

BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

JAN 22 1981

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

*XSNM01765
Two reloads
Beznau II Reactor
Switzerland*

Dear Mr. Shea:

This letter is in response to the letter from your office dated November 21, 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. XSNM01765 — Application by Transnuclear, Inc. for authorization to export to Switzerland, via the Federal Republic of Germany, 741.714 kilograms of U-235 contained in 20,893.34 kilograms of uranium enriched to a maximum of 3.55 percent plus .0355 kilogram of U-235 contained in 1 kilogram uranium enriched to 3.55 percent as sampling material. The enriched uranium in the form of uranium hexafluoride will be shipped to RBU-Reaktor Brennelement Union GmbH, Hanau, FRG, for conversion into UO₂ and manufacture of fuel elements for two reloads of the Beznau II Power Reactor.

The proposed export to the intermediate consignee in the FRG for conversion and fabrication 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 proposed export to the ultimate consignee in Switzerland 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, a copy of which is enclosed.

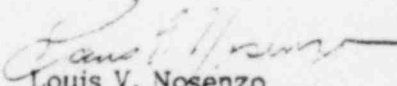
The Executive Branch has reviewed the application and concluded that the requirements of the Atomic Energy Act, as amended by the Nuclear Non-Proliferation Act of 1978, have been met and that the proposed export will not be inimical to the common defense and security of the United States. A detailed analysis for EURATOM and Switzerland was submitted November 27, 1979 for NRC application No. XU08427. In view of Executive Order 12193,

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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 for either EURATOM or Switzerland.

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

100-21/100-31
AND
EURATOM/STGR03

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DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES

EURATOM SUPPLY AGENCY

December 18, 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:

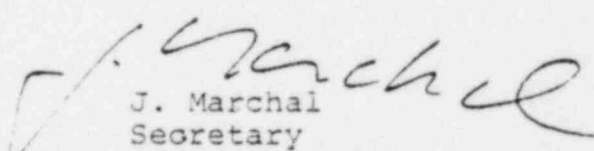
Subject: Transnuclear, Inc. application '80-241/01 RBU-357'
dated November 12, 1980 for Switzerland - XSNMol765

We certify that the material mentioned in this application, namely 741.714 kilograms of U₂₃₅ contained in 20,893.34 kilograms of total uranium plus 0.0355 kilograms of U₂₃₅ contained in 1.0 kilogram of uranium as sampling material, 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 Reaktor Brennelement Union, GmbH (RBU), Hanau, West Germany, as intermediate consignee for conversion and manufacture of fuel elements only, is authorized by EURATOM to receive and possess this material pursuant to the aforementioned Agreement for Cooperation.

The material, in form of UF₆, after conversion and manufacture into power reactor fuel elements by RBU, will be transferred to Switzerland for the Beznau-II reactor.

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
Ms. Tracy Butenko, Transnuclear, Inc.

N.B.: Our reference is AG/1048/6

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December 10, 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. 20545

Re: Export License Application XSNM 1765

Dear Mr. Griffin,

Reference is made to your letter of December 5, 1980.

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 Nordostschweizerische Kraftwerke AG is authorized by my Government to receive and possess the material.

Sincerely yours

R. E. Miller

R.E. Miller
Energy Counselor

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