



United States Department of State

Washington, D.C. 20520

November 23, 1999

Mr. Ronald D. Hauber, Director
Division of Nonproliferation, Exports and Multilateral Relations
Office of International Programs
U.S. Nuclear Regulatory Commission
Rockville, MD 20852-2738

Dear Mr. Hauber:

I refer to the letter from Westinghouse Electric Company LLC dated September 7, 1999 regarding the company's application for a license to authorize export to Canada of 100,000 pounds of scrap zirconium tubing contaminated by 15.8 kilograms of uranium enriched to a maximum of 5 percent.

We have discussed this application in detail with Westinghouse and the Atomic Energy Control Board of Canada (AECB). We have confirmed that AECB is in process of issuing an import license for the proposed transfer to the Canadian recipient, Mississauga Metals and Alloys, Inc. AECB also confirmed that Mississauga will process the zirconium for recycle by splitting the tubes, cleaning the pieces in acid solution to dissolve the uranium, and collecting the dissolved uranium by circulation through a filtration system. The collected uranium will be sent to the Atomic Energy of Canada Ltd's Chalk River burial site for disposition.

AECB has informed us that it has no objection to the NRC licensing the export to Canada of this material as nuclear waste rather than a special nuclear material (SNM) export, since the SNM is in an extremely diffuse form and will be disposed of after collection through the recycling process.

In view of the foregoing, the Department of State has no objection to this transfer being licensed as nuclear waste. The transfer would appear to meet the Code of Practice for exports of nuclear waste since Canadian Government authorities have confirmed that they have no objection to the transfer.

Sincerely,

Robin DeLaBarre
Office of Nuclear Energy Affairs

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