



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

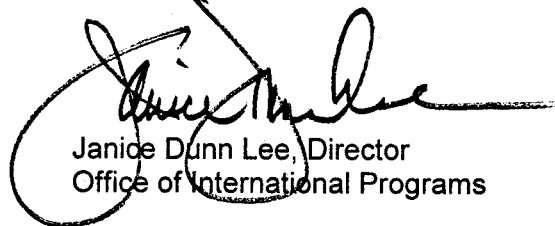
May 18, 2000

Joyce I. Sauter
Export Compliance Administrator
Fisher-Rosemount Systems, Inc.
8301 Cameron Road
Austin, TX 78754-3895

Dear Ms. Sauter:

In response to your Fax message dated April 26, 2000, this will confirm that the referenced equipment destined for the Qinshan Nuclear Power Plant in China is not subject to the export licensing jurisdiction of the U.S. Nuclear Regulatory Commission.

Sincerely,



Janice Dunn Lee, Director
Office of International Programs

May 18, 2000

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Sincerely,

Original signed by Janice Dunn Lee

Janice Dunn Lee, Director
Office of International Programs

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FISHER-ROSEMOUNT

Fisher-Rosemount Systems, Inc.

12000 Portland Ave S.
Burnsville, MN 553378301 Cameron Road
Austin, TX 78754-3895**Fax Cover Sheet**

NUMBER OF PAGES 2

DATE

04/26/00

TO	FROM
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ATTENTION Betty Wright

SENDER Joyce Sauter

COMPANY NRC

FAX NUMBER 612-895-2044 512-832-3199

CITY Washington

VERIFY NUMBER ~~612-895-2044~~ 512-832-

3109

STATE/COUNTRY DC

DEPT/MAIL DROP G23

FAX NUMBER 301-415-2395

MESSAGE NO.

SUBJECT:

RE:

My apologies for the delay in sending this fax. As I was getting ready to send this I was advised that a change was being made to the DeltaV software. It has taken me a while to determine the classification for this product, (classification defined below).

Thank you for helping to come to a conclusion with regard to jurisdiction on the process control system Fisher-Rosemount Systems, Inc. is preparing for Qinshan Nuclear Power Plant in PRC.

I would like to summarize our discussions and get your concurrence that I have a correct understanding of the issues and resolution.

The distributed control system (DCS) is intended for shipment to Canada for end destination Qinshan Nuclear Power Plant in the PRC. The end use of the DCS is for a vacuum distillation process for the concentration of diluted heavy water.

In my telephone conversation of April 3, 2000 with Jeff Tripp, Jeff advised that he had talked with Zan Hollander DOE and Robyn Delabar DOS with regard to this transaction. They agreed that the hardware and software for this transaction falls under Commerce's jurisdiction. Any technology that might be required to configure the software would be covered by the 810 authorization that Fisher-Rosemount has with Energy dated 12/15/98, license no. 98CH013.

It is my understanding that NRC has determined that they do not have jurisdiction on this transaction.

Also, that since this order is a part of the CANDU project and is being sent to Canada for reexport to Qinshan, the assurances that are in place for the CANDU project will apply for this transaction.

The hardware and software have been configured for a distillation process, much the same as it would be for any facility that would be performing a distillation process. Therefore, per Jeff Tripp's request, I hereby certify that the hardware will not be specifically designed or configured for nuclear

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applications. The DeltaV software (applications software) is bundled with third party software which contains 40-bit encryption. The bundled DeltaV software is classified 5D992. The operating system for the DCS is Windows NT, and is classified 5D992. All software is NLR to China.

Please verify that this summary is accurate by sending a return fax on your letterhead that jurisdiction for this transaction is with DOC and DOE.

Best regards,

Joyce I. Sauter
Export Compliance Administrator