



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

APR 18 1980

URGENT

Mr. G. F. Helfrich, Director
Office of Program Implementation
Bureau of Oceans and International
Environmental and Scientific Affairs
U.S. Department of State
Washington, D.C. 20520

Dear Mr. Helfrich:

Enclosed please find a February 11, 1980 application from Westinghouse Electric Corporation for a license to export an incore fission chamber containing SNM to Australia for use at the Lucas Heights nuclear reactor facility. As you are aware, the SNM portion of this export will not require a specific NRC license effective April 21, 1980. Although the equipment does not normally require Executive Branch review, we would appreciate your views on this proposed export, because the export is to a country which the Commissioners have not previously authorized an export pursuant to the NNPA of 1978. Under NRC's recently revised delegations of authority, component exports destined to countries which fall into this category now require Commissioner review before a license is issued.

The NRC has received from DOE a March 24, 1980 letter of assurance from the Government of Australia stating that the material covered by the license application will be subject to all the terms and conditions of the U.S.-Australia Agreement for Cooperation. Although this assurance was specifically requested to cover the SNM portion of the export, we would like your views as to whether the March 24, 1980 letter also meets the applicable 109(b) criteria in the Atomic Energy Act as amended by the NNPA of 1978 which covers component exports.

Your expeditious response would be appreciated as the application was originally received by the NRC in February.

Sincerely,

Marvin F. Peterson, Acting Assistant
Director
Export/Import and International
Safeguards
Office of International Programs

**THIS DOCUMENT CONTAINS
POOR QUALITY PAGES**

Enclosures:
Appli. dtd. 2/11/80
Ltr. from Gov't. of Australia dtd. 3/24/80

cc w/enclosures:
Mr. Michael McDonough, DOE
Mr. Richard Williamson, ACDA
Ms. Sheila Buckley, DOD
Mrs. Natalie Martin, DOE
Ms. Jeanne Nelson, DOD
Mr. Robin DeLaBarre, DOD



EMBASSY OF AUSTRALIA

IN REPLY QUOTE

AE7.1074
13/3

24 March 1980

Mr. Vance H. Hudgins
Director
Division of Politico-Military Security Affairs
U.S. Department of Energy
WASHINGTON D.C. 20545

Dear Mr. Hudgins,

Reference U.S. NRC Application for
License to Export Nuclear Material
& Equipment - License No. XSNM01651

I have referred your letter of March 10, 1980
to the Australian Authorities who have confirmed 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 May 28, 1957, as amended, concerning the civil uses of atomic energy between the Government of the United States and the Government of Australia;
- b. The intermediate and ultimate consignees, as identified on the application are authorized by ~~the~~ Government to receive and possess the material.

Yours sincerely,

R. J. Knight
Counsellor (Atomic Energy)

RJK/Img

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