



United States Department of State

Washington, D.C. 20520

BUREAU OF OCEANS AND INTERNATIONAL  
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

March 16, 1990

DCS / DF02  
J. Becker, OGC  
G. Sanslow, OROO  
B. Stout, MM

Mr. James R. Shea  
Director of International Programs  
United States Nuclear Regulatory Commission  
Rockville, Maryland

XSNM02494  
11004238

Dear Mr. Shea:

This letter is in response to the letter from your office dated January 9, 1990, requesting Executive Branch views as to whether issuance of an export license in accordance with the application hereinafter described meets the applicable criteria of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978:

**NRC No. XSNM02494** — Application by the Department of Energy for authorization to export to the Federal Republic of Germany (FRG) residual nuclear material immobilized in 32 borosilicate glass sealed canisters containing a total of 41 grams of plutonium, 9 grams of uranium enriched to a maximum of 0.87 percent, 0.1 gram of americium and other byproduct materials. The 32 canisters, with a total weight of 31,500 pounds, are to be shipped to GSF Institut fur Tieflagerung in the FRG and will be placed in the Asse Salt Mine for storage tests under a joint DOE/GSF project, "Methods of Treatment for Immobilization of High-Level Radioactive Waste". The FRG will be responsible for ultimate disposition of the material following the test program.

The proposed export to a EURATOM member state would take place pursuant to the Additional Agreement for Cooperation Between the United States and the European Atomic Energy Community (EURATOM) as confirmed in a letter from the Delegation of the Commission of the European Communities, a copy of which is enclosed. EURATOM has adhered to the provisions of its Agreement for Cooperation with the United States.

The Executive Branch has reviewed the application and concluded that the requirements of the Atomic Energy Act, as amended by the Nuclear Non-Proliferation Act of 1978, have been met and that the proposed export will not be inimical to the common defense and security of the United States. A detailed analysis for EURATOM was submitted January 8, 1986. In view of Executive Order 12706 extending the duration of the period specified in the first proviso to section 126a(2) of the Atomic Energy Act, as amended, to March 10, 1991, that detailed analysis remains valid. There has been no other material change in circumstances since that submission.

On the basis of the foregoing, the Executive Branch recommends that the requested license be issued.

Sincerely,

Richard J. K. Stratford  
Deputy Assistant Secretary  
Nuclear Energy & Energy Technology Affairs

9003220193 900316  
PDR XPORT  
XSNM-2494 PDC

Enclosure:  
Assurance letter

DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES

EURATOM SUPPLY AGENCY

Washington, D.C., February 27, 1990

Mr John M. ROONEY  
Acting Director of Politico-Military  
Security Affairs  
Office of International Security Affairs  
US DEPARTMENT OF ENERGY  
Forrestal Building - Room 4B014  
1000 Independence Ave., S.W.

Washington, D.C. 20585

Subject: Application for export license # XSNM02494  
introduced by US DOE/Richland on December 19, 1989  
(Ref.: BR-1856)

Ref.: Contract # WC-EU-309

Dear Mr Rooney,

We certify that the terms and conditions of the Additional Agreement for Cooperation, dated July 25, 1960, as amended, will apply to the material mentioned in the subject application, namely:

- 41g Pu enriched to 8.2% Pu-240 maximum
- 0.1g Am-241
- 9g U enriched to 0.87% U-235 maximum

Further, we certify that GSF Institut fur Tieflagerung, Remlingen/FRG, as ultimate consignee, is authorized by Euratom to receive and possess this material pursuant to the aforementioned Agreement for Cooperation.

The objective of the joint Project Agreement between US DOE and BMFT is to undertake a joint experimental and analytical program for the development of processes for the treatment and immobilization of high-level radioactive waste.

INT'L SAFEGUARD  
EXPORT IMPORT

Yours sincerely,

cc.: Mr Robin DeLaBarre  
DEPARTMENT OF STATE

~~Security Office~~ - US NRC

Mr J R Hunter - US DOE Richland Operations Office

*Ch. Fluzou*  
CHRISTIAN FLUZOU  
NUCLEAR SUPPLY