

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	License No. XCOM1252
Westinghouse Electric Company LLC)	Docket No. 11006040
1000 Westinghouse Drive)	
Cranberry Township, PA 16066)	EA-23-009
)	

ORDER SUSPENDING LICENSE TO EXPORT TO THE REPUBLIC OF SOUTH AFRICA
(EFFECTIVE IMMEDIATELY)

I

Westinghouse Electric Company LLC (Westinghouse or “the licensee”) holds a specific license (XCOM1252) issued by the U.S. Nuclear Regulatory Commission (NRC) pursuant to Sections 53 and 127 of the Atomic Energy Act of 1954, as amended (AEA) and 10 CFR Part 110. This specific license authorizes the export of fuel assembly components to Sweden for fabrication of fuel assemblies and subsequent shipment of the completed fuel assemblies to the Republic of South Africa (RSA) for use in Koeberg Nuclear Power Station Units 1 and 2. The export to the RSA is authorized under the terms of an Agreement for Cooperation in Peaceful Uses of Nuclear Energy (123 Agreement) between the United States (U.S.) and the Government of South Africa. Although the original expiration date for XCOM1252 was December 31, 2020, the licensee submitted an application to renew and amend the license on November 19, 2020. Therefore, in accordance with 10 CFR § 110.51(b)(2), XCOM1252 remains valid until the NRC acts on the pending application.

II

Export license XCOM1252 was issued with nonproliferation assurances from the RSA that the exported components would be placed under the terms and conditions of the U.S.-RSA 123 Agreement. Those assurances were used as the basis to meet the export licensing criteria in 10 CFR § 110.42(b) for export of nuclear equipment other than a production or utilization facility. On December 4, 2022, the U.S.-RSA 123 Agreement expired. Therefore, the assurances from RSA that were used as the basis to approve XCOM1252 are no longer valid.

While assurances that an export will be placed under the terms of a 123 Agreement can be used to satisfy the licensing criteria in 10 CFR § 110.42(b) for export of nuclear equipment other than a production or utilization facility, they are not the only type of assurances that can satisfy these criteria. The criteria in § 110.42(b) can also be met for these types of exports with the following assurances from the RSA: (1) IAEA safeguards as required by Article III (2) of the NPT will be applied to such equipment; (2) No such equipment will be used for any nuclear explosive device or for research on or development of any nuclear explosive device; and (3) No such equipment will be retransferred to the jurisdiction of any other country or group of countries without the prior consent of the United States. Unless such assurances are in place, the licensee is not authorized to conduct any further exports to the RSA.

III

Accordingly, pursuant to Sections 53, 54, 57, 123, 127, 161b, 161j, 183, and 186 of the AEA, and 10 CFR §§ 110.50(a)(1) and (2) and 110.52, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT LICENSE XCOM1252 IS SUSPENDED AS FOLLOWS:

- A. The licensee's authorization under XCOM1252 to export equipment and components to Sweden for fabrication into fuel assemblies and to subsequently ship the completed fuel assemblies to the RSA is suspended, and such exports are prohibited.
- B. This Order will expire, without any further action by the NRC, when the NRC acts on the pending application to renew and amend XCOM1252.

The NRC finds that the common defense and security requires this action. Therefore, in accordance with 10 CFR § 110.52(c), the licensee need not be afforded an opportunity to reply and be heard prior to issuance of this Order.

FOR THE NUCLEAR REGULATORY COMMISSION



Signed by Skeen, David
on 01/13/23

David L. Skeen, Director
Office of International Programs

Dated at Rockville, Maryland
this 13 th day of January 2023

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SUBJECT: ORDER SUSPENDING LICENSE AND EXPORT TO THE REPUBLIC OF SOUTH AFRICA. DATED: JANUARY 13, 2023.

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