

Westinghouse
Electric Corporation

Power Systems
Company

Ref. TFG/NRC-29860
Power Systems Project 25, 491C

Parkway Center
875 Greentree Road
Pittsburgh, Pennsylvania 15220

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April 27, 1979

REGISTERED MAIL

EXPORT/IMPORT
AND
INTERNAT'L SFGRDS

Assistant Director for Export/Import
and International Safeguards
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Mr. M. Peterson

Dear Sir:

Subject: Equipment Export License - Amend Exhibit B In Part

On August 3, 1978, Westinghouse submitted to your office a formal application for an "Equipment Export License" for certain specified components intended for use in the Philippine Nuclear Power Plant Unit 1.

In the above referred to letter we asked, "Should you determine during your review that any of the items incorporated within this list do not require an export license from the Nuclear Regulatory Commission, we would appreciate the dissemination of that information to us so that we may prepare to ship that equipment immediately rather than further delaying it awaiting your issuance of the license".

We appreciated the reply on August 23, 1978 from Mr. Gerald G. Oplinger of your office that the components listed on Exhibit A (Balance of Plant Equipment Only) could be exported under a Commerce Department General License.

In the meantime, we have re-examined the list of components contained in our Exhibit B (NSSS Components Only) and have determined that, in accordance with applicable law and regulations, most of these items can be exported under a Commerce Department General License. The items that should be specifically considered under NRC's export licensing authority are:

Neutron Detector Positioning Device - (PLA-ROMENP-01)
S.I.S. Accumulators (2) - (PLA-SIATAT-01)

In 10 CFR - Part 110.32 indicates an application for a nuclear equipment export license shall state, inter alia, "a list of the items proposed to be exported. Such list need only identify the items by the categories listed in Paragraph a. through e. of Appendix A". Paragraph (a) of Appendix A refers to "nuclear reactors and specially designed or prepared parts and components

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therefor as follows.....". In essence, the components which have been deleted from the Exhibit B list are not "specially designed or prepared for use in a nuclear reactor" since they have applicability to other industrial purposes.

In our opinion, the items removed from Exhibit B are not subject to NRC's licensing authority, therefore, Westinghouse is taking immediate steps to process these components for export through a Commerce Department General License.

We ask that the remainder of your evaluation of the "Equipment License Application" be directed to only those components identified above which, in fact, are covered by Part 110, Appendix A, Paragraph (a). It is recognized that other components, applicable only for use in a reactor facility, such as incore nuclear instrumentation equipment, reactor vessel internals, etc., scheduled to ship at a later date, will come under NRC licensing jurisdiction.

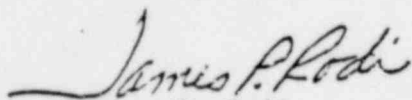
In addition to our above stated review, we have some precedent for this position in that similar components were shipped to Yugoslavia (Krsko Project) under a Commerce Department General License. Additionally, we have been advised that other companies have or are routinely shipping these types of components for nuclear projects under Commerce Department General License.

While we are proceeding to prepare these items for shipment based on our current re-evaluation of the nuclear export license requirements, we would appreciate your written concurrence relative to this position by May 4, 1979. Please coordinate this request with Mr. James R. Shea, Director - Office of International Programs, since he has been signator in past correspondence.

We welcome any questions.

Very truly yours,

WESTINGHOUSE ELECTRIC CORPORATION
Power Systems Projects Division



James P. Rodi
Senior Transportation Administrator
(412) 928-2356

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cc: James R. Shea - NRC, Washington, D. C.

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