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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

May 12, 1980

The Honorable John F. Ahearne
Chairman
Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Chairman Ahearne:

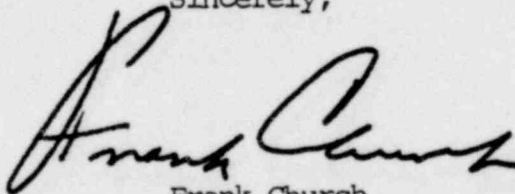
A keystone of the Nuclear Non-Proliferation Act of 1978 was the need for the United States to be a reliable supplier. It was generally recognized this goal would have to be met if other nations were to accept the primary objectives of the Act, namely tighter controls over the peaceful uses of nuclear energy.

As you are aware, questions have been raised concerning the Commission's performance under the Non-Proliferation Act, especially as it relates to supply reliability. In reviewing the various opinions which have been expressed on this subject, I have been struck by the lack of specific information on the Commission's implementation of its export authority. Consequently, I have enclosed a number of questions designed to provide my Committee with this information.

I would appreciate your answers to these questions.

Thank you for your attention.

Sincerely,



Frank Church
Chairman

Enclosure

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1. Since passage of the Non-Proliferation Act, in what percentage of cases has the Commission issued the license within sixty calendar days after receipt of Executive branch comments on an application? What countries have been involved in applications which exceeded this period?

2. What has the Commission done to ensure the identification of issues arising from an application early in the Executive branch review process? In what percentage of cases do the Commissioners take advantage of these means where they later send questions to the State Department after the Executive branch comments have been transmitted to the NRC?

3. May any one Commissioner transmit questions to the Executive branch after its comments have been received? Does this mean an automatic delay in the issuance of a license? If the answer to the previous question is negative, has the Commission ever issued a license when a Commissioner was still awaiting a response from the Executive branch?

4. To what extent is the NRC bound by Presidential and/or State Department agreements with foreign nations? What precedential weight did the Commission give to the Presidential and Congressional decision on XSNM-1015 to India?

5. In cases requiring Commissioner approval is the license issued after three members approve or must it await the views of all five Commissioners? Is there any special action-forcing mechanism when the views of a specified number of Commissioners have been received? How often is it employed?

6. Please give a chronology of Commission decision-making concerning the following exports. Include an unclassified listing and summary of all communications from the Executive branch urging expeditious treatment, Commissioner questions sent to the Executive branch and the date each individual Commissioner transmitted his views on the application. Please be as specific as possible as to the concerns of the individual Commissioners.

XR-107 -- Yugoslavia
XSNM-1194 -- Mexico
XR-113 -- Taiwan
XSNM-1229 -- Taiwan
XSNM-1325 -- FRG
XSNM-1285 -- Japan
XR-127 -- Switzerland
XSNM-1227 -- Switzerland
XR-120 -- Philippines
XSNM-1379 -- India

7. To what extent do NRC deliberations consider the totality of United States relations with a proposed recipient country? Do these deliberations consider whether the recipient nation may buy a reactor or fuel from a non-U.S. source if the NRC either does not issue the license or subjects it to an unreasonable delay?

8. What role will the Commission have in reviewing exports under agreements for cooperation renegotiated to meet the detailed requirements of the Non-Proliferation Act and which have been approved by the President and the Congress? Do Commission regulations provide for any expedited or streamlined review procedure for reactors or fuel?