



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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JAN 02 1979

MEMORANDUM TO THE FILE

STAFF CONCLUSIONS REGARDING LICENSE TO EXPORT SPECIAL NUCLEAR
MATERIAL TO THE FEDERAL REPUBLIC OF GERMANY (XSNM01113, AMENDMENT NO. 01)

In December 1977, Exxon Nuclear Company, Inc., applied for a license amendment to re-export material authorized under license XSNM-1113, issued on August 23, 1977. The material covered by this license authorizes the export of two reloads for the Biblis Unit A reactor in the FRG over a two-year period.

The material, in the form of UO₂ pellets, was to be fabricated into fuel assemblies either by Exxon Nuclear at its facilities in Richland, Washington (USA) or in Lingen (FRG) or by Fabbricazioni Nucleari in Bosco Marengo (Italy). Exxon requested alternate authorizations to import and re-export material in order to provide the flexibility for the assembly of the necessary fuel material in case startup of the Lingen facility was delayed.

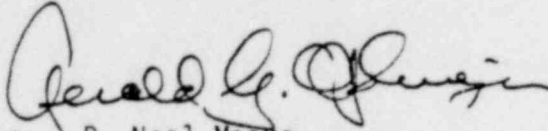
In a December 4, 1978 letter, Exxon advised that (1) delays in startup at Lingen have occurred and (2) the 1978 portion of the material was fabricated into fuel assemblies at the Richland facility and shipped directly to the FRG. Exxon therefore requests that its license XSNM01113 be amended to permit the re-export of an additional 50,037 kilograms of uranium, enriched to 3.20% U-235 in the form of finished fuel assemblies.

In response to our January 6, 1978 request for views, the Executive Branch (1) concluded that issuance of the license would not be inimical to the common defense and security, and (2) confirmed that the material will be subject to all the terms and conditions of the US-EURATOM Additional Agreement for Cooperation. These views and license application analysis by the Executive Branch were forwarded by the State Department memorandum of November 9, 1978. Confirmation of the applicability of the US-EURATOM Agreement was set forth in a May 23, 1977 letter from the EURATOM Delegation.

The Commission, in reviewing prior export license applications for the FRG (e.g. XSNM01210 issued September 1, 1978), has determined that the FRG meets the applicable export licensing requirements of 10 CFR 110.44(a)(1).

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The staff has found that there are no material changed circumstances associated with the subject application from those existing at the time of issuance of XSNM01210; therefore, the license may be issued under the authority contained in Section 126(a)(2) of the Atomic Energy Act and 10 CFR 110.44(a)(2).



R. Neal Moore

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Office of International Programs