



United States Department of State

Bureau of Oceans and International
Environmental and Scientific Affairs

DCS/DF02

Washington, D.C. 20520

December 7, 1990

XCOM1040

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

Dear Mr. Shea:

I refer to the letter from your office dated November 6, 1990, requesting the views of the Department of State as to whether a nuclear export hereinafter described could now be made under the NRC General License 110.26(a), inasmuch as the German Democratic Republic has now been unified with the Federal Republic of Germany.

NRC No. XCOM1040 -- Application filed on May 1, 1990, by Westinghouse Electric Corporation for authorization to export to the German Democratic Republic 20,000 mechanical plugs for sealing defective steam generator tubes in nuclear power plants. The plugs are intended for installation in the Greifswald nuclear power station.

Following unification on October 3, 1990, the German Democratic Republic (GDR) ceased to exist, having been integrated into the Federal Republic of Germany. The correct English language name of the unified country is the "Federal Republic of Germany".

The former GDR upon its integration into the Federal Republic of Germany became part of a member state of the European Community and of EURATOM. Therefore, exports to the former GDR are now subject to those agreements, terms and conditions applying to exports to the FRG, including nuclear exports subject to the U.S. - EURATOM Additional Agreement for Cooperation, as amended. Enclosed is a note from the Delegation of the Commission of the European Communities which confirms the view of the Commission of the European Communities that the U.S.-EURATOM Agreement for Cooperation now applies to the territory of the former GDR.

In view of the foregoing, it is the view of the Department of State that exports of nuclear reactor components to the territory of the former GDR can now be made under NRC general license 110.26(a), which permits such exports for use in any light or heavy water-moderated power or research reactor in any EURATOM member state.

Sincerely,

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

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PDR XPORT
XCOM-1040 PDR

Enclosure: as stated

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DELEGATION OF THE COMMISSION
OF THE EUROPEAN COMMUNITIES

The Delegation of the Commission of the European Communities presents its compliments to the Department of State and wishes to refer to the query from the Office of Export and Import Control (OES/NEC) regarding the export of nuclear components from the USA to the former territory of East Germany to be made under NRC's general license for West Germany.

The Commission of the European Communities confirms that, as of October 3, 1990, the territory of the former German Democratic Republic is an integral part of the Federal Republic of Germany. Consequently, the Euratom/US Agreement for Co-operation applies, as of the same date, to the said territory.

The Delegation of the Commission of the European Communities avails itself of the opportunity to renew to the Department of State the assurance of its highest consideration.



Washington, D.C.

December 3, 1990