

September 7, 2016

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Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attention: Rulemaking and Adjudications
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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,

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