015, subject to regulatory approvals."[1] The agreement's explicit goal was that "the use of HEU will be completely eliminated for medical isotopes that are produced in Belgium, France, and The Netherlands and used in those countries and in the United States."

The proposed export would violate this multilateral nonproliferation commitment by perpetuating full-scale use of HEU targets by IRE beyond 2017, more than two years after the agreement declared it would end. Indeed, the amount of HEU in the proposed export is similar to previous annual exports for IRE, and the application submitted by NNSA on July 14, 2016 states that its intention is "to meet one year isotope production demand." This suggests that IRE intends no substantial conversion from HEU targets to low-enriched uranium (LEU) targets by the end of 2017, contrary to Belgium's pledge to achieve such conversion by 2015.

The failure of all four countries to fulfill their 2012 commitment raises several risks. First, it prolongs the use of weapons-grade uranium at civilian facilities in Europe that cannot be protected like military facilities. Second, it weakens the broader norm of HEU minimization, which is essential to preventing nuclear proliferation and nuclear terrorism. Third, it undermines the credibility of all the commitments made by dozens of countries at the four nuclear security summits from 2010 to 2016. If the United States, the originator and leader of the summits, can violate its own commitment, why should other countries feel bound by theirs?

We recognize the value of medical isotopes and we appreciate that a regulatory process is required to bring to market isotopes produced with processes that avoid HEU – as has already been

[1] "Belgium-France-Netherlands-United States Joint Statement: Minimization of HEU and the Reliable Supply of Medical Radioisotopes," The White House, Office of the Press Secretary, March 26, 2012, https://www.whitehouse.gov/the-press-office/2012/03/26/belgium-france-netherlands-united-states-joint-statement-minimization-he.

accomplished by companies in Argentina, Australia, and South Africa. The 2012 agreement acknowledged that conversion from HEU targets would be "subject to regulatory approvals." To date, however, neither U.S. nor Belgian officials have provided any evidence that IRE's failure to convert from HEU to LEU is due to delays in obtaining such regulatory approvals. This proviso must not be misused as an excuse for foot-dragging on conversion.

Four decades of U.S. leadership of the RERTR Program demonstrate that the most effective way to expedite foreign conversion to LEU is to constrain HEU exports. NNSA's license application instead proposes to continue business as usual on HEU exports, which likely would delay conversion to LEU.

We urge you to reduce the amount of HEU in the proposed export license – to send a clear message that the United States intends to fulfill the spirit of its 2012 pledge by phasing out HEU exports to Europe for production of medical isotopes, and to incentivize IRE to expedite its conversion to LEU targets.

Thank you for consideration of our views on this vital national security issue.

Sincerely,

Miles A. Pomper
Chair
Fissile Materials Working Group

Frank N. von Hippel, Ph.D., Senior Research Physicist
Professor of Public and International Affairs, Emeritus
Program on Science and Global Security, and
International Panel on Fissile Materials
Princeton University

Alan J. Kuperman, Ph.D.
Coordinator, Nuclear Proliferation Prevention Project
Associate Professor, LBJ School of Public Affairs
University of Texas at Austin

Henry Sokolski
Executive Director
The Nonproliferation Policy Education Center
Former U.S. Defense Department Deputy for Nonproliferation Policy (G.H.W. Bush Administration)

Victor Gilinsky
Former Commissioner of U.S. Nuclear Regulatory Commission
(Ford, Carter, and Reagan Administrations)

Andrew K. Semmel
Chair, Partnership for a Secure America
Member, Fissile Materials Working Group Steering Committee
Former U.S. Deputy Assistant Secretary of State for Nuclear Nonproliferation (G.W. Bush Administration)

Catherine Thomasson, MD
Executive Director
Physicians for Social Responsibility

Lt. Gen. (USA, Ret.) Robert Gard
Center for Arms Control & Non-Proliferation

Daryl G. Kimball
Executive Director
Arms Control Association

Edwin Lyman, Ph.D.
Senior Scientist, Global Security Program
Union of Concerned Scientists

Matthew Bunn, Ph.D.
Professor of Practice
Harvard Kennedy School

Ira Helfand, MD
Co-President
International Physicians for Prevention of Nuclear War

Elena K. Sokova
Deputy Director
James Martin Center for Nonproliferation Studies
Middlebury Institute of International Studies at Monterey

James J. Walsh, Ph.D.
MIT Security Studies Program

Tom Clements
Director, Savannah River Site Watch
Columbia, South Carolina

Laura H. Kahn, MD, MPH, MPP
Research Scholar, Program on Science and Global Security
Woodrow Wilson School of Public and International Affairs
Princeton University

William C. Potter, Ph.D.
Sam Nunn and Richard Lugar Professor of Nonproliferation Studies
Middlebury Institute of International Studies at Monterey

Paul F. Walker, Ph.D.
Director, Environmental Security and Sustainability
Green Cross International

Hubert K. Foy
Director
African Center for Science and International Security (AFRICSIS)

David Culp
Legislative Representative
Friends Committee on National Legislation

Naeem Salik, Ph.D.
Senior Fellow
Centre for International Strategic Studies (CISS), Islamabad

Jennifer Smyser
Vice President
Director of Policy Programming Strategy
The Stanley Foundation

Irma Arguello
Chair of the NPSGlobal Foundation
Member, Fissile Materials Working Group Steering Committee

Thomas B. Cochran, Ph.D.
Retired; former director of the Nuclear Program
Natural Resources Defense Council, Inc.

Dr. Arslan Chikhaoui
Executive Chairman
Nord Sud Ventures Consultancy & Studies Center, Algeria

Susi Snyder
Programme Manager, Nuclear Disarmament
PAX, The Netherlands

Sharon Squassoni
Director and Senior Fellow, Proliferation Prevention Program
Center for Strategic and International Studies (for affiliation purposes only)

Dr. Maria Sultan
Chairperson & Director General
South Asian Strategic Stability Institute (SASSI) University

Jack Boureston
Managing Director
FirstWatch International

Rodrigo Alvarez Valdes
Institute of Advanced Study
University of Santiago, Chile

From:	Kuperman, Alan J
To:	NRCExecSec Resource; Docket, Hearing
Subject:	[External_Sender] letter from 30 nuclear exports commenting on XSNM 3776
Date:	Wednesday, September 07, 2016 1:59:10 PM
Attachments:	IRE-export-app-group-letter-2016-Sept-FINAL.pdf

Dear Office of the Secretary,

In accordance with 10 CFR 110.81, please find attached a letter from 30 nuclear experts commenting on HEU export application XSNM 3776 (Docket No. 11006241).

Sincerely,

Alan J. Kuperman, Ph.D.
Associate Professor, LBJ School of Public Affairs
Coordinator, Nuclear Proliferation Prevention Project
www.NPPP.org
University of Texas at Austin
***Nuclear Terrorism and Global Security: The Challenge of Phasing out Highly Enriched Uranium* (Routledge, 2014)**
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