



The Secretary of Energy

Washington, DC 20585

March 10, 1995

Mr. Tom Clements
Greenpeace International
1436 U Street, N.W.
Washington, D.C. 20009

Dear Mr. Clements:

This is in response to your letter of November 3, 1994, regarding the Department of Energy's (DOE) cooperation with Japan in the area of pyroprocessing.

Enclosed is our response to your questions. With regard to DOE's reprogramming request for the Argonne National Laboratory, a large portion of the funding provides for the safe shutdown of the Experimental Breeder Reactor II. The remaining funds requested would provide for high priority departmental missions, none of which are related to existing Japanese agreements and contracts.

If you have any questions, please do not hesitate to contact me or have your staff contact Mr. Ray Hunter, Deputy Director, Office of Nuclear Energy, at (202) 586-2240.

An identical letter is being sent to Mr. Daniel Horner of the Nuclear Control Institute.

Sincerely,

A handwritten signature in cursive script that reads "Hazel R. O'Leary".

Hazel R. O'Leary

Enclosure

Greenpeace/Nuclear Control Institute Questions
U.S. Department of Energy Answers

Question 1:

DOE stated on September 8 that it "is phasing out collaborative research efforts with Japan on plutonium reprocessing." Is pyroprocessing included in this phase-out?

Answer:

All agreements and contracts with Japan affected by the Department of Energy's (DOE) decision to terminate the Integral Fast Reactor (IFR) program are being closed out. Although DOE will not be conducting collaborative research on pyroprocessing, the Department is discussing with representatives of Japanese organizations what information might be provided in order to fulfill the terms of previously approved agreements and contracts even though the Experimental Breeder Reactor II (EBR-II) has been shutdown permanently. Such information will include aspects of electrometallurgical techniques developed at the Argonne National Laboratory. In addition, the results of future research on electrometallurgical techniques for treating Department of Energy spent nuclear fuel may be shared with Japan or other countries.

Question 2:

Is pyroprocessing included in the Department's comprehensive review of nuclear technology transfers?

Answer:

Pyroprocessing has been, and will continue to be, among the technologies included in the Department's comprehensive review of nuclear technology transfers.

Question 3:

Our understanding is that Contract No. DE-AC02-89CH10424, Modification No. 1 currently is in force. Is that understanding correct? (If not, when was the decision made to terminate it? Is there a written record of the decision? If so, please provide us with a copy of that record.)

Answer:

Your understanding is correct. Modification No. 1 has a termination date of March 31, 1996. However, since the Department's IFR program has been terminated, including the shutdown of the EBR-II, we have met with the Japanese and reached an agreement to modify the contract to provide certain information in lieu of information that was to be developed under the current contract. The Department is now working on a second contract modification, which will call for contract closeout with completion of transfer of available information by the end of 1995.

Question 4:

If the contract is still in force, what is the date of the most recent decision regarding extension of the contract? Is there a written record of the decision? If so, please provide us with a copy.

Answer:

As stated above, the contract is not being extended, but is being closed out before the end of 1995.

Question 5:

Has an SNT "determination" been made on the information and technology supplied to Japan under the above contract? Please provide us a signed copy of any SNT determination made on pyroprocessing. Given DOE's SNT review, will a new determination be made if DOE decides to rewrite the SNT guidelines currently in effect?

Answer:

An SNT determination was made for this contract with notification to the Secretary of Energy. A copy is attached. The Department intends to codify the guidelines it uses to determine which exports should be considered sensitive nuclear technology. An advance notice of proposed rulemaking will be issued soon to begin a public process to determine how the guidelines should be codified. The Department anticipates that any changes in the guidelines as a result of codification will apply prospectively only, and that prior sensitive nuclear technology determinations will not be revisited.

Question 6:

What modifications have been or will be made in light of the shutdown of EBR-II?

Answer:

The termination of the Department's IFR program and the shutdown of EBR-II will result in a second modification being made to the contract, with closeout this year. As part of the discussions to allow closeout, DOE is considering what additional information could be given to the Japan Atomic Power Company and the Central Research Institute of Electric Power Industry in order to satisfy the terms of the contract.

Question 7:

Why was this contract not cancelled given the broad termination authority stipulated in the contract, particularly in the event that the "IFR (Integral Fast Reactor) program at ANL (Argonne National Laboratory) is cancelled, terminated, or suspended?

Answer:

In anticipation of the termination of the IFR program, the Parties to the contract agreed upon a list of "deliverables," which would allow early closeout of the contract. This is currently being incorporated into the second contract modification.

Attachment