



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 24, 2018

Mr. Clark J. Artaud
Thermo Fisher Scientific
10010 Mesa Rim Road
San Diego, CA 92121

Dear Mr. Artaud:

Thank you for the email message on October 23, 2018, describing possible exports to China of equipment especially designed and prepared to detect and measure (neutron) flux levels in nuclear power reactors. I confirm that a specific Nuclear Regulatory Commission (NRC) license would be required to authorize this type of export according to regulations 10 CFR Part 110.

To obtain such a license, an application (NRC Form 7) must be completed and submitted to the NRC. The NRC would be required to ask the U.S. Department of State to obtain assurances from the Chinese Government, and to coordinate review of the application by interested U.S. Executive Branch agencies. As indicated on the NRC's public website (<https://www.nrc.gov/about-nrc/ip/us-pol-frame-civil-nuc-coop-china.html>), effective October 11, 2018, the licensing policy for exports of equipment and components pursuant to 10 CFR 110 to China will be the following.

Presumption of approval, contingent on non-derogatory end-user checks, for requests:

- Supporting continued projects such as construction of AP-1000, CAP-1000, and major identical components supporting CAP-1400 reactors (i.e., those that are similar in type and technology level to those commonly available); and,
- For only pressurized light water SMR or non-light water advanced reactors with no technology transfer above and beyond installation and operation.

The presumption of approval or the presumption of denial is the recommendation from the Executive Branch process (10 CFR 110.41(b)) to provide judgment as to whether a proposed export would be inimical to the common defense and security of the U.S. After receiving a response from the Department of State, the NRC as an independent agency evaluates the Executive Branch's inimicality decision as part of the licensing process. Depending on the circumstances, this process can take anywhere from 2 to 6 months or more.

The NRC has issued licenses authorizing exports of various types of nuclear materials and reactor equipment to China. Please contact me at 301-289-9241, if you have any other export/import licensing-related questions or need more information.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter J. Habighorst".

Peter J. Habighorst, Chief
Export Controls and Nonproliferation Branch
Office of International Programs