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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

NOV 16 1979

MEMORANDUM TO THE FILE

STAFF CONCLUSIONS REGARDING LICENSE TO EXPORT SPECIAL NUCLEAR MATERIAL TO JAPAN (XSNM01531)

In June 1979, Mitsui and Company applied for a license to export 33,337 kilograms of uranium, enriched to 3.95% U-235, for use in the Fukushima I, Unit No. 5 reactor. The material will be shipped first to Sumitomo Metal Mining Company, for conversion and then to Japan Nuclear Fuel Company, Ltd. for fabrication into fuel assemblies.

In response to our June 3, 1979 request for views, the Executive Branch (1) concluded that issuance of the license would not be inimical to the common defense and security, and (2) confirmed that the material will be subject to all the terms and conditions of the Agreement for Cooperation between the US and Japan. These views and license application analysis by the Executive Branch were forwarded by State Department memorandum of November 14, 1979. Confirmation of the applicability of the US-JAPAN Agreement was set forth by letter dated September 21, 1979 from the Embassy of Japan.

The material requested under application XSNM01531 is low-enriched uranium intended for routine reload of the Fukushima I, Unit No. 5 reactor. Under 10 CFR 110.40(b)(2) the staff is authorized to issue export licenses for routine reloads of low enriched uranium fuel for use in power reactors with respect to which a previous export license to receive fuel has been issued. Export licenses have been issued previously for fueling the Fukushima I, Unit 5 facility.

The Commission, in reviewing prior export license applications to Japan (e.g., XSNM01518 issued October 24, 1979 and XSNM01538 issued November 5, 1979) has determined that Japan meets the applicable export licensing requirements of 10 CFR 110.44(a)(1).

The staff has found that there are no material changed circumstances associated with the subject application from those existing at the time of issuance of XSNM01518 and XSNM01538, therefore, the license may be issued under the authority contained in Section 126(a)(2) of the Atomic Energy Act and 10 CFR 110.44(a)(2).

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