

Savoy, Joanne

From: Jones, Andrea
Sent: Thursday, September 14, 2017 2:41 PM
To: plandi@mpmine.com
Cc: Savoy, Joanne
Subject: Follow-up Questions for XSOU8707 and XSOU8827

Dear Mr. Landi:

The Office of International Programs (OIP) received your applications, dated August 14, 2017, for the amendment of export licenses XSOU8707 and XSOU8827 and request for NRC consent to the direct transfer of control of these licenses from Molycorp Minerals LLC (current licensee) to MP Mine Operations LLC (proposed new licensee). Our review has identified additional information that is needed before the NRC can move forward with its review of the applications.

Regarding the licensing review for the Form 7 submitted for the amendment of XSOU8707 and XSOU8827:

- Examining the licenses referenced in your applications, it appears that both licenses may not be needed, depending on the export that you wish to perform, since the material described in both licenses is natural uranium/thorium contained as contaminants in rare earth compounds and mixtures (in concentrations ranging from 0.05 percent to 1.0 percent). Please confirm that you would like to have both licenses transferred to the proposed new licensee. If you wish to terminate one of the licenses, we will refund the fee that you paid for one of the two license amendments since only one amendment would be needed.
- Boxes 1a, 1c, 1d, and 1e—Please confirm whether you want to update the contact information provided on the applications.
- Boxes 4 and 5—These boxes are blank on the Form 7 for both applications. 10 C.F.R. § 110.51(a) states that “[a]pplications for amendment of a specific license shall be filed on NRC Form 7 in accordance with §§110.31 and 110.32.” Section 110.32 lists information that must be included in an application for a specific license/NRC Form 7. Included in that list is “(e) Dates of proposed first and last shipments.” Consequently, for both applications, please submit dates of proposed first and last shipments.
- Box 6—This box is blank on the Form 7 for both applications. Please confirm that you are not requesting a change to the expiration date for either license.
- Boxes 7a, 8a, and 9a—These boxes are blank on the Form 7 for both applications. Please confirm whether there will be any change to the information requested in these boxes.
- Boxes 10, 10a, 10b, and 10c—You indicated “no change” in these boxes in the Form 7 for both applications. Given the passage of time and proposed direct transfer of control, please confirm that there has been no change during the span of both licenses.

Regarding the review for the direct transfer of control for XSOU8707 and XSOU8827:

- Please submit an organizational chart illustrating the relationship between the proposed new licensee and all of the parent companies using the legal names of the companies. Before and after organization charts are helpful to aid NRC staff in understanding the proposed changes.
- Please clearly identify if the proposed new licensee or any of its parent companies are foreign companies.
- Please confirm that the proposed new licensee will abide by all constraints, conditions, requirements, representations, and commitments identified in or attributed to the license, or describe the new program that will be used to comply with the license and all applicable regulations.

- Please describe the plan for the transfer of required records, including those required by 10 C.F.R. § 110.53, and provide a commitment by the proposed new licensee to maintain the records received from the current licensee.
- Describe any changes in personnel or duties related to the export program.
- Describe any changes in location, facilities, equipment, or procedures related to the export program.
- Also, the Asset Purchase Agreement provided with the applications indicates that there are a total of 79 pages; however, only 38 pages were submitted. To ensure that the administrative record is complete, please submit the remaining pages.

A copy of this communication will be available electronically for public inspection in the U.S. Nuclear Regulatory Commission (NRC) Public Document Room and from the Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Please note that based on this email, you may determine that changes are needed to your previously submitted Form 7s, as such, the new form will supersede the previously submitted forms. Once we determine the information is acceptable, we will proceed with the licensing and transfer of control review.

Andrea R. Jones
Senior Licensing Officer
Export Controls and Nonproliferation Branch
Office of International Programs, US NRC
Location: 04-C39
301-287-9072