



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

January 13, 2023

EA-23-009

Ms. Julia M. Zorzi
Westinghouse Electric Company LLC
1000 Westinghouse Drive
Cranberry Township, PA 16066

**SUBJECT: ORDER SUSPENDING EXPORT TO THE REPUBLIC OF SOUTH AFRICA
UNDER LICENSE XCOM1252**

Dear Ms. Zorzi:

Westinghouse Electric Company LLC (Westinghouse or "the licensee") holds a specific license (XCOM1252) which authorizes the export of fuel assembly components to Sweden for fabrication of fuel assemblies and subsequent shipment of the completed assemblies to the Republic of South Africa (RSA) for use in Koeberg Nuclear Power Station Units 1 and 2. Although XCOM1252 has an expiration date of December 31, 2020, this license remains valid under the "timely renewal" provisions of 10 CFR 110.51(b)(2) while the U.S. Nuclear Regulatory Commission (NRC) reviews Westinghouse's pending application to renew and amend the license.

The NRC issued export license XCOM1252 based, in part, on nonproliferation assurances from the RSA that the exported components would be placed under the terms and conditions of the U.S.-RSA Agreement for Cooperation in Peaceful Uses of Nuclear Energy (123 Agreement). On December 4, 2022, the U.S.- RSA 123 Agreement expired. Therefore, the nonproliferation assurances from the RSA that were relied on by the NRC to approve XCOM1252 are no longer valid. For this reason, the NRC is suspending export license XCOM1252. In the absence of the necessary nonproliferation assurances, no further exports to the RSA are authorized under XCOM1252.

Accordingly, the NRC is issuing the enclosed order suspending license XCOM1252, effective immediately. Under the terms of the order, your authority to export fuel assembly components to Sweden for fabrication into fuel assemblies and to subsequently ship the completed assemblies to the RSA is suspended, and such exports are prohibited. The order will expire, without any further action by the NRC, when the NRC acts on your pending application to renew and amend XCOM1252.

Pursuant to Section 223 of the Atomic Energy Agency, as amended, any person who willfully violates, attempts to violate, or conspires to violate, any provision of the enclosed order shall be subject to criminal prosecution as set forth in that section. Violation of the order may also subject the person to civil monetary penalty. Questions concerning the order should be addressed to Andrea Jones, Acting Branch Chief, who may be reached at (404) 997-4443.

You are not required to respond to this letter. However, should you choose to respond your response should be sent to Peter Habighorst, Acting Deputy Director, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure(s), and your response, if you choose to submit one, will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agencywide Document Access and Management System, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. If you choose to respond to this letter, to the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Sincerely,



Signed by Skeen, David
on 01/13/23

David L. Skeen, Director
Office of International Programs

Enclosure:
Order Suspending License to
Export to the RSA
(XCOM1252)

SUBJECT: ORDER SUSPENDING EXPORTS TO THE REPUBLIC FOR SOUTH AFRICA
UNDER LICENSE XCOM1252. DATED: JANUARY 13, 2023.

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