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OFFICE OF SECRETARY
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Export of Components for Use in
Gaseous Diffusion Enrichment Plants: Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule: Correction.

SUMMARY: In the Federal Register on July 26, 1990 (55 FR 30449), the Nuclear Regulatory Commission issued a final rule which clarifies the coverage of specially designed or prepared nuclear assemblies and components for use in a gaseous diffusion enrichment plant. As part of the final rule, portions of NRC's export regulations were restructured. However, the amendments necessary to change the references to these restructured provisions were inadvertently omitted. As a result, parts of the export licensing regulations now contain erroneous references. This action is necessary to correct the inconsistent references and reflect the restructured portions of the export regulations.

EFFECTIVE DATE: July 26, 1990.

FOR FURTHER INFORMATION CONTACT: Elaine O. Hemby, Office of Governmental and Public Affairs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301-492-0341, or Joanna M. Becker, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301-492-1740.

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1. In §110.1, paragraph (a) is revised to read as follows:

§110.1 Purpose and Scope.

(a) The regulations in this part prescribe licensing, enforcement, and rulemaking procedures and criteria, under the Atomic Energy Act, for the export of nuclear equipment and material, as set out in §110.8 and §110.9, and the import of nuclear equipment and material, as set out in §110.9a.

* * * * *

2. Section 110.5 is revised to read as follows:

§110.5 License requirements.

Except as provided under Subpart B, no person may export any nuclear equipment or material listed in §110.8 and §110.9, or import any nuclear equipment or material listed in §110.9a, unless authorized by a general or specific license issued under this part.

3. In §110.6, paragraph (a) is revised to read as follows:

§110.6 Retransfers.

(a) Retransfer of any nuclear equipment or material listed in §110.8 and §110.9, including special nuclear material produced through the

use of U.S.-origin source material or special nuclear material, requires authorization by the Department of Energy, unless the export to the new destination is authorized under a specific or general license or an exemption from licensing requirements. Under certain agreements for cooperation, Department of Energy authorization also is required for the retransfer of special nuclear material produced through the use of non-U.S.-supplied nuclear material in U.S.-supplied utilization facilities.

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4. In §110.26, paragraphs (a) and (c)(1) are revised to read as follows:

§110.26 Export of nuclear reactor components.

(a) A general license is issued to any person to export any nuclear reactor component listed in Appendix A (5) through (9) for use in any light or heavy water-moderated power or research reactor in any of the following countries:

Canada	Philippines
EURATOM ²	Spain
Indonesia	Sweden
Japan	Switzerland
South Korea	Taiwan

²Belgium, Denmark, France, Greece, Ireland, Italy, Luxembourg, the

Netherlands, the United Kingdom and West Germany.

* * * * *

(c) * * *

(1) A description of the components keyed to the categories listed in Appendix A.

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5. In §110.42, Footnote 4 is redesignated as Footnote 3 and the text of Footnote 3 is revised to read as follows:

§ 110.42 Export licensing criteria.

* * * * *

³Exports of complete nuclear reactors, complete reactor pressure vessels, primary coolant pumps, control rods, and reactor fuel charging and discharging machines are subject to the comprehensive export criteria in §110.42(a). A complete nuclear reactor includes those parts and components, as specified in Appendix A, which are within or attached directly to the reactor vessel, which control the level of power in the reactor core or which normally contain or come in direct contact with or control the primary coolant of the reactor. Nuclear reactor parts and components (other than complete pressure vessels, primary coolant pumps,

control rods, or fuel charging and discharging machines) when exported separately are subject to the export criteria in §110.42(b).

6. In §110.43, the introductory text of paragraph (a) and paragraphs (b) and (c) are revised to read as follows:

§110.43 Physical security standards.

(a) Commission determinations on the adequacy of physical security programs in recipient countries for Category I quantities of nuclear material (see Appendix E) are based upon the following:

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(b) Commission determinations on the adequacy of physical security programs in recipient countries for Category II and III quantities of material (see Appendix E) are based on available relevant information and written assurances from the recipient country or group of countries that physical security measures providing, as a minimum, protection comparable to that set forth in INFCIRC/225 will be maintained.

(c) Commission determinations on the adequacy of physical security programs in recipient countries for exported facilities are made in accordance with the categories of material (see Appendix E) in use or in storage at the exported facilities and are based on available relevant information and written assurances from the recipient country or group of

countries that physical security measures providing, as a minimum, protection comparable to that set forth in INFCIRC/225 will be maintained.

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7. In Appendix A, a new paragraph (9) is added to read as follows:

Appendix A - Illustrative List of Nuclear Reactor Equipment Under NRC
Export Licensing Authority


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(9) Any other components specially designed or prepared for use
in a nuclear reactor or in any of the components described in this Appendix.

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Dated at Rockville, Maryland, this 13th day of August, 1990.

For the Nuclear Regulatory Commission


James M. Taylor
Executive Director for Operations