DEPARTMENT OF STATE

Washington, D.C. 20520

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BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

MAY 17 1979

EXPORT/IMPORT
AND
INTERNAT'L SFGRDS

XSNM01443

Mr. James R. Shea
Director of International Programs
United States Nuclear Regulatory Commission
Room 6714 - MNBB
Bethesda, Maryland

Dear Mr. Shea:

This letter is in response to Mr. Gossick's letter dated February 5, 1979, requesting Executive Branch views as to whether issuance of an export license in accordance with the application hereinafter described would be inimical to the common defense and security of the United States and whether the proposed export meets the applicable criteria of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (P.L. 95-242):

> NRC No. XSNM01443 -- Application by Transnuclear Inc. for authorization to export to Switzerland via the Federal Republic of Germany, 740.012 kilograms of U-235 contained in 22,089.9 kilograms of uranium enriched to a maximum of 3.35 percent, plus 0.34 kilogram of U-235 contained in 1 kilogram of uranium as sampling material. This low enriched uranium in the form of uranium hexafluoride will be shipped to RBU Reaktor Brennelement Union GmbH, Hanau, FRG, for conversion and fabrication into fuel assemblies for the Gosgen-Daniken Nuclear Power Plant in Switzerland.

The proposed export to Switzerland as ultimate consignee would take place pursuant to the Agreement for Cooperation Between the United States and Switzerland as confirmed in a letter from the Embassy of Switzerland. Switzerland has adhered to the provisions of its Agreement for Cooperation with the United States.

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The proposed export to the FRG as an intermediate consignee would take place pursuant to the Additional Agreement for Cooperation Between the United States and the European Atomic Energy Community (EURATOM) as confirmed in a letter from the Delegation of the Commission of the European Communities. EURATOM has adhered to the provisions of its Agreement for Cooperation with the United States.

The Executive Branch has reviewed this application and concluded that the requirements of the Atomic Energy Act and P.L. 95-242 have been met and that the proposed export will not be inimical to the common defense and security of the United States. A detailed analysis for Switzerland was submitted December 19, 1978 (NRC No. XSNM-1344), and for the FRG, December 8, 1978 (NRC No. XSNM-1241). There has been no material change in circumstances since those submissions.

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

Sincerely,

Louis V. Nosenzo
Deputy Assistant Secretary

Enclosures:
Assurance letters

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TO: Dena
Received 15 May 79

EMBASSY OF SWITZERLAND
SCHWEIZERISCHE BOTSCHAFT
AMBASSADE DE SUISSE

WASHINGTON D.C. 20008,
2900 Cathedral Avenue N.W.
Telephone 462-1811/7

Ref.: 651.513 Gösgen - MR/ch

March 26, 1979

Colonel Vance H. Hudgins
Director
Division of Politico-Military
Security Affairs
Office of International
Security Affairs
U.S. Department of Energy
Washington, D.C. 20545

Re: Export License Application XSNM-1443

Dear Colonel Hudgins,

Reference is made to your letter of March 19, 1979.

This letter serves as official confirmation that

a) The transfer of the material, as identified on the license application, will be subject to all of the terms and conditions of the Agreement for Cooperation, which entered into force on August 8, 1966, as amended, concerning the civil uses of atomic energy between the Government of the United States and the Government of Switzerland;

b) The ultimate consignee, the Kernkraftwerk Goesgen-Däniken AG, in Daeniken, is authorized by my Government to receive and possess the material.

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Sincerely yours,

R.E. Müller

R.E. Müller
Energy Counselor

DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES

EURATOM SUPPLY AGENCY

April 12, 1979
JM/AKS

Mr. Vance H. Hudgins
Assistant Director for Politico-
Military Security Affairs
Division of International Security Affairs
Department of Energy
Washington, D. C. 20545

Subject: XSNM-1443, Transnuclear Inc.'s application dated January 24, 1979; material for Switzerland.

Dear Mr. Hudgins:

We certify that the material mentioned in this application, namely 22089.900 kg of U containing 740.012 kg of U-235 (plus one kg of sample material - .034 kg of U-235 in 1 kg of U), and the transfer of this material will be subject to all terms and conditions of the Additional Agreement for Cooperation, dated July 25, 1960, as amended.

Further, we certify that RBU-Reaktor-Brennelement Union GmbHm Hanau, West Germany (and Nuclear Audit and Testing Co. of Vienna, Va. for sample quantity only) are the intermediate consignees.

The material will be used in the RBU-facilities for the manufacture of fuel elements for the Gosgen-Daniken reactor.

Sincerely,

J. Marchal

cc: Mr. Robert DeLabarre, State Department
Mrs. Betty Wright, NRC
Ms. Vicki Matson, Transnuclear Inc.

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