

March 25, 2004

Mr. Sorin Vitalaru-Moruz, President
Power Export Corporation
4216 NE Hayes Street
Camas, WA 98607

Dear Mr. Vitalaru-Moruz:

The purpose of this letter is to follow-up on a telephone conversation of March 8, 2004, between you, and Ms. Janice Owens and Ms. Carlotta Coates of my staff regarding an application for a license to export nuclear components to the Cernavoda nuclear power plant in Romania. Based on that conversation and the additional information provided in your letter dated March 16, 2004, we have concluded that an NRC export license will not be required if the following correctly characterizes your proposed transaction:

- 1) The "Bearing Vibrating Sensor" manufactured in Germany by EPRO ELEKTRONIK - SYSTEMTECHNIK GmbH, is sold in the U.S. by Automated Measurement and Control Corporation (AMCOO) of New Jersey and can be used in a variety of industrial applications. Thus, because this sensor is not "especially designed and prepared for use in a nuclear reactor" it would be considered a "dual use" item, which is under the export jurisdiction of the Department of Commerce Bureau of Industry and Security.
- 2) The "Seal Fitness Tester" and associated spare parts are manufactured in Canada by Sulzer Pumps (Burnaby, British Columbia) and will be shipped directly from Canada to Romania in accordance with Canadian nuclear export requirements. Since this equipment is not manufactured in the U.S., and it will not be shipped to the U.S. for use or modification, it is not subject to U.S. NRC export licensing jurisdiction.

Thus, since the equipment described is not subject to NRC export licensing requirements, the NRC is returning without action (RWA) the application you submitted which was assigned export license application number XCOM1163. The check in the amount of \$1,300 is also enclosed.

As for your interest in "obtaining a general license", without more information on the types of exports you are contemplating I cannot advise you if NRC is the appropriate U.S. licensing authority or if a general or a specific NRC export license would be required. I urge you to review NRC's export/import regulations, 10 CFR Part 110, which can be found on the NRC website, <http://www.nrc.gov/reading-rm/doc-collections/cfr/part110/>. In particular, I recommend that you review the general information provided in: Section 110.8 "List of nuclear facilities and equipment under NRC export licensing authority;" Section 110.19 "Types of licenses;" and Section 110.20 "General licenses."

In addition, Section 110.26, "General license for the export of nuclear reactor components," specifies the types of nuclear reactor components and the countries to which they can be exported under general export license authority. Because the authority to export certain

reactor components to specified countries is provided by the regulations, the NRC does not "issue" a "general license" which is defined in Section 110.2 as follows:

"General license means an export or import license effective without the filing of a specific application with the Commission or the issuance of licensing documents to a particular person."

Finally, should you determine that a component is under NRC export jurisdiction and meets the criteria for export under a general license, I would also call your attention to Section 110.26 (d), which requires any person using a general license for component exports to submit annual reports to NRC.

If you are uncertain whether a particular component meets the criteria for export under the general license provisions or you have questions of a general nature concerning the NRC's import/export regulations, please feel free to contact Ms. Carlotta Coates at (301) 415-1787.

Sincerely,

/RA/

Edward T. Baker, Deputy Director
Office of International Programs

Enclosures: Appl. & Check Dtd. 02/23/04
XCOM1163 - Romania
Ltr. Dtd. 03/18/04

- cc: M. Zobler, OIP
- P. Tana, NSIR
- R. DeLaBarre, DOS
- A. Scheinman, DOE/NNSA
- S. Oehlbert, DOE/NNSA
- N. Breland, DOE/NNSA
- J. Bird, DOE/OR
- J. Fedrigo, DOD
- S. Clagett, DOC

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ACCESSION NUMBER: _____

*Previously concurred

X Publicly Available Non-Publicly Available Sensitive X Non-Sensitive

OFFICE	OIP		OIP		OIP/DD	
NAME	C Coates*		J Owens		E Baker*	
DATE	03/22/04		03/ /04		03/25/04	

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