



NRC Export/Import Licensing Requirements and Procedures

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April 26, 2011

Objectives

- Describe NRC roles and responsibilities
- Review NRC export/import licensing requirements – 10 CFR Part 110
- Summarize criteria and decision making processes

Statutory Authority

- Atomic Energy Act of 1954
- Energy Reorganization Act of 1974
- Nuclear Non-Proliferation Act of 1978
- Energy Policy Act of 1992
- Energy Policy Act of 2005
- International Treaties

10 CFR Part 110 Regulations

- Reflect statutory requirements and implement international treaties and agreements
- Apply to any person who exports or imports nuclear equipment and material with few exceptions
- Authorize export/import only – do not authorize receipt, acquisition, transfer, transport, possession
- Require compliance with applicable domestic requirements
- Provide for public review and comment

NRC Export/Import Licensing Authority

- Exports: reactors; fuel cycle facilities; components; nuclear grade graphite for nuclear end use; heavy water; source, special nuclear and byproduct materials including spent fuel and radioactive waste
- Imports: reactors; fuel cycle facilities; source, special nuclear and byproduct materials including spent fuel and radioactive waste

10 CFR Part 110 not applicable to:

- DOD and DOE (or its contractors) for selected activities
- Exports/imports of Munitions List items
- Exports/imports of “dual use” equipment
- Imports of deuterium, nuclear grade graphite and minor reactor components
- Transshipments

Revisions To 10 CFR Part 110 Regulations

- Revisions to Part 110 became effective Summer 2010
- Changes include general updates and revisions to:
 - Authorize import of Appendix P materials under general licenses – pre-shipment notification required
 - Correct inconsistencies in the general license authorizing exports of certain byproduct materials
 - Revise the definition of radioactive waste to make it consistent with the domestic use of this term

Non-Appendix P & Appendix P Licenses

- Nuclear export controls in place since the Atomic Energy Act of 1954
- Non-Appendix P licensing requirements formed by the Nuclear Non-Proliferation Act of 1978
- Appendix P licensing implement IAEA Code of Conduct on Safety and Security of Radioactive Sources and Energy Policy Act of 2005

Appendix P Export Criteria

- Foreign recipient authorized to receive & possess
- Importing country has resources & regulatory capability; or meets “exceptional circumstances”
- Importing country provides consent for Category 1 amounts and “exceptional circumstances”
- No adverse information concerning foreign recipients or importing country
- Not inimical to U.S. common defense and security

If subject to 10 CFR Part 110:

- NRC-controlled commodities must be authorized by either:
 - A **general** export or import license or
 - A **specific** export or import license
- Exemptions can be granted on a case-by-case basis

General licenses for exports/imports:

- Issued in 10 CFR Part 110 regulations and authorize:
 - Exports of small quantities source, special nuclear materials
 - Exports of minor reactor components to select countries
 - Most imports (except for radioactive waste) if U.S. recipient authorized
- “Paperless” but not the same as license exemptions or “no license required”

General licenses for exports:

- Do not authorize exports to embargoed destinations:

Cuba

Iran

Iraq

North Korea

Syria

Sudan

Specific License - Review Process

- All applications (NRC Form 7) made public in ADAMS
- Some require Federal Register notices
- Interested parties have up to about 30 days to respond
- Processing fee is commensurate with level of review required (proliferation significance of commodity)
 - Most require interacting with foreign governments
 - Some require review by interested Executive Branch agencies, coordinated by Department of State
 - Some require review and approval by Commissioners

Specific Licenses - Review Process

- It can take anywhere from 40 days to 4 months or more to coordinate internal and interagency reviews
- Applications may be withdrawn or returned without action
- Licenses may be issued or denied
- Licenses issued:
 - Are signed by OIP Deputy Director
 - Name parties, identify end users and end uses
 - Set expiration dates
 - Can be amended and renewed prior to expiration date

Criteria for “Major” Exports

- Agreement for Cooperation (123 Agreement)
- Full-scope IAEA safeguards in recipient non-nuclear weapon states (NNWS)
- USG must obtain assurances from the foreign government on case-by-case basis that material or equipment will be made subject to 123 Agreement with respect to:
 - No nuclear explosive use or R&D on any nuclear explosive device
 - Adequate physical security will be maintained
 - No retransfer or alteration in form (reprocessing) without prior USG consent
- Not inimical to common defense and security, and
- For XR, not an unreasonable risk to the public health and safety of the U.S.

Criteria for “Minor” Exports

- USG must obtain assurances from the foreign government on case-by-case basis that:
 - IAEA (full-scope) safeguards will apply in NNWS
 - No nuclear explosive use or R&D on such device
 - No retransfer without prior USG consent
- Not inimical to common defense and security

Foreign Assurances/Foreign Obligations

- Foreign Assurances
 - Initiated by the U.S. in response to an application to export U.S. nuclear material or equipment.
 - Foreign Government must provide these assurances to the US Government before the export will be approved.
 - Standard request for most nuclear–related exports from the U.S
- Foreign Obligations
 - Foreign Government request to the U.S. for peaceful use assurances on nuclear material or equipment to be imported into the US.
 - Not requested of the U.S for most imports, however becoming more commonplace.

For Additional Information

- <http://www.nrc.gov>
- <http://www.nrc.gov/about-nrc/ip/export-import.html>
- <http://www.nrc.gov/about-nrc/ip/faq.html>
- <http://www.nrc.gov/reading-rm/doc-collections/cfr/part110/>
- <http://www.nrc.gov/reading-rm/doc-collections/forms/nrc7.pdf>
- [http://www.ita.doc.gov/td/energy/Civil%20Nuclear%20Exporters%200Guide%20\(FINAL\).pdf](http://www.ita.doc.gov/td/energy/Civil%20Nuclear%20Exporters%200Guide%20(FINAL).pdf)

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