



DEPARTMENT OF STATE

Washington, D.C. 20520

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BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

JUN 22 1979 EXPORT/IMPORT
AND
INTERNAT'L SFGDRS

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

XSNM01489
Reload fuel
for Tokai 2

Dear Mr. Shea:

This letter is in response to your letter dated April 6, 1979, 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. XSNM01489 -- Application by the General Electric Company for authorization to export to Japan 796 kilograms of U-235 contained in 29,526 kilograms of uranium in the form of UO₂ powder enriched to a maximum of 3.65 percent. This low enriched uranium is to be fabricated into fuel assemblies by Japan Nuclear Fuel Company, Ltd. for reload of the Tokai 2 Nuclear Power Plant.

The proposed export would take place pursuant to the Agreement for Cooperation Between the United States and Japan as confirmed in a letter from the Embassy of Japan, a copy of which is enclosed. Japan 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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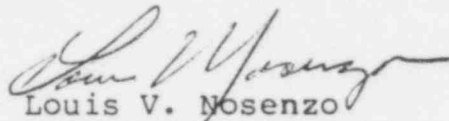
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the proposed export will not be inimical to the common defense and security of the United States. A detailed analysis for Japan was submitted April 30, 1979 for NRC license application No. XSNM01435. There has been no material change in circumstances 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

EMBASSY OF JAPAN

2520 MASSACHUSETTS AVENUE, N.W.

WASHINGTON, D.C. 20008

(202) 234-2266

June 15, 1979

Colonel Vance H. Hudgins
Assistant Director for
Politico-Military Security Affairs
Division of International Security Affairs
Department of Energy
Washington, D.C. 20545

Dear Colonel Hudgins:

Concerning import of the special nuclear material for the facility noted below, this will confirm that the Government of Japan appointed Japan Atomic Power Co. (JAPC) as an authorized person under the terms and conditions pursuant to Article VI of the Agreement for Cooperation between the Government of the United States of America and Government of Japan concerning Civil Uses of Atomic Energy which entered into force on July 10, 1968, amended by the Protocol on December 21, 1973.

Fuel for the Tokai 2 reactor of JAPC: 796 kgs of U-235
(3.65 % maximum enrichment) contained in 29,526 kgs of uranium

Further, it is confirmed that the transfer of the special nuclear material identified above will take place under all the terms and conditions of the Agreement for Cooperation between our Governments, and that the appointee(s) named above have been authorized to receive and possess the material by both Governments.

Also, the Government of Japan confirms that the safeguards and guarantees of the Agreement for Cooperation will always apply to this special nuclear material, except for that material subsequently retransferred with the written approval of the United States.

Sincerely yours,

M. Miyabayashi
Masayasu Miyabayashi
First Secretary (Scientific)

Ref: This is in reference to the case number of XSNM-1489 stated in your letter dated April 17, 1979.

The intermediate consignee, Japan Nuclear Fuel Co., Ltd. is also authorized to receive and possess ther material.

Maximum enrichment above include allowance 0.05 % and contract based maximum enrichment is 3.60 %.

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