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DEPARTMENT OF STATE

Washington, D.C. 20520 '80 DEC -8 P1:20

BUREAU OF OCEANS AND INTERNATIONAL  
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

OFFICE OF  
INTERNATIONAL  
PROGRAMS

DEC 05 1980

XSNM01747

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LEU for Kahl reactor

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 October 8, 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. XSNM01747 -- Application by Exxon Nuclear Company, Inc. for authorization to export to the Federal Republic of Germany 76 kilograms of U-235 contained in 2,670 kilograms of uranium enriched to a maximum of 2.95 percent. This low-enriched uranium in the form of fabricated fuel elements and sintered UO<sub>2</sub> fuel pellets be shipped to Exxon Nuclear GmbH for loading into fuel rods and assembly into reactor fuel elements for reload of the Kahl nuclear power plant.

The proposed export to the Federal Republic of Germany 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.

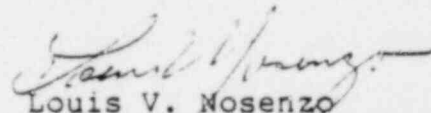
The Executive Branch has reviewed this application and concluded that the requirements of the Atomic Energy Act, as amended by P.L. 95-242, have been met and that

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the proposed export will not be inimical to the common defense and security of the United States. A detailed analysis for the FRG was submitted November 27, 1979 for NRC application No. XU08427. In view of Executive Branch 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

December 2, 1980

Mr. John A. Griffin  
Director, Division of Politico-  
Military Security Affairs  
Office of International Security Affairs  
U.S. Department of Energy  
Washington, D.C. 20585

Dear Mr. Griffin:

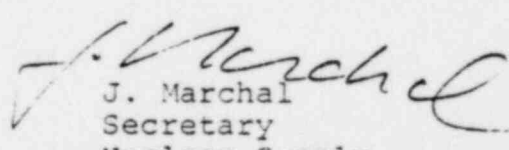
Subject: Exxon Nuclear Co., Inc. application dated October 2,  
1980 for West Germany - XSNMol747

We certify that the material mentioned in this application, namely 76 kilograms of U<sub>235</sub> contained in 2,670 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 Exxon Nuclear, GmbH, Lingen, West Germany (for assembly of reactor fuel elements only), as intermediate consignee, and Versuchssatomkraftwerk Kahl, GmbH, Kahl am Main, West Germany, as ultimate consignee, are authorized by EURATOM to receive and possess this material pursuant to the aforementioned Agreement for Cooperation.

The material, in the form of either fuel elements or sintered UO<sub>2</sub> fuel pellets, will be used in nuclear fuel assemblies to be loaded in the Kahl reactor in - West Germany.

Sincerely,

  
J. Marchal  
Secretary  
Nuclear Supply

ajs

cc: Mr. Robin De LaBarre, U.S. Department of State  
Ms. Betty Wright, U.S. Nuclear Regulatory Commission  
Mr. L.E. Hansen, Exxon Nuclear Company, Inc.

N.B.: Our reference is AGT/42