



DEPARTMENT OF STATE

Washington, D.C. 20520

RECEIVED  
U.S. NRC

ACC

XU08488

BUREAU OF OCEANS AND INTERNATIONAL  
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

MAY 12 1980 3 11 PM '80

MAY 09 1980 EXPORT/IMPORT  
AND  
INTERNAT'L SFGROS

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 the letter from your office dated March 12, 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 (P.L. 95-242):

NRC No. XU08488 -- Application by Edlow International for authorization to export to the Federal Republic of Germany 192,326 kilograms of natural uranium in the form of  $U_3O_8$  for storage. Conversion of the  $U_3O_8$  to  $UF_6$  will be performed by British Nuclear Fuels, Ltd., U.K. After its return to the U.S. for enrichment, the material will be re-exported to the Federal Republic of Germany for use in the Emsland Nuclear Power Plant.

The proposed export of  $U_3O_8$  for storage and conversion and eventual return to the U.S. for enrichment 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.

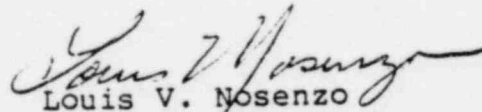
\*Copy to PDA and ACC 5-12-80

8005230222

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. 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

April 23, 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:

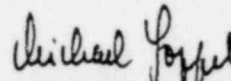
Subject: Edlow International Company application NUEXCO-E  
dated March 3, 1980 for West Germany - XU08488

We certify that the material mentioned in this applica-  
tion, namely 1,367.44 kilograms of U<sub>235</sub> contained in 192,326  
kilograms of total uranium (natural uranium, 226,800 kilograms  
of U<sub>308</sub>), 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 British Nuclear Fuels, Ltd.  
(BNFL), Salwick nr Preston, United Kingdom, as intermediate  
consignee (for conversion of U<sub>308</sub> to UF<sub>6</sub> only), and  
Vereinigte Elektrizitatserke Westfalen, AG. (VEW), Dortmund,  
West Germany, as ultimate consignee, are authorized by EURATOM  
to receive and possess this material pursuant to the afore-  
mentioned Agreement for Cooperation.

The material after conversion and eventual fabrication  
into fuel elements will be used for fueling reactors in -  
West Germany.

Sincerely,

  
M. Goppel

ajs

cc: ✓ Mr. Robin De LaBarre, U.S. Department of State  
Ms. Betty Wright, U.S. Nuclear Regulatory Commission  
Ms. Diane Harmon, Edlow International Company