



NRC Export/Import Licensing Requirements, Procedures, and Updates

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Overview

- NRC Export/Import Regulation – 10 CFR 110
- Licensing Overview
- Recent Changes to 10 CFR Part 110
- Recent Developments of Note



10 CFR Part 110 Regulations

- 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 licensing requirements
- Implement legally binding and non-legally binding international treaties and agreements

General Licenses

- Not exemptions – Must comply with domestic regulations
- Issued as regulations in 10 CFR 110 after rulemaking proceeding and coordination with Executive Branch
- Authorize exports (10 CFR 110.21-110.26) of:
 - Small quantities of uranium, plutonium, tritium
 - Minor reactor components to specified countries
- Authorize imports (10 CFR 110.27) of:
 - Major reactor components
 - Byproduct, source or special nuclear materials that are below 10 CFR 110 Appendix P thresholds
- Annual reporting required for certain exports

General licenses for exports:

- Do not authorize exports to embargoed destinations:

Cuba

Iran

Iraq

North Korea

Syria

Sudan



Specific Licenses

- NRC FORM 7 license application submitted with requisite processing fee (10CFR170.21 and 170.31)
- Applications received are posted on the NRC website; some are noticed in the Federal Register (10CFR110.70)
- In addition to requiring foreign government assurances some license requests require Executive Branch (10CFR110.41) and NRC Commission (10CFR110.40) review

Criteria For “Major” Exports 10 CFR 110.42 (a)

- Agreement for Cooperation
- Peaceful uses only (no nuclear weapon uses)
- Adequate physical security
- USG approval prior to:
 - Subsequent retransfer
 - Alteration in form (reprocessing)
- Full-scope IAEA safeguards in recipient NNWS
- Not inimical to US common defense and security

Criteria For “Minor” Exports 10 CFR 110.42 (b)

- IAEA safeguards
- Peaceful uses only (no nuclear weapon uses)
- USG approval prior to retransfer
- Not inimical to US common defense and security



Recent Changes to 10 CFR Part 110

- Final Rule, Export and Import of Nuclear Equipment and Material; Updates and Clarification
- Published in Federal Register: July 28, 2010
- Effective Date: August 27, 2010

Major Changes to Part 110

- Category 1 and 2 Quantities of Radioactive Material listed in **Appendix P to Part 110**
- Import and Export of **Radioactive Waste**
- General License for the **Export of Byproduct Material**

Appendix P

- Allow imports of Category 1 and 2 quantities of material listed in Appendix P under a general license
 - Pre-shipment notification still required
- Allow Category 2 export licensees to verify authorization from the importing country at the time of shipping

Radioactive Waste

- Revised definition of Radioactive Waste in Part 110
 - Increase consistency with domestic treatment
 - Import/export of rad. waste for recycling, treatment, or other management process that generates material for disposal would require specific license
 - Delete “IRM” and broaden exception for recovery/reuse at facilities

Export of Byproduct Material

- 10 CFR § 110.23 – Revised to clarify and address inconsistencies
- Separate requirements for each radionuclide or group of radionuclide for clarification
- Clarify and reorganize general license for americium-241, neptunium, and tritium



Recent Developments of Note in Export/Import Licensing

Exports without an Agreement for Cooperation with the U.S.

- Requires a Trilateral Project Supply Agreement (PSA) between the U.S., the IAEA, and the receiving country.
- Recent Examples: Chile and Mexico

10 CFR Part 40

- U.S./Australia Nuclear Cooperation Agreement prohibits AU-obligated nuclear material be used to produce tritium for “military purposes.”
- Therefore, the use of AU-obligated depleted uranium in munitions is prohibited.
- NRC is considering changing its regulations in Part 40 to reflect this prohibition.

AES Information

- License Code
 - N01 – NRC specific licenses
 - Must also enter license number
 - N02 – NRC general licenses
 - Must enter CFR citation for general license used to authorize the export

Summary

- NRC Export/Import Licensing
- Changes to 10 CFR Part 110
- Recent Developments of Note



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>



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