

**APPLICATION FOR LICENSE TO EXPORT  
NUCLEAR MATERIAL AND EQUIPMENT**

ESTIMATED BURDEN PER RESPONSE TO COMPLY WITH THIS INFORMATION COLLECTION REQUEST: 1.7 HOURS. THIS MANDATORY SUBMITTAL IS REVIEWED TO ENSURE THAT THE APPLICABLE STATUTORY, REGULATORY, AND POLICY CONSIDERATIONS ARE SATISFIED. FORWARD COMMENTS REGARDING BURDEN ESTIMATE TO THE INFORMATION AND RECORDS MANAGEMENT BRANCH (T-8 F33, U.S. NUCLEAR REGULATORY COMMISSION, WASHINGTON, DC 20555-0001, AND TO THE PAPERWORK REDUCTION PROJECT (D150-0027), OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC 20503.

(See Instructions on Reverse)

1. APPLICANT'S USE <input type="checkbox"/>		a. DATE OF APPLICATION 7/28/99		b. APPLICANT'S REFERENCE EFM-99-0166		2. NRC USE <input type="checkbox"/>		e. DOCKET NUMBER 11005129		f. LICENSE NUMBER XSNM03097		
3. APPLICANT'S NAME AND ADDRESS a. NAME Westinghouse Electric Company LLC c/o Edward F. McDonough - ECE 569 b. STREET ADDRESS (Facility Site) 4350 Northern Pike c. CITY Monroeville d. STATE PA e. ZIP CODE 15146						4. SUPPLIER'S NAME AND ADDRESS (Complete if applicant is not supplier of material) a. NAME Westinghouse Commercial Nuclear Fuel Div. b. STREET ADDRESS 5801 Bluff Road c. CITY Columbia d. STATE SC e. ZIP CODE 29205						
6. FIRST SHIPMENT SCHEDULED 3/2000		8. FINAL SHIPMENT SCHEDULED 12/31/2008 Estimate		7. APPLICANT'S CONTRACTUAL DELIVERY DATE		8. PROPOSED LICENSE EXPIRATION DATE 12/31/2015		9. U.S. DEPARTMENT OF ENERGY CONTRACT NO. (if known)				
10. ULTIMATE FOREIGN CONSIGNEE a. NAME ESKOM (owner of Koeberg) b. STREET ADDRESS (Facility Site) Koeberg Nuclear Power Station Private Bag X10 c. CITY Kernkrag d. COUNTRY South Africa						11. ULTIMATE END USE (Include plant or facility name) 4 lead assemblies and 9 reload regions for Koeberg Nuclear Power Station, Units 1 and 2 11a. DATE REQUIRED						
12. INTERMEDIATE FOREIGN CONSIGNEE a. NAME b. STREET ADDRESS c. CITY d. COUNTRY						13. INTERMEDIATE END USE 13a. DATE REQUIRED						
14. INTERMEDIATE FOREIGN CONSIGNEE a. NAME b. STREET ADDRESS (Facility Site) c. CITY d. COUNTRY						15. INTERMEDIATE END USE 15a. DATE REQUIRED						
16. COM CODE		17. DESCRIPTION (Include chemical and physical form of nuclear material; give dollar value of nuclear equipment and components) Uranium dioxide pellets, encapsulated in sealed fuel rods and assembled into completed fuel assemblies. 11,950 Kgs U <sub>235</sub> in 239,000 Kgs U				18. MAX. ELEMENT WEIGHT 239,000 U		19. MAX. WT. % up to 5.0 U <sub>235</sub>		20. MAX. ISOTOPE WEIGHT 11,950 U <sub>235</sub>		21. UNIT Kgs
22. COUNTRY OF ORIGIN - SOURCE MATERIAL U.S./Unknown			23. COUNTRY OF ORIGIN - SNM WHERE ENRICHED OR PRODUCED U.S./Unknown			24. COUNTRIES WHICH ATTACH SAFEGUARDS (if known)						
25. ADDITIONAL INFORMATION ON CONSIGNEES, END USES, AND PRODUCT DESCRIPTION (Use separate sheet if necessary) Due to the near-term shipment requirements, it would be appreciated if the NRC would expedite the issuance of this license.												
26. The applicant certifies that this application is prepared in conformity with Title 10, Code of Federal Regulations, and that all information in this application is correct to the best of his/her knowledge.												
27. AUTHORIZED OFFICIAL a. SIGNATURE Edward F. McDonough						b. TITLE Sr. License Administrator						

RECEIVED  
JUL 29 1999

file to  
pdp/dls  
cc  
7/29/99





United States Department of State

Washington, D.C. 20520

January 28, 2000

Ms. Janice Dunn Lee  
Acting Director, International Programs  
United States Nuclear Regulatory Commission  
Rockville, Maryland

Dear Ms. Lee:

I refer to the letter from your office requesting the views of the Executive Branch 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:

NRC No. XSNM03097--Westinghouse Electric Company has applied for authorization to export to South Africa 11,950 kilograms of U-235 contained in 239,000 kilograms of uranium enriched to a maximum of 5 percent in the form of uranium dioxide in completed fuel assemblies for reload of Units 1 & 2 of the Koeberg Nuclear Power Station. Westinghouse proposes an initial shipment of 4 lead assemblies followed by 9 reload regions to take place between February 2000 and December 31, 2008.

It is the judgment of the Executive Branch that the proposed export will not be inimical to the common defense and security of the United States, and is consistent with the provisions of the Atomic Energy Act of 1954, as amended.

The proposed export to South Africa would take place pursuant to the Agreement for Cooperation Between the United States and South Africa which entered into force on December 4, 1997, as confirmed in the assurance letter and attachments from the South African Ministry of Department of Minerals and Energy transmitted by the Embassy of South Africa on January 26, 2000, a copy of which is enclosed.

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

Sincerely,

Richard J.K. Stratford  
Director  
Nuclear Energy Affairs

200 FEB -2 PM 2:56

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Enclosure: as stated.

Attachment 2



EMBASSY OF SOUTH AFRICA  
3051 MASSACHUSETTS AVENUE, N. W.  
WASHINGTON, D. C. 20008  
(202) 232-4400

URGENT

TRANSMISSION BY FAX

TO : Department of Energy  
FOR ATT : Mr Uzzle  
          NN-43 Fax no : 202-566-1348  
FROM : Mrs Anna-Marie Moulton  
          Fax No : 202-2320910  
DATE : 20000126

SUBJECT : ASSURANCES FROM THE SOUTH AFRICAN DEPARTMENT OF MINERALS  
AND ENERGY FOR THE EXPORT OF URANIUM TO THE KOEBERG NUCLEAR POWER  
STATION IN SOUTH AFRICA.

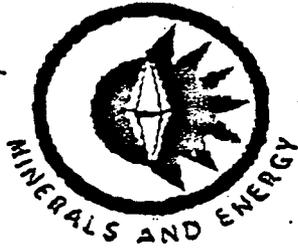
1. Our recent telephonic conversation in the abovementioned regard, refers.
2. Copies of the awaited assurances and related documentation are herewith copied for your urgent attention. It would be appreciated if the Embassy could be informed whether the first shipment will now be able to go ahead as scheduled.
3. Thank you very much for your patience and understanding in this regard.

Kind regards

A handwritten signature in cursive script, appearing to read 'Anna-Marie Moulton'.

ANNA-MARIE MOULTON  
FIRST SECRETARY

22/01 '20 13:27



**DEPARTMENT OF MINERALS AND ENERGY**  
Minerals and Energy for Development and Prosperity  
Private Bag X 59, Pretoria, 0001  
Mineralia Centre, 391 Andries Street, Pretoria  
Tel: 012 317 9282; Int: +27 12 317-9282  
Fax: 012 317 9388; Int: +27 12 317-9388  
Cell: 082-467-4510, e-mail: sdw@mepta.pwv.gov.za

24 January 2000

TO : Mr Jim Freund  
USA Embassy

FAX : 012-342-6163

**NUCLEAR FUEL SUPPLY BY WESTINGHOUSE TO ESKOM: CONFIRMATION OF  
COMPLIANCE WITH SA/USA AGREEMENT**

Please find attached a letter and three attachments addressed to the Department of Energy:  
Nuclear Transfer and Supplier Policy Division. These are submitted for your attention  
following your enquiries and kind offer to forward same to the Department of Energy.

Regards

Schalk de Waal

**DIRECTOR: NUCLEAR ENERGY**

**COPY:** Ms K Vala, Department of Foreign Affairs, Fax: 351 1416

**DEPARTMENT OF MINERALS AND ENERGY**

*Minerals and Energy for Development and Prosperity*

*Private Bag 159, Pretoria 0001, Mineralia Centre, 591 Amaluz Street,  
Pretoria 0002, Republic of South Africa Tel No: (012) 317 9782 - Int - 37  
12 157 9282 Fax No: (012) 317 9368 - Int - 27 12 317 9368 Cell: +27 82  
467 4519; E-mail: [edw@menta.gov.za](mailto:edw@menta.gov.za)*

Enquiries: Schalk d. Waal

Tel No: 012) 317 9282

Date: 24 January, 2000

Ref No: E2/5/9/3

Director  
Nuclear Transfer and Supplier Policy Division  
Department of Energy  
United States of America  
Washington, DC

For Attention: Ms Trisha Dedik

Dear Ms Dedik

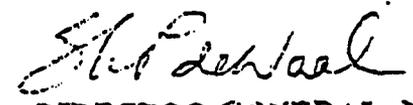
**NUCLEAR FUEL SUPPLY BY WESTINGHOUSE TO ESKOM**

Your request for confirmation of compliance with the terms and conditions of the "Agreement for Co-operation between the Republic of South Africa and the USA concerning peaceful uses of nuclear energy" refers. This letter serves to provide such confirmation. Please find attached the following Authorities signed by the Minister of Minerals and Energy

- Authority to Eskom to manufacture nuclear fuel by entering into a contract with Westinghouse (8 April 1999).
- Authority to Eskom to acquire, process and use special nuclear material (1 November 1999).
- Authority to Eskom to import new nuclear fuel into the Republic of South Africa (24 January 2000).

The latter Authority requires compliance with the SA/USA Agreement.

Yours faithfully

  
DIRECTOR-GENERAL: MINERALS AND ENERGY



**Minister of Minerals and Energy**

E2/5/9/3/DME/ESK/001/2000

**AUTHORITY TO ESKOM TO IMPORT NEW NUCLEAR FUEL INTO THE  
REPUBLIC OF SOUTH AFRICA**

By virtue of the powers vested in me in terms of section 21(1)(p) of the Nuclear Energy Act, 1993 (Act No 131 of 1993) I, Phumzile Mlambo-Ngcuka, Minister of Minerals and Energy, hereby authorise ESKOM, Maxwell Drive, Sandton (P O Box 1091, Johannesburg, 2000, Republic of South Africa), to import new fuel for Koeberg Nuclear Power Station from Westinghouse, United States of America in accordance with the following details:

Shipping Date & Delivery Date	Number of fuel assemblies	Delivery at facility
11/02/2000	4 nuclear fuel assemblies, containing ~1820 Kg U as UO <sub>2</sub> enriched at 3.9%	Koeberg Nuclear Power Station
March 2000		

Specific conditions of this Authority are:

- (i) The nuclear material must be subjected to International Atomic Energy Agency Safeguards at all times.
- (ii) The nuclear fuel shall be subject to the terms and conditions of the "Agreement for Co-operation between the Republic of South Africa and the United States of America concerning peaceful uses of nuclear energy".
- (iii) This Authority must be produced to the appropriate United States Custom Officials, who must confirm the gross mass of the consignment transported in the Annexure attached hereto. A copy of the completed Annexure must be submitted to the Department of Minerals and Energy.
- (iv) Any additional official documentation regarding this Authority shall be promptly lodged by Eskom with the Department of Minerals and Energy.

20 13:29

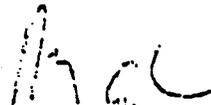
Pg. 04

- (v) Prior formal notification of the import of the nuclear fuel and details of the quantity, composition, transfer of responsibility, dates and locations must be submitted to the Atomic Energy Corporation (Manager: Safeguards, P.O. Box 582, Pretoria, 0001) and the Department of Minerals and Energy (Director: Nuclear Energy, Private Bag X59, Pretoria, 0001).

This Authority is valid until 30 April 2000.

Issued at Pretoria on this 24<sup>th</sup> day of

January 2000

  
PHUMZILE MLAMBO-NGCUKA  
MINISTER OF MINERALS AND ENERGY



## Minister of Minerals and Energy

E2/5/95/DME/ESK/005/99

### AUTHORITY TO ESKOM TO ACQUIRE, PROCESS AND USE SPECIAL NUCLEAR MATERIAL

By virtue of the powers vested in me in terms of sections 21(i)(c), 21(1)(g), 21(1)(h) and 21(5) of the Nuclear Energy Act, 1993 (Act No 151 of 1993) I, Phumzile Mlambo-Ngcuka, Minister of Minerals and Energy, hereby authorise ESKOM, Maxwell Drive, Sandton (P O Box 1091, Johannesburg, 2000, Republic of South Africa), as follows:

1. To acquire 12165 kg 4.03% enriched uranium as Uranyl Nitrate Hydrate, as a once off purchase, from United States Enrichment Corporation (USEC) to be delivered to Westinghouse, Columbia, USA, during the period commencing on 15 December 1999 and ending on 15 January 2000.
2. To process the 4.03% enriched uranium by down blending it to 3.9% enrichment at Westinghouse, Columbia, USA.
3. To use the 3.9% enriched uranium for the manufacture of nuclear fuel at Westinghouse, Columbia, USA.

Specific conditions of this Authority are:

- (i) The nuclear material must be subjected to International Atomic Energy Agency Safeguards at all times.
- (ii) Eskom shall supply confirmation documentation to the Department of Minerals and Energy of completion of the transactions.
- (iii) Any additional official documentation regarding this Authority shall likewise, be promptly lodged by Eskom with the Department of Minerals and Energy.
- (iv) A certified copy of this Authority, and subsequent details of the transactions must be furnished to the Manager, Safeguards, P.O. Box 582, Pretoria, 0001.

This Authority is valid until 31 January 2000.

Issued at Pretoria on this 1st day of November 1999



**Minister of Minerals and Energy**

E2/5/9/3/DME/ESK/005/99

**AUTHORITY TO ESKOM TO ACQUIRE, PROCESS AND USE SPECIAL NUCLEAR MATERIAL**

By virtue of the powers vested in me in terms of sections 21(1)(c), 21(1)(g), 21(1)(h) and 21(5) of the Nuclear Energy Act, 1993 (Act No 131 of 1993) I, Phumzile Mlambo-Ngcuka, Minister of Minerals and Energy, hereby authorise ESKOM, Maxwell Drive, Sandton (P O Box 1091, Johannesburg, 2000, Republic of South Africa), as follows:

1. To acquire 12165 kg 4.03% enriched uranium as Uranyl Nitrate Hydrate, as a once off purchase, from United States Enrichment Corporation (USEC) to be delivered to Westinghouse, Colombia, USA, during the period commencing on 15 December 1999 and ending on 15 January 2000.
2. To process the 4.03% enriched uranium by down blending it to 3.9% enrichment at Westinghouse, Colombia, USA.
3. To use the 3.9% enriched uranium for the manufacture of nuclear fuel at Westinghouse, Colombia, USA.

Specific conditions of this Authority are:

- (i) The nuclear material must be subjected to International Atomic Energy Agency Safeguards at all times.
- (ii) Eskom shall supply confirmation documentation to the Department of Minerals and Energy of completion of the transactions.
- (iii) Any additional official documentation regarding this Authority shall likewise, be promptly lodged by Eskom with the Department of Minerals and Energy.
- (iv) A certified copy of this Authority, and subsequent details of the transactions must be furnished to the Manager: Safeguards, P.O. Box 552, Pretoria, 0001.

This Authority is valid until 31 January 2000.

Issued at Pretoria on this 1st day of November 1999

  
**PHUMZILE MLAMBO-NGCUKA  
MINISTER OF MINERALS AND ENERGY.**

24/01 '20 13:30

Pg. 06

K  
DME



Minister of Minerals and Energy

RECEIVED  
09 APR 1999  
CHIEF EXECUTIVE

E2/S/9/3/DME/ESK/002/1999

**AUTHORITY TO ESKOM TO MANUFACTURE NUCLEAR FUEL**

By virtue of the powers vested in me in terms of sections 21(1)(e) and 21(5) of the Nuclear Energy Act (Act No 131 of 1993) I, PENELE MPAPA MADUNA, Minister of Minerals and Energy, hereby authorise

ESKOM  
Megawatt Park  
Maxwell Drive  
Sandton

P O Box 1091  
Johannesburg 2000  
Republic of South Africa

to enter into a contract with Westinghouse (USA) for the manufacture of nuclear fuel for the Koeberg Nuclear Power Station.

Specific conditions of this Authority are:

- (i) All nuclear material must be subjected to IAEA Safeguards at all times, including non-proliferation requirements.
- (ii) Any additional official documentation regarding this Authority shall be promptly lodged by Eskom with the Department of Minerals and Energy.
- (iii) This Authority is limited to a maximum of three fuel reloads and four lead fuel assemblies.
- (iv) Eskom shall apply for a separate authority for the importation of any fuel manufactured in terms of the Westinghouse contract. Any such application must be supported by a formal submission demonstrating the availability of a licensed spent fuel storage facility for spent fuel arising from the Westinghouse contract.
- (v) A certified copy of this Authority must be furnished to the Senior Manager, Nuclear Non-Proliferation Department, Atomic Energy Corporation of South Africa Ltd, P.O. Box 582, Pretoria.

This Authority is valid until 31 December 2005.

issued at PRETORIA on this 8 day of APRIL 1999.

DR P M MADUNA  
MINISTER OF MINERALS AND ENERGY





United States Department of State

Washington, D.C. 20520

January 28, 2000

BUREAU OF NONPROLIFERATION AFFAIRS

MEMORANDUM FOR JANICE DUNN LEE  
NUCLEAR REGULATORY COMMISSION

Enclosed is an Executive Branch analysis covering the proposed export to South Africa of 239,000 kilograms of uranium enriched to a maximum of 5 percent in U-235 for reload of Units 1 and 2 of the Koeberg Nuclear Power Station. In accordance with P.L. 95-242, the analysis explicitly addresses how the requirements of Section 126 a.(1) of the Atomic Energy Act are met, including the specific criteria of Sections 127 and 128, as well as certain additional factors, envisaged by Section 126 a (1).

As stated in my letter of January 28, 2000, the Executive Branch, on the basis of its review of this case, has concluded that the requirements of the Atomic Energy Act, as amended, have been met and that the proposed export would not be inimical to the common defense and security of the United States. South Africa has adhered to the provisions of the 1997 U.S.-South Africa Agreement for Cooperation.

Therefore, the Executive Branch recommends issuance of the requested export license.

Richard J. K. Stratford  
Director  
Nuclear Energy Affairs

Enclosure: analysis.

RECEIVED OIP  
200 FEB - 2 PM 2:56

EXPORT LICENSE APPLICATION ANALYSIS

XSNM03097

Destination: South Africa

Transaction: Westinghouse Power Corporation has applied for authorization to export to South Africa 11,950 kilograms of U-235 contained in 239,000 kilograms of uranium enriched to a maximum of 5 percent in the form of completed fuel assemblies for the Koeberg Nuclear Power Station. The low enriched uranium (LEU) will be shipped to ESKOM of Sandton, Johannesburg, the operator of the Koeberg Nuclear Power Station for loading into the Koeberg reactors.

Date of Application: July 28, 1999

1. Applicable Agreement for Cooperation

The proposed export will be subject to the terms and conditions of the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of South Africa Concerning Peaceful Uses of Nuclear Energy which entered into force on December 4, 1997. This was confirmed by letter dated January 24, 2000 from South African Ministry of Minerals and Energy, with attachments, transmitted by the Embassy of South Africa on January 26, 2000, copies of which are enclosed with the Executive Branch cover letter.

South Africa has adhered to all provisions of that Agreement for Cooperation.

2. Extent to Which Export Criteria Are Met

A. Section 127 Criteria

As provided in Section 127 of the Atomic Energy Act, as amended, the following criteria govern exports for peaceful nuclear uses from the United States of source material, special nuclear material, production or utilization facilities, and any sensitive nuclear technology:

Criterion (1)

“IAEA safeguards as required by Article III(2) of the Treaty will be applied with respect to any such material or facilities proposed to be exported, to any such material or facilities previously exported and subject to the U.S.-South Africa Agreement for Cooperation, and to any special nuclear material used in or produced through the use thereof.”

South Africa is a Party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), having deposited its instrument of ratification on July 10, 1991 and has entered into an agreement with the International Atomic Energy Agency on September 16, 1991 (INFCIRC 394) to maintain safeguards on all its peaceful nuclear activities.

Therefore, it is the Executive Branch view that criterion (1) is met.

Criterion (2)

“No such material, facilities, or sensitive nuclear technology proposed to be exported or previously exported and subject to the applicable agreement for cooperation, and no special nuclear material produced through the use of such materials, facilities, or sensitive nuclear technology, will be used for any nuclear explosive device or for research on or development of any nuclear explosive device.”

As a non-nuclear weapon state Party to the NPT, South Africa is precluded from acquiring, developing or manufacturing nuclear explosive devices for any purpose.

It is therefore the Executive Branch view that criterion (2) is met.

Criterion (3)

“Adequate physical security measures will be maintained with respect to such material or facilities proposed to be exported and to any special nuclear material used in or produced through the use thereof. Following the effective date of any regulations promulgated by the Commission pursuant to Section 304(d) of the Nuclear Non-Proliferation Act of 1978, physical security measures shall be deemed adequate if such measures provide a level of protection equivalent to that required by the applicable regulations.”

The Executive Branch has assessed the physical security measures maintained by the Government of South Africa with respect to nuclear material and determined that they are adequate for the material covered by this license application.

Article 7 “ Physical Protection” of the U.S.-South Africa Agreement for Cooperation provides that adequate physical protection shall be maintained with respect to source or special material and equipment transferred pursuant to the Agreement and special nuclear material used in or produced through the use of material or equipment so transferred. Article 7 further provides that these measures shall as a minimum provide protection comparable to the recommendation set forth in IAEA Document INFCIRC/225/Revision 2, concerning the physical protection of nuclear material, or in any revision of that document agreed to by the parties.

A U.S. team of physical protection experts visited South Africa in May 1998 and concluded that physical protection measures at the Koeberg Nuclear Power Station met the criteria of INFCIRC/225/Rev. 3 for Category III nuclear material.

Therefore it is the view of the Executive Branch that criterion (3) is met.

Criterion (4)

“No such materials, facilities or sensitive nuclear technology proposed to be exported, and no special nuclear material produced through the use of such material will be retransferred to the jurisdiction of any other nation or group of nations unless the prior approval of the United States is obtained for such retransfer. In addition to other requirements of law, the United States may approve such retransfer only if the nation or group of nations designated to receive such retransfer agrees that it shall be subject to the conditions required by this section.”

Article 5 “Storage and Retransfers” of the 1997 U.S.-South Africa Agreement for Cooperation provides that material, equipment and components transferred to pursuant to the Agreement and any special nuclear material produced through the use of any such material or equipment shall not be retransferred beyond the jurisdiction of the recipient party’s territorial jurisdiction unless the parties agree.

Therefore it is the Executive Branch view that criterion (4) is met.

Criterion (5)

“No such material proposed to be exported and no special nuclear material produced through the use of such material will be reprocessed, and no irradiated fuel elements containing such material removed from a reactor shall be altered in form or content, unless the prior approval of the United States is obtained for such reprocessing or alteration.”

Article 6 “Reprocessing and Enrichment” of the 1997 U.S.-South Africa Agreement for Cooperation provides that material transferred pursuant to the Agreement or produced through the use of material or equipment so transferred shall not be reprocessed, altered in form or content, or further enriched unless the parties agree.

Therefore, it is the view of the Executive Branch that criterion (5) is met.

Criterion (6)

“No such sensitive nuclear technology shall be exported unless the foregoing conditions shall be applied to any nuclear material or equipment which is produced or constructed under the jurisdiction of the recipient nation or group of nations by or through the use of any such exported sensitive nuclear technology.”

The proposed export does not involve the transfer of sensitive nuclear technology. Criterion (6) is, therefore, not applicable.

**B. Section 128 Criterion**

Section 128 A. (1) of the Atomic Energy Act, as amended, establishes the following additional criterion: "As a condition of continued United States export of source material, special nuclear material, production or utilization facilities, and any sensitive nuclear technology to non-nuclear-weapon states, no such export shall be made unless IAEA safeguards are maintained with respect to all peaceful nuclear activities in, under the jurisdiction of, or carried out under the control of such state at the time of the export."

Since South Africa is a Party to the NPT and has entered into an agreement with the IAEA to maintain safeguards on all of its peaceful nuclear activities, it is the view of the Executive Branch that this criterion is met.

3. Additional Factors

The Executive Branch believes the framework of commitments, assurances, and safeguards is adequate for the purposes of this export.

4. Inimicality Judgment

Based on review of the proposed export, it is the judgment of the Executive Branch that the proposed export will not be inimical to the common defense and security and that the requested license should be issued.

XSNM03097 -- EXECUTIVE BRANCH ANALYSIS FOR EXPORT TO SOUTH AFRICA OF  
LEU FOR RELOAD OF Units 1 and 2 of the KOEBERG NUCLEAR POWER STATION

Drafted:NP/NE:RDeLaBarre  
01/20/00 DelabarreR/NRC/ANALYSIS

Clearances:

NP/NE:RStratford  
NP/NE:JDooley  
DOE:RGoorevich  
L/PM:DKaye

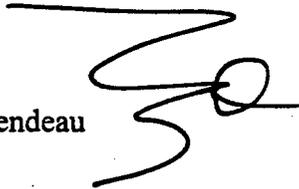
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NRC No. XSNM03097--Westinghouse Electric Company application to export to South Africa 11,950 kilograms of U-235 contained in 239,000 kilograms of uranium enriched to a maximum of 5 percent in the form of completed fuel assemblies for reload of Units 1 & 2 of the Koeberg Nuclear Power Station.

Drafted: NP/NE - R. De la Barre  
01/27/00

Clearances:

NP/NEA - R. Stratford  
L/PM - Orde Kittrie  
DOD/DTRA - Bill Witter  
DOE/NN-43 - Christine Riendeau  
AF/S - D. Gatto/Koplovsky

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