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April 11, 2006

Secretary Samuel W. Bodman
U.S. Department of Energy
Washington, DC 20585

Dear Secretary Bodman;

On March 15, 2006, President Bush said, "India has been a -- is a non-proliferator, has proven to be a non-proliferator for the past 30 years. In other words, they've got a record". However, a recent report issued by the Institute for Science and International Security (ISIS) and authored by David Albright, former UN weapons inspector and president of ISIS, and Susan Basu, a research analyst at ISIS, raises questions about the nature of India's nonproliferation record.

In light of the Administration's desire to change U.S. and international nonproliferation laws in order to export nuclear fuel and technology to India, I believe that the allegations raised in the ISIS report should be fully investigated. I am deeply concerned that loosening our nuclear export laws in order to trade with India will weaken the long-standing U.S. policy to prevent the spread of nuclear weapons and weapons technology.

Accordingly, I respectfully request that you provide responses to the following questions based on the findings of the ISIS report.

1. According to the ISIS report, the "Rare Materials Project" (RMP) is the codename for a secret gas centrifuge uranium enrichment plant.
    a. Is the RMP enriching uranium for civilian uses?
    b. If so, will it be placed under IAEA safeguards? If not, why not?
    c. If the RMP will not be placed under safeguards, how many nuclear bombs could be produced each year from the enriched uranium produced at the RMP?
2. According to the ISIS report, Indian Rare Earths (IRE) Ltd. of Mumbai is a public-sector undertaking under the direction of India's Department of Atomic Energy which procures sensitive materials and technology for the RMP. IRE reportedly supplies the RMP by buying sensitive direct nuclear-use and dual-use items from foreign and domestic suppliers. Foreign procurement for IRE reportedly is often done via trading companies that do not reveal that the end user is an unsafeguarded uranium enrichment plant.
    a. Can you confirm whether or not IRE has procured sensitive materials and technology for the RMP?
    b. Can you confirm whether IRE has supplied the RMP by obtaining sensitive direct nuclear use and dual-use items from foreign and domestic suppliers?

c. Can you confirm whether IRE carries out procurements for the RMP through trading companies that fail to disclose that the end user is an unsafeguarded uranium enrichment plant?
d. If IRE has procured materials from trading companies, please provide a list of these trading companies.
e. Are any of these trading companies currently under U.S. sanctions?
f. Did the March 2, 2006 U.S.-India agreement signed by the President and the Indian Prime Minister preclude the Indian Department of Energy and its sub-entities from seeking nuclear direct-use or dual-use items without clarifying the end-use of these items prior to the sale? If not, why not?

3. ISIS reports that when seeking bids from potential suppliers to the RMP, IRE has regularly placed lists of items in popular Indian newspapers. Companies bidding on the contract to provide the items can purchase detailed blueprints, manufacturing instructions, and specifications of a particular item.
    a. Please provide a list of all the information that IRE has sold to prospective suppliers.
    b. Please provide a list of all the prospective suppliers.
    c. Has IRE sold blueprints, manufacturing instructions or specifications on any dual-use items or weapons specific items?
    d. Has IRE sold any information to companies or individuals that are currently, or have been in the past, under U.S. sanctions?
4. IRE has reportedly sought to purchase the following items:
    - High-strength flow-formed maraging steel tubes
    - Centrifuge rotors
    - Maraging steel discs that could be for centrifuge end caps
    - Items that could be subcomponents of centrifuge bottom bearings and motor stators
    - Displacement sensors that can measure centrifuge rotor velocity
    - Vacuum pumping and measurement systems
    - Specialized valves
    - Subcomponents of valves
    - Vacuum pumping systems
    - Welding equipment that are associated with gas centrifuge manufacturing

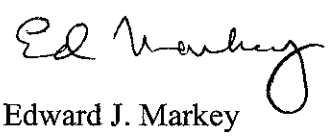
    a. Can any of the above items be used for producing nuclear weapons or their materials or components?
    b. Are any of the above items currently prohibited for export from the U.S. to India?
    c. Do you have any information indicating that IRE has been successful in purchasing any of these items from other countries? If so, please provide details.
    d. What, if any, provision of the Agreement reached between the U.S. and India on March 2, 2006 would assure that IRE or any similar Indian entity would not be able to purchase such items for Indian military nuclear facilities in the future?
5. The ISIS report states that both a Polish company and a Europe-based Egyptian trading firm obtained controlled equipment – a three-roller four-axis CNC flow-forming machine - from a European supplier for IRE. The European supplier reported that the request originated from Bipromasz Bipron Trading in Poland.
    a. Can you confirm that this sale took place?

b. Would the sale of this item violate the guidelines of the Nuclear Supplier Groups NSG?

6. The ISIS report alleges that, "For several decades, Indian government entities and private companies have worked around international sanctions by developing their own dual-use products based on designs or reverse-engineered equipment from more industrialized states. … Reverse engineering and marketing of dual-use items is believed to be widespread in India and is expected to increase as India develops further."
   a. Is there any provision in the March 2, 2006 U.S.-India nuclear agreement that will ensure that India is not able to engage in further reverse engineering of sensitive dual-use products? If not, why not?
   b. If so, what exact provisions will prevent reverse engineering of sensitive dual-use products?
   c. Does the March 2, 2006 agreement between the U.S. and India strengthen India's export control system, of which the report states "India's control system is poorly implemented and its export control officials are inexperienced"? If not, why not?
   d. If the answer to 6c. is yes, what will be done to strengthen India's export control system?

I appreciate your timely response to these questions.

Sincerely,



Edward J. Markey

Enc: ISIS Report – "India's Gas Centrifuge Program: Stopping Illicit Procurement and the Leakage of Technical Centrifuge Know-How"