



DEPARTMENT OF STATE

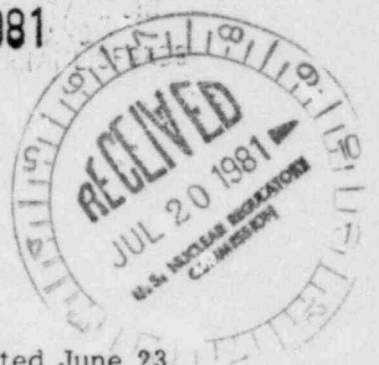
Washington, D.C. 20520

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XSNM01841
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BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

15 JUL 1981



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 June 23, 1981, requesting Executive Branch views as to whether issuance of an export license in accordance with the application hereinafter described meets the applicable criteria of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978:

NRC No. XSNM01841 — Application by U.S. Department of Energy for authorization to export to France and the Netherlands 6.0 kilograms of U-235 contained in 30.69 kilograms of uranium in the form of uranium dioxide or U₃O₈ powder enriched to a maximum of 19.9 percent. This low-enriched uranium is to be used in the fabrication of prototype fuel elements by CERCA, Romans, France, for test irradiation in the Siloe - France, HFR Petten - Netherlands and Oak Ridge - USA research reactors.

The proposed export to France and the Netherlands 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 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 was submitted December 8, 1978 for NRC application Nos. XSNM01212, -01232, -01238 and -01241. In view of Executive Order 12295, extending the duration of the period specified in the first proviso to Section 126a(1) of the Atomic Energy Act of 1954, as amended, to March 10, 1982, that detailed analysis remains valid. There has been no other material change in circumstances since that submission.

The proposed export for prototype fuel fabrication and test irradiation is in support of the DOE Reduced Enrichment Research and Test Reactor (RETR) Program and most of the uranium, minus losses for fabrication, testing and burnup, will be returned to the USA.

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PDR XPORT PDR
XSNM-1841

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Mr. Shea, M. Peterson, N. Moore, ELO/Becker, NMSS/wjfo,
C. Keenan

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On the basis of the foregoing, the Executive Branch recommends that the license be issued. Expeditious handling of this application by the NRC would be appreciated as the license is needed by August 1, 1981.

Sincerely,

A handwritten signature in dark ink, appearing to read "John P. Boright". The signature is fluid and cursive, with a large, stylized initial "J" and "B".

John P. Boright
Acting Deputy Assistant Secretary

Enclosure:
Assurance letter

DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES

EURATOM SUPPLY AGENCY

Mr. J.A. Griffin
Director
Division of Politico-Military Security Affairs
Office of International Security Affairs
U S DOE
Forrestal Building, Mail Stop 5F 066
1000 Independence Ave., S.W.
Washington, D.C. 20585

10 July, 1981

Dear Mr. Griffin:

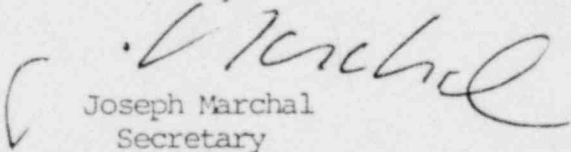
Subject: US DOE Application - XSNM 1841
dated June 18th, 1981 for France

We certify that the material mentioned in this application, namely, 6.000 kg of U-235 contained in 30.690 kg 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 25th, 1960 as amended.

Further, we certify that Edlow International or Transnuclear, Inc. (still to be determined by DOE) and CERCA, Romans-sur-Isere, France as intermediate consignees and HFR Petten (EURATOM Joint Research Centre), SILOE CEA France as ultimate consignees are authorized by Euratom to receive and possess this material pursuant to the aforementioned Agreement for Cooperation.

The material, in the form of uranium oxide will be manufactured by CERCA into fuel elements to be tested in HFR Petten, SILOE France, and ORR, USA in the frame of the RERTR programme.

Yours sincerely,


Joseph Marchal
Secretary
Nuclear Supplies

CC: Mr. Robin de LaBarre, US DOS
Ms. Betty Wright, US NRC