

July 28, 1980

SECY-80-353

COMMISSIONER ACTION

For: The Commissioners

From: James R. Shea, Director
Office of International Programs *W. J. Shea*

Thru: Acting Executive Director for Operations

Subject: PROPOSED LICENSE TO EXPORT LOW-ENRICHED URANIUM FOR KUO SHENG UNITS 1 AND 2 IN TAIWAN (SECY-80-317) (XSNM-1564)

Purpose: Commission review of proposed issuance of subject license to General Electric Corporation.

Review Date: 60-day period expires on August 14, 1980.
120-day period expires on October 14, 1980.

Discussion: In August 1979, General Electric Corporation applied for a license to export to Taiwan 140,000 kilograms of uranium in the form of uranium oxide in fabricated fuel bundles enriched to a maximum of 4 percent U-235 (see SECY-80-317, July 1, which forwarded the views of the Executive Branch on this case). The material will be used as reloads for the Kuo Sheng nuclear power reactor Units 1 and 2.

The fuel is scheduled to be shipped starting November 1, 1980 and ending December 1, 1981. GE has requested that the license be valid until December 1, 1982.

In connection with its review of this application and that for Maanshan Units 1 and 2, which is being forwarded to the Commission separately, the Executive Branch has (1) concluded that the issuance of the license would not be inimical to the common defense and security of the United States; (2) confirmed that the material will be subject to the June 1972 agreement for cooperation between Taiwan and the U.S., as amended in June 1974; and (3) confirmed that Taiwan has adhered to the provisions of that Agreement.

Based upon our independent analysis of this case and the Executive Branch's views, IP has determined that Taiwan meets all of the relevant criteria of the Atomic Energy Act, as amended, and, accordingly, that the license should be issued.

Contact:
William Upshaw, IP, 49-28155

8008270001

Discussion:
(Continued)

Additional copies of the Executive Branch views of June 12 and the license application are attached at Appendices A and B, respectively. A copy of the proposed license is attached at Appendix C.

International
Safeguards and
Physical Security
Review:

Facility Attachments - IAEA safeguards for the proposed export will be applied under the U.S. trilateral safeguards agreement which entered into force on December 6, 1971. Facility attachments for the Kuosheng reactors are under negotiations. The latest information available to staff indicates that Unit 1 will be ready for commercial operation in approximately one year, and Unit 2 will be ready a year later. The staff does not expect that the IAEA would have any problems in completing the necessary facility attachment(s) at the appropriate time.

Safeguards Effectiveness - A technical assessment of safeguards in Taiwan was transmitted to the Commission in SECY 79-537A (September 19, 1979). Although insufficient information is available to completely evaluate the effectiveness of safeguards in Taiwan, the staff believes that the control of and accounting for the reactor fuel assemblies, on an item basis, will be within Taiwan's capabilities and will pose no unusual safeguards problems for the IAEA.

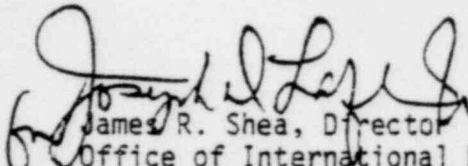
Full Scope Safeguards - It is our understanding that all nuclear materials, equipment and facilities currently in Taiwan are subject, where appropriate, to IAEA safeguards pursuant to bilateral and trilateral arrangements with the U.S. More specifically, in examining the status of safeguards in Taiwan, the staff reviewed such matters as material that is exempted or suspended from safeguards coverage pursuant to current IAEA agreements, the status of safeguards at other power reactors in Taiwan, including the storage of the initial fuel for the Kuosheng reactors, and the status of facility attachments for research and development laboratories.

Physical Security - Staff has reviewed the physical security program in Taiwan and found it adequate for the purpose of this export.

Recommendation:

That the proposed license be issued to General Electric Corporation.

Coordination: ELD has no legal objection. NMSS views are presented in the context of International Safeguards and Physical Security Review.


James R. Shea, Director
Office of International Programs

DL 25 1980

Enclosures:

1. A - Executive Branch
Views of June 12
2. B - License Application
3. C - Proposed License

Commissioners' comments should be provided directly to the Office of the Secretary by c.o.b. Tuesday, August 5, 1980.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT August 1, 1980, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

DISTRIBUTION

Commissioners
Commission Staff Offices
Exec Dir for Operations
Secretariat

APPENDIX A



DEPARTMENT OF STATE

Washington, D.C. 20520

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BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRSOFFICE OF
INTERNATIONAL
PROGRAMS

JUN 12 1980

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

XSNM01564
11000777
2 Reloads
Kuo Sheng

Dear Mr. Shea:

This letter is in response to the letter from your office dated August 29, 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, as amended by the Nuclear Non-Proliferation Act of 1978 (P.L. 95-242):

NRC No. XSNM01564 -- Application by General Electric for authorization to export to Taiwan 4,000 kilograms of U-235 contained in 140,000 kilograms of uranium enriched to 4 percent maximum in the form of UO_2 in fabricated fuel bundles, for two reloads of Units 1 and 2 of the Kuo Sheng Nuclear Power Plant.

The proposed export would take place pursuant to the applicable Agreement for Cooperation entered into pursuant to Section 123 of the Atomic Energy Act, as amended, as confirmed in a letter from the CCNAA, a copy of which is enclosed. Taiwan has adhered to the provisions of the applicable Agreement for Cooperation.

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

Copy to FDR and ACC 6-16-80

Shea, Devine, Peterson,
Moore, Lee, Cohen/Kessler

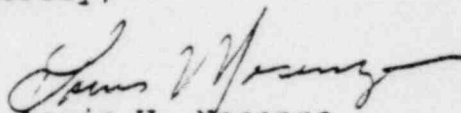
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the proposed export will not be inimical to the common defense and security of the United States. A detailed analysis for Taiwan was submitted for NRC license application No. XSNM01431 on June 12, 1980. There has been no material change in circumstances 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



DEPARTMENT OF STATE

Washington, D.C. 20520

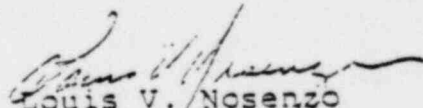
TAIWAN
XSNM01431BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

June 12, 1980

MEMORANDUM FOR JAMES R. SHEA
NUCLEAR REGULATORY COMMISSION*Taiwan*
XSNM 01431
Initial Lores ad
3 reloads maanshan
Unit 1+2

Enclosed is an Executive Branch analysis covering a license application for the export of low-enriched uranium to Taiwan. In accordance with P.L. 95-242, the analysis explicitly addresses how the requirements of Section 126 a. (1) of the Atomic Energy Act are met, including the specific criteria of Sections 127 and 128, as well as certain additional factors, envisaged by Section 126 a. (1).

The Executive Branch, on the basis of its review of this case, has concluded that the requirements of the Atomic Energy Act as amended by P.L. 95-242 have been met and that the proposed export would not be inimical to the common defense and security of the United States. Moreover, Taiwan has adhered to the provisions of the applicable agreement for cooperation and continued U.S. cooperation under this agreement is authorized by the Taiwan Relations Act of 1979.


Louis V. Nosenzo
Deputy Assistant Secretary

Enclosure:

As stated

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EXPORT/IMPORT
AND
INTERNATIONAL AFFAIRS*Dupe*
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DUPLICATE DOCUMENT

Entire document previously
entered into system under:ANO 8007210096No. of pages: 13

APPLICATION FOR LICENSE TO EXPORT NUCLEAR
MATERIAL AND EQUIPMENT (See Instructions on Reverse)

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1. APPLICANT'S USE		2. NRC USE		3. LICENSEE NO. XSNM01564		4. DOCKET NO. 11000777	
5. DATE OF APPLICATION August 17, 1979		6. APPLICANT'S REFERENCE BDW 79201		7. SUPPLIER'S NAME AND ADDRESS (Complete if applicant is not supplier of material)		8. RIS	
9. APPLICANT'S NAME AND ADDRESS General Electric Co. Attn: B.D. Wilson M/C 838				10. NAME			
11. STREET ADDRESS 175 Curtner Avenue				12. NAME			
13. CITY San Jose		14. STATE Ca		15. ZIP CODE 95125		16. STREET ADDRESS	
17. TELEPHONE NUMBER (Area Code - Number - Extension) 408-925-1380				18. CITY		19. STATE ZIP CODE	
20. FIRST SHIPMENT SCHEDULED 1 November 1980		21. FINAL SHIPMENT SCHEDULED 1 Dec. 1981		22. APPLICANT'S CONTRACTUAL DELIVERY DATE 1 December 1980		23. PROPOSED LICENSE EXPIRATION DATE 1 Dec. 1982	
24. U.S. DEPARTMENT OF ENERGY CONTRACT NO. (If Known) See 25				25. ULTIMATE END USE (Include plant or facility name) Reload Fuel For Kuo Sheng Units 1 & 2			
26. ULTIMATE CONSIGNEE a. NAME Taiwan Power Company b. STREET ADDRESS 39 Ho Ping Road, Sec 1 c. CITY - STATE - COUNTRY Taipei, Taiwan				27. EST. DATE OF FIRST USE			
28. INTERMEDIATE CONSIGNEE a. NAME General Electric Technical Services Co., Inc. b. STREET ADDRESS P. O. Box 5, Sanchi c. CITY - STATE - COUNTRY Taipei Hsien, Taiwan				29. INTERMEDIATE END USE Technical Services for Ultimate Consignee			
30. INTERMEDIATE CONSIGNEE a. NAME b. STREET ADDRESS c. CITY - STATE - COUNTRY				31. EST. DATE OF FIRST USE			
32. INTERMEDIATE CONSIGNEE a. NAME b. STREET ADDRESS c. CITY - STATE - COUNTRY				33. EST. DATE OF FIRST USE			
34. NRC USE		35. DESCRIPTION (Include chemical and physical form of nuclear material; give dollar value of nuclear equipment and components)		36. MAX. ELEMENT WEIGHT		37. MAX. WT. %	
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570. MAX. ISOTOPE WT.		571. UNIT		572. MAX. ELEMENT WEIGHT		573. MAX. WT. %	
574. MAX. ISOTOPE WT.		575. UNIT		576. MAX. ELEMENT WEIGHT		577. MAX. WT. %	
578. MAX. ISOTOPE WT.		579. UNIT		580. MAX. ELEMENT WEIGHT		581. MAX. WT. %	
582. MAX. ISOTOPE WT.		583. UNIT		584. MAX. ELEMENT WEIGHT		585. MAX. WT. %	
586. MAX. ISOTOPE WT.		587. UNIT		588. MAX. ELEMENT WEIGHT		589. MAX. WT. %	
590. MAX. ISOTOPE WT.		591. UNIT		592. MAX. ELEMENT WEIGHT		593. MAX. WT. %	
594. MAX. ISOTOPE WT.		595. UNIT		596. MAX. ELEMENT WEIGHT		597. MAX. WT. %	
598. MAX. ISOTOPE WT.		599. UNIT		600. MAX. ELEMENT WEIGHT		601. MAX. WT. %	
602. MAX. ISOTOPE WT.		603. UNIT		604. MAX. ELEMENT WEIGHT		605. MAX. WT. %	
606. MAX. ISOTOPE WT.		607. UNIT		608. MAX. ELEMENT WEIGHT		609. MAX. WT. %	
610. MAX. ISOTOPE WT.		611. UNIT		612. MAX. ELEMENT WEIGHT		613. MAX. WT. %	
614. MAX. ISOTOPE WT.		615. UNIT		616. MAX. ELEMENT WEIGHT		617. MAX. WT. %	
618. MAX. ISOTOPE WT.		619. UNIT		620. MAX. ELEMENT WEIGHT		621. MAX. WT. %	
622. MAX. ISOTOPE WT.		623. UNIT		624. MAX. ELEMENT WEIGHT		625. MAX. WT. %	
626. MAX. ISOTOPE WT.		627. UNIT		628. MAX. ELEMENT WEIGHT		629. MAX. WT. %	

APPENDIX C

THIS LICENSE EXPIRES 01 December 1982

United States of America
Nuclear Regulatory Commission

XSNM01564

Pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974 and the regulations of the Nuclear Regulatory Commission issued pursuant thereto, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued

to the licensee authorizing the export of the materials and/or production or utilization facilities listed below, subject to the terms and conditions herein.

LICENSEE

NAME General Electric Company
ADDRESS 175 Curtner Avenue
San Jose, California 95125
ATTN: B.D. Wilson M/C 359

ULTIMATE CONSIGNEE IN FOREIGN COUNTRY

NAME Taiwan Power Company
ADDRESS 39 Ho-Ping Road, Sec 1
Taipei, Taiwan
(Reloads for Kuo Sheng Units 1 and 2)

INTERMEDIATE CONSIGNEE IN FOREIGN COUNTRY

NAME General Electric Technical Services,
Company, Inc.
P.O. Box 5, Sanchi
Taipei Hsien, Taiwan
ADDRESS
(Technical Services for Ultimate
Consignee)

OTHER PARTIES TO EXPORT

NONE

APPLICANT'S REF. NO. SDW 79201

COUNTRY OF ULTIMATE DESTINATION TAIWAN

QUANTITY

DESCRIPTION OF MATERIALS OR FACILITIES

4,000 kilograms Uranium-235

Contained in 140,000 kilograms uranium,
as uranium dioxide (UO₂) in fabricated
fuel bundles.

Conditions 6 and 8 on page two of this license apply to this export.

END

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954, as amended and the Energy Reorganization Act of 1974.

This license is subject to the right of recapture or control by Section 108 of the Atomic Energy Act of 1954, as amended and to all of the other provisions of said Acts, now or hereafter in effect and to all valid rules and regulations of the Nuclear Regulatory Commission.

THIS LICENSE IS INVALID UNLESS SIGNED BELOW
BY AUTHORIZED NRC REPRESENTATIVE

DATE OF ISSUANCE