

4830

DOCKET NUMBER *HO-03688, et al.*
EXPORT REPORT

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'87 SEP 21 A7:39

COMMISSIONERS:

Lando W. Zech, Jr., Chairman
Thomas M. Roberts
Frederick M. Bernthal
Kenneth M. Carr
Kenneth C. Rogers

SERVED SEP 21 1987

In the Matter of:

EDLOW INTERNATIONAL COMPANY

(Import License for Enriched Uranium
from A Country Not Specified)

Docket No. 11002967
License No. ISNM-82020

In the Matter of:

TRANSNUCLEAR, INC.

(Import License for Enriched Uranium
from A Country Not Specified)

Docket No. 11003111
License No. ISNM-83005

In the Matter of:

WESTINGHOUSE ELECTRIC CORPORATION

(Import License for Enriched Uranium
from A Country Not Specified)

Docket No. 11001002
License No. ISNM-80001

In the Matter of:

EDLOW INTERNATIONAL COMPANY

(Import License for Nuclear Source
Material from A Country Not Specified)

Docket No. 11000168
License No. ~~IS~~-78019
IU

In the Matter of:

INTERNATIONAL ENERGY ASSOCIATES LTD.

(Import License for Enriched Uranium
Hexafluoride from South Africa)

Docket No. 11003688
License No. ISNM-84012

B711190032 B70921
PDR XPORT
ISNM-80001 PDR

D502
delete: ASLAP

In the Matter of:

SEPARATIVE WORK UNIT CORPORATION

(Import License for Enriched and
Natural Uranium from A Country Not
Specified)

Docket No. 11002957
License No. ISNM-82016 ✓ —

In the Matter of:

BRAUNKOHL TRANSPORT, USA

(Import License for Natural and
Enriched Uranium from A Country Not
Specified)

Docket No. 11003204
License No. ISNM-83011 ✓ —

In the Matter of:

ADVANCED NUCLEAR FUELS CORP.

(Import License For Natural and
Enriched Uranium from A Country Not
Specified)

Docket No. 11003365
License No. ISNM-83025 ✓ —

In the Matter of:

PHIBRO-SALOMON, INC.

(Import License For Natural and
Enriched Uranium from South Africa)

Docket No. 11002933
License No. ISNM-82015 ✓ —

In the Matter of:

NEW YORK NUCLEAR CORPORATION

(Import License for Enriched Uranium
from A Country Not Specified)

Docket No. 11003097
License No. ISNM-83003 ✓ —

In the Matter of:

TRANSNUCLEAR, INC.

(Import License for Special Nuclear
Material from A Country Not Specified)

Docket No. 11002593
License No. ISNM-81017 ✓ —

ORDER

CLI-87-10

On February 17, 1987, seven members of the United States House of Representatives (Congressmen Ronald V. Dellums, Mervyn M. Dymally, William H. Gray, III, Edward J. Markey, Charles B. Rangel, Bill Richardson and Howard Wolpe), the Oil Chemical and Atomic Workers International Union,¹ the Nuclear Control Institute, American Committee on Africa, Transafrica, Inc., and the Washington Office of Africa ("petitioners") filed a "Petition For Commencement of License Revocation Proceedings" seeking revocation of eleven existing uranium import licenses to the extent that they permit the import of South African-origin uranium. In their original petition and in a supplemental motion filed on May 13, 1987, the petitioners also sought the immediate suspension of the licenses. The Director of the Office of Governmental and Public Affairs denied the request for immediate suspension in a decision dated May 27, 1987.

On March 10, 1987 petitioners moved to amend their petition to include three additional parties--Robert L. Chavez, an unemployed uranium miner, Carlos P. Cisneros, a state senator from New Mexico, and Henry Eric Isaacs, a South African exile. On April 13, 1987, ANF filed

¹The Union subsequently withdrew from the petition on February 20, 1987.

an answer opposing petitioners' motion to amend. On March 16, 1987, Advanced Nuclear Fuels Corporation ("ANF"), holder of license No. ISNM-83025, filed an answer opposing petitioners' motion to amend. Previously, it had filed a response in opposition to the petition. No other licensee filed a response to petitioners' pleadings. After reviewing these submissions, the Commission grants the request to add three additional petitioners because this action does not prejudice the affected licensees.

With respect to petitioners' substantive claims, the issues they seek to raise are identical to those that these same petitioners raised with respect to four pending applications for licenses which would authorize the import of South African uranium. Today, the Commission issued a Decision, CLI-87-9, 26 NRC ___, setting forth its views on the issues relating to those pending import license applications. The Commission's resolution of the issues in CLI-87-9 also guides the resolution of the petitioners' request for revocation of existing licenses. In accord with CLI-87-9, we are directing the staff to issue orders, as necessary, to ensure that existing licenses bar imports of uranium ore and uranium oxide from South Africa and all uranium imports from parastatal organizations. To the extent that this action is consistent with the petitioners' request, we have granted the petition. In all other respects, the petition is denied.²

²In their original request for relief, petitioners had also asked that the Commission ensure availability of "all pertinent data" regarding the issues raised in the petition and grant
(Footnote Continued)

Our decision in CLI-87-9 provides the substantive basis for our action on the issues, which are essentially of a legal nature, raised by the petition. Thus, further hearings on the petition are neither necessary, see Eddleman v. NRC, ___ F.2d ___, No. 87-1018, slip op. at 9 (4th Cir., August 10, 1987), nor are they required by law. See id. at 5; Illinois v. NRC, 591 F.2d 12, 13-14 (7th Cir. 1979); Porter County Chapter of the Isaac Walton League v. NRC, 606 F.2d 1363, 1369 (D.C. Cir. 1979).

Based on the Commission's Decision in CLI-87-9, the Director, Office of Governmental and Public Affairs, shall review the licenses being challenged here and promptly issue appropriate orders to amend, suspend, or revoke those licenses, in accord with that Decision. Those orders should be immediately effective.

(Footnote Continued)

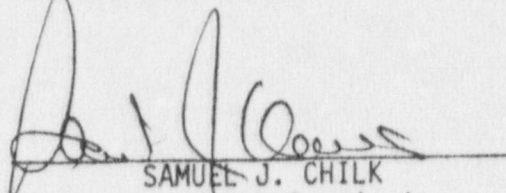
"reasonable discovery of relevant documents and persons." Although discovery was denied in the related proceeding on the import applications and is not a "right" under Commission practice with respect to consideration of petitions to modify, suspend or revoke licenses, the NRC staff did place pertinent documents in the Commission's possession in the NRC Public Document Room for public inspection and copying. See CLI-87-6, 25 NRC ___, slip op. at 5 (June 12, 1987). Petitioners had also requested consolidation of their petition for revocation with proceedings on their petition to intervene on the license applications. Consolidation was denied in the Commission's earlier Order, CLI-87-6, because the legal framework for acting on initial applications differs from that with respect to requests to modify, suspend or revoke licenses. See generally People of the State of Illinois v. NRC, 591 F.2d 12 (7th Cir. 1979).

Commissioner Roberts was unavailable to participate in this Order.

It is so ORDERED.*



For the Commission


SAMUEL J. CHILK
Secretary of the Commission

Dated at Washington, D.C.
this 21st day of September, 1987

*Chairman Zech was not present for the affirmation of this Order. If he had been present, he would have approved it.