



NRC Export/Import Licensing 10 CFR Part 110

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NRC Jurisdiction

▶ Legal Basis:

- Atomic Energy Act of 1954
- Nuclear Non-Proliferation Act of 1978
- Treaties, Conventions and Agreements

▶ Exports: reactors; fuel cycle facilities; components; nuclear grade graphite for nuclear end use; deuterium; source, special nuclear and byproduct materials including when contained in spent fuel or radioactive waste

▶ Imports: reactors; fuel cycle facilities; source, special nuclear and byproduct materials including when contained in spent fuel or radioactive waste

If Subject to NRC Jurisdiction

- ▶ All exports and imports of NRC–controlled commodities (materials and equipment) must be authorized by either:
 - An NRC general export or import license or
 - An NRC specific export or import license or
 - An exemption from NRC requirements for a specific or a general license which may be granted in response to an application requesting an exemption or issued on NRC’s initiative



NRC General Licenses

- ▶ Are issued in 10 CFR 110 after rulemaking and coordination with the Executive Branch
- ▶ Are not exemptions (or NLRs)
- ▶ Authorize exports (10 CFR 110.21–110.26) of small quantities of uranium, plutonium, tritium and minor reactor components to specified countries
- ▶ Authorize imports (10 CFR 110.27) of major reactor components, source, special nuclear and/or byproduct materials to authorized recipients
- ▶ Require record keeping and, for certain exports, filing annual reports to the NRC

NRC General Licenses

- ▶ Do not authorize exports to embargoed countries, i.e., a specific license is required for exports to:

Cuba

Iran

Iraq

North Korea

Syria

Sudan

- ▶ Authorize limited exports to restricted destinations – a specific license may be required:

Afghanistan

Andorra

Angola

Burma

Djibouti

India

Israel

Libya

Pakistan

South Sudan



NRC Specific Licenses – Review Process

- ▶ All NRC Form 7 applications made public in ADAMS
- ▶ Some require Federal Register notices
- ▶ Interested parties have up to ~30 days to respond
- ▶ Processing fee ranging from \$1,400 to \$17,700) depends on level of review required (proliferation significance of commodity)
 - Most require interacting with foreign governments and some form of NRC Program Office review
 - Some require review by interested Executive Branch agencies, coordinated by Department of State
 - Some require review and approval by Commissioners



Criteria for “Major” Exports (XSNM, XSOU, XR)

- ▶ 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
- ▶ For XR, not an unreasonable risk to the public health and safety of the U.S.

Criteria for “Minor” Exports (XCOM, XMAT)

- ▶ 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

Part 110 Appendix A

Illustrative List of Reactor Equipment

- ▶ Especially Designed or Prepared Equipment
- ▶ Definition of “Nuclear Reactor:”
 - Items within or attached directly to the reactor vessel
 - Equipment which controls the level of power in the core
 - Components which normally contain or come in direct contact with or control the primary coolant of the reactor core

Part 110 Appendix A

“Major” Reactor Equipment

- ▶ Reactor pressure vessels, i.e., metal vessels, as complete units or major shop-fabricated parts
- ▶ On-line reactor fuel charging and discharging machines
- ▶ Complete reactor control rod system
- ▶ Reactor primary coolant pumps

Part 110 Appendix A

“Minor” Reactor Equipment

- ▶ Reactor pressure tubes, i.e., tubes especially designed or prepared to contain fuel elements and the primary coolant
- ▶ Zirconium tubes
- ▶ Reactor internals, .e.g., core support structures, control and rod guide tubes, thermal shields, baffles, core grid plates and diffuser plates
- ▶ Reactor control rod drive mechanisms, including detection and measuring equipment to determine flux levels
- ▶ Any other components *especially designed or prepared* for use in a nuclear reactor or in any of the components described



Illustrative Lists in Part 110 Appendices

- ▶ Appendix B – Gas Centrifuge Enrichment
- ▶ Appendix C – Gaseous Diffusion Enrichment
- ▶ Appendix D – Aerodynamic Enrichment
- ▶ Appendix E – Chemical or Ion Exchange Enrichment
- ▶ Appendix F – Laser-Based Enrichment
- ▶ Appendix G – Plasma Separation Enrichment
- ▶ Appendix H – Electromagnetic Enrichment
- ▶ Appendix I – Reprocessing
- ▶ Appendix J – Uranium Conversion
- ▶ Appendix K – Plants for the Production of Heavy Water, Deuterium and Deuterium Compounds
- ▶ Appendix N – Lithium Isotope Separation
- ▶ Appendix O – Fuel Fabrication



Part 110 Appendix P Radioactive Materials

- ▶ In 2005, Part 110 was amended to address the IAEA Code of Conduct on the Safety and Security of Radioactive Sources and its Import/ Export Guidance
- ▶ 16 radionuclides previously authorized for export or import under general license became subject to specific licensing
- ▶ In 2010, Part 110 was amended to allow U.S. parties to import under general license if they are appropriately authorized domestically

Part 110 Appendix P Radioactive Materials

- ▶ If a device or a source for use in a device contains Appendix P radionuclides (Am-241, Am-241/Be, Cf-252, Cm-244, Co-60, Cs-137, Gd-153, Ir-192, Pu-238, Pu-239/Be, Pm-147, Ra-226, Se-75, Sr-90, Tm-170 or Yb-169) a specific NRC export license may be required



What's Next for Part 110?

- ▶ Nuclear Suppliers Group completed its review of the Part 1 and Part 2 control lists
 - NRC will update several Appendices to Part 110 to make conforming changes
- ▶ IAEA INFCIRC/225/Revision 5 – Nuclear Security Recommendations on Physical Protection of Nuclear Material and Nuclear Facilities



DOE under NRC Licensing Jurisdiction

- ▶ Per AEA, NRC authorized to license DOE export distribution of SNM and source materials
- ▶ Quantities – <500 grams SNM (U-233, U-235, and Pu), contained in lab samples, medical devices, or monitoring or other instruments; or in emergency situations – no NRC authorization; needed for sources in excess of 3 metric tons/year/recipient
- ▶ Requires DOE to obtain DOS, NRC, & DOD concurrences, foreign assurances, & non-inimicality to common defense and security



To contact the NRC
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THANK YOU!!

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