

May 9, 2008

MEMORANDUM TO: The File

FROM: Stephen Dembek, Branch Chief */RA/*
Export Controls and International Organizations
Office of International Programs

SUBJECT: ISSUANCE OF LICENSE AMENDMENT WITHOUT WAITING
FOR EXPIRATION OF 30 DAYS PUBLIC NOTICE FOR EXPORT
LICENSE XSNM01662, AMENDMENT NO. 04 TO AUTHORIZED
CANADIAN AND EURATOM-OBLIGATED MATERIAL

On February 17, 1981, NRC issued license XSNM01662 to General Electric Technical Services Company and General Electric Company which authorized the export of low-enriched uranium for initial fuel cores for the Taiwan Power Nuclear Units 7 & 8.

Since the initial license was issued the following amendments were made:

- XSNM01662/01 authorized increasing the quantity of material for export from 11,400.0 kilograms U-235/478,800.0 kilograms uranium to 21,000.0 kilograms U-235/622,600.0 kilograms uranium; increase the maximum enrichment from 4.0 weight percent to 5.0 weight percent; change the name of the ultimate consignee from Taiwan Power Nuclear Units 7 & 8 to Taiwan Power Nuclear Units Lungmen 1 & 2; change addresses of ultimate and intermediate consignees; and extend the expiration date from January 1995 to June 2013.
- XSNM01662/02 authorized increasing the quantity of material authorized for export from 21,000 kg U-235/622,600 kg uranium to 33,000.0 kg U-235/825,100.0 kg uranium; change the name of the licensee; change the number of reloads in Lungmen 1 and 2; change the name and addresses of the ultimate and intermediate consignees; and extend the expiration date from June 2013 to June 2014.
- XSNM01662/03 authorized changing the name of the licensee from General Electric Company to Global Nuclear Fuel – Americas, L.L.C.

On April 21, 2008, Ms. Rose Martyn of GNF called Brian Horn of NMSS regarding a possible violation to license XSNM01662 flagged by the NMSS operator. It was later identified that GNF exported obligated material under license XSNM01662 without the proper authorization to export Canadian and EURATOM-obligated nuclear material. GNF subsequently submitted correction documents to NMSS to note that the nuclear material exported contained only non-obligated nuclear material.

In a letter dated April 22, 2008, and made available to the public in NRC's Public Document Room (i.e., Agencywide Documents Access and Management System [ADAMS]) on May 5, 2008, GNF requested Amendment No. 04 to license XSNM01662 to add authorization to export Canadian and EURATOM-obligated nuclear material. GNF also requested that NRC issue the license without waiting for 30 days to expire after the application is posed in ADAMS in order to meet a May 20, 2008 shipping date which was later changed to a May 12, 2008 shipping date.

As with all possible violations to our licenses, OIP Staff will inform NRC's Office of Enforcement so they can take the proper action.

The OIP procedure of allowing 30 days to expire before issuing a license is based on 10 CFR 110.82, which states that the NRC will consider an intervention petition or hearing request as timely, only if it is filed not later than 30 days from the date an application is made available to the public. Since this particular amendment only involves adding authorization to export Canadian and EURATOM material, it is not unreasonable in this instance to depart from the standard procedure and expedite issuance of this amendment. In the unlikely event that an intervention petition or hearing request is filed in a timely fashion, OIP will immediately consult with OGC and take appropriate action.

The NRC staff has completed its review and concluded that the proposed export is not inimical to the common defense and security. The staff notes confirmation from both the Department of State and Department of Energy that the shipment of Canadian and EURATOM obligated material is authorized.

The waiver of these 30 days is issued pursuant to 10 CFR 110.10. I have concluded that this waiver is authorized by law, is not inimical to the common defense and security, and does not constitute an unreasonable risk to the public health and safety.

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DOCUMENT NAME: S:\EXPORTS\Exports – Waivers\XSNM1662-04.doc

ADAMS ACCESSION NO.: ML081340665:

TEMPLATE NO. OIP-004

<input checked="" type="checkbox"/> Publicly Available	<input type="checkbox"/> Non-Publicly Available	<input type="checkbox"/> Sensitive	<input checked="" type="checkbox"/> Non-Sensitive
OFFICE	OIP	BC:OIP	
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DATE	05/09/08	05/09/08	

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