



DEPARTMENT OF STATE

Washington, D.C. 20520

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BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS OFFICE OF INTERNATIONAL PROGRAMS

JUN 11 1980

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

*XSNM01672  
To fabricate fuel  
elements for return  
to Univ. of Michigan*

Dear Mr. Shea:

This letter is in response to the letter from your office dated April 15, 1980, 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:

NRC No. XSNM01672 -- Application by U.S. Department of Energy for authorization to export to the Federal Republic of Germany 5.37 kilograms of U-235 contained in 27.1 kilograms of uranium enriched to a maximum of 19.79 percent. The low enriched uranium in the form of uranium metal is to be shipped to the FRG for fabrication by NUKEM of fuel elements for the University of Michigan, Ford Research Reactor.

The proposed export 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, a copy of which is enclosed. EURATOM has adhered to the provisions of its Agreement for Cooperation with the United States.

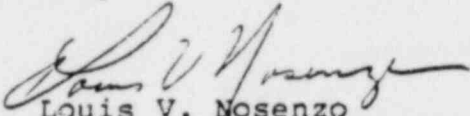
The Executive Branch has reviewed this application and concluded that the requirements of the Atomic Energy Act, as amended by the Nuclear Non-Proliferation Act of 1978, have been met and that the proposed export will not be inimical to the common defense and security of the United States. A detailed analysis for EURATOM was submitted November 27, 1979 for NRC application No.

8007210073

XU08427. In view of Executive Order 12193, extending the duration of the period specified in the first proviso to Section 126a(2) of the Atomic Energy Act of 1954, as amended to March 10, 1981, that detailed analysis remains valid. There has been no other material change in circumstances since that submission.

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

Sincerely,

  
Louis V. Nosenzo  
Deputy Assistant Secretary

Enclosure:  
Assurance letter

DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES

EURATOM SUPPLY AGENCY

May 15, 1980

Mr. Vance H. Hudgins  
Director, Division of Politico-  
Military Security Affairs  
Office of International Security Affairs  
U.S. Department of Energy  
Washington, D.C. 20585

Dear Mr. Hudgins:

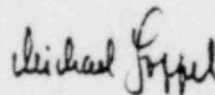
Subject: U.S. Department of Energy application without  
reference dated March 26, 1980 for West Germany -  
XSNM01672

We certify that the material mentioned in this applica-  
tion, namely 5.37 kilograms of U235 contained in 27.1 kilograms  
of total uranium, 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 NUKEM, GmbH, Hanau, West  
Germany, as ultimate consignee, is authorized by EURATOM  
to receive and possess this material pursuant to the afore-  
mentioned Agreement for Cooperation.

The material, in the form of uranium metal, will be  
fabricated into high density fuel elements to be returned to  
the U.S. in the framework of the RERTR Program.

Sincerely,



M. Goppel

ajs

cc: ✓ Mr. Robin De LaBarre, U.S. Department of State  
Ms. Betty Wright, U.S. Nuclear Regulatory Commission  
Mr. Ted Hart, U.S. Department of Energy

N.B.: Our reference AGF/02/NUKEM/1