

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE DEPARTMENT OF ENERGY  
OF THE UNITED STATES OF AMERICA  
AND  
THE FEDERAL MINISTRY FOR SCIENCE AND RESEARCH  
OF THE REPUBLIC OF AUSTRIA  
CONCERNING THE VIENNA TRIGA RESEARCH REACTOR

The Department of Energy of the United States of America (DOE), through its National Nuclear Security Administration (NNSA), and the Federal Ministry for Science and Research of the Republic of Austria, through the Technical University of Vienna (TU) and its department Wien-Atominstitut (hereinafter collectively the "Participants"), intend to cooperate to deliver previously irradiated but usable low-enriched uranium (LEU) Training, Research, Isotopes, General Atomics (TRIGA) research reactor fuel elements to Austria and to return to the United States the current inventory of fuel from the Vienna TRIGA Research Reactor (hereinafter the "Vienna Reactor"), including all remaining highly enriched uranium (HEU) and LEU TRIGA fuel elements, as well as one plutonium source of United States origin. In view of the important and unique role that the Vienna Reactor plays in supporting the critical mission of the International Atomic Energy Agency (IAEA), including instrument calibration, IAEA safeguards inspector training, and other IAEA supported training, DOE also intends to remove the newly supplied LEU TRIGA fuel elements from the Vienna Reactor, before 2025 (or later if DOE determines it can receive these fuel elements at a later date).

The Participants recognize that the Vienna Reactor uses only fuel with uranium enriched in the United States and note on the basis of the Note Verbal of the Austrian Embassy to the United States signed August 1, 2011, their intent to coordinate in completing the full conversion of the Vienna Reactor at the TU Wien-Atominstitut reactor facility to operate on LEU fuel and the return of the HEU fuel elements and some or all spent LEU fuel elements to the United States may be achieved through the actions described in this Memorandum of Understanding (Memorandum).

I. The Participants intend to take the following actions:

1. Delivery of LEU fuel elements under the NNSA United States-Origin Remove Program (formerly referred to as the Foreign Research Reactor Spent Nuclear Fuel Acceptance Program).

TU Wien-Atominstitut and NNSA intend to enter into a contract for the transfer of LEU fuel to Austria under the general provisions of a model contract to be provided by NNSA.

2. Removal of HEU and LEU fuel elements under the NNSA United States-Origin Remove Program before December 2013.

TU Wien-Atominstitut and NNSA intend to enter into a contract for the return of all current HEU and LEU fuel elements, to the United States under the general provisions of a model contract to be provided by NNSA.

3. Removal of remaining LEU fuel elements by DOE before 2025 (or later if DOE determines it can receive these fuel elements at a later date) based upon recognition of the important and unique role that the Vienna Reactor plays in supporting critical missions of the IAEA.

TU Wien-Atominstitut and DOE intend to enter into a contract for the return of these LEU fuel elements to the United States.

II. General Considerations

1. Cooperative activities under this Memorandum may commence upon signature by both Participants.
2. Each Participant should conduct the activities contemplated by this Memorandum in accordance with all applicable laws and regulations and any international agreements to which its government is party.
3. Cooperation under this Memorandum is subject to the availability of appropriated funds, personnel, and other resources.
4. This Memorandum does not create any legally binding obligations between the Participants.
5. The Participants may discontinue this Memorandum at any time by mutual consent in writing. Alternatively, a Participant that wishes to discontinue its participation in the activities under this Memorandum should endeavour to provide at least 90 days advance notice in writing to the other Participant.

Signed at Vienna, in duplicate, this 19<sup>th</sup> day of September 2011.

FOR THE DEPARTMENT OF ENERGY  
OF THE UNITED STATES OF AMERICA:

Handwritten signature of Steven Chu in black ink.

FOR THE FEDERAL MINISTRY FOR  
SCIENCE AND RESEARCH OF THE  
REPUBLIC OF AUSTRIA:

Handwritten signature of Friedrich Heide in black ink.

The signing of this Memorandum of Understanding has taken place in the presence of Mr. Yukiya AMANO, Director General of the IAEA.