



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

February 23, 1979

Acc
XSNM01363
16000121

Memorandum to the File

STAFF CONCLUSIONS REGARDING LICENSE TO EXPORT SPECIAL NUCLEAR
MATERIAL TO FRANCE (XSNM01363)

In August 1978, Transnuclear, Incorporated applied for a license to export 49,656 kilograms of uranium, enriched to 3.30% U-235, to France for use in the Fessenheim 2 and Bugey 3 reactors.

In response to our August 18, 1978 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 Additional Agreement for Cooperation between the US and EURATOM. These views and license application analysis by the Executive Branch were forwarded by State Department memorandum of December 4, 1978. Confirmation of the applicability of the US-EURATOM Agreement was set forth by letter dated August 25, 1978 from the EURATOM Delegation.

The material requested under application XSNM01363 is low-enriched uranium intended for routine reloads of the Fessenheim 2 and Bugey 3 reactors. 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 Fessenheim 2 and Bugey 3 facilities.

The Commission, in reviewing prior export license applications to France (e.g., XSNM01020 issued August 17, 1978), has determined that France 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 XSNM01020; 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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