

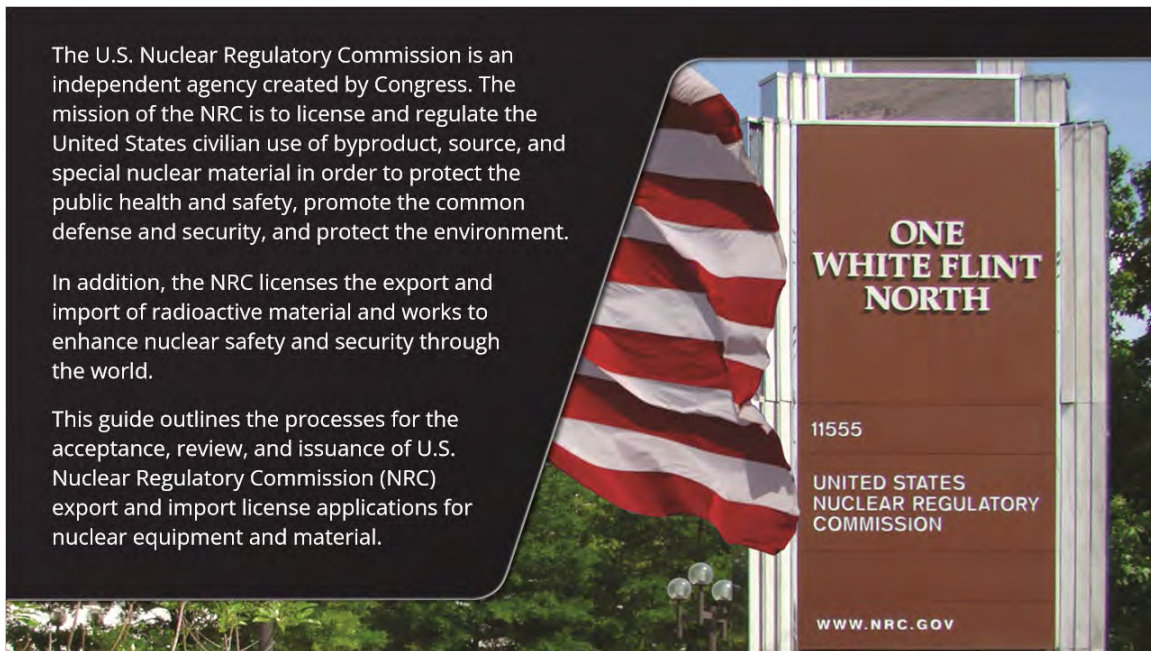
Part 1: NRC Export and Import of Nuclear Equipment and Material



Notes:

Part 1 of NRC Export and Import of Nuclear Equipment and Material

Introduction to the NRC



Notes:

The U.S. Nuclear Regulatory Commission (NRC) is an independent agency created by Congress. The mission of the NRC is to license and regulate the United States civilian use of byproduct, source, and special nuclear material in order to protect the public health and safety, promote the common defense and security, and protect the environment.

In addition, the NRC licenses the export and import of radioactive material and works to enhance nuclear safety and security through the world. This guide outlines the processes for the acceptance, review, and issuance of NRC export and import license applications for nuclear equipment and material.

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10 CFR Part 110

10 CFR Part 110 – Export and Import of Nuclear Equipment and Material

The NRC's Office of International Programs (OIP) leads policy development and executes the agency's international activities, including export and import licensing responsibilities.

Title 10 of the Code of Federal Regulations (10 CFR Part 110), "Export and Import of Nuclear Equipment and Material" governs exports and imports by prescribing:

- Licensing
- Enforcement
- Rulemaking procedures
- Criteria for approval



Notes:

Within the NRC, the Office of International Programs, for short OIP, leads policy development and executes the agency's international activities, including export and import licensing responsibilities.

The governing regulations are in Title 10 of the Code of Federal Regulations (10 CFR Part 110), "Export and Import of Nuclear Equipment and Material" and cover Licensing, Enforcement, Rulemaking procedures, and most importantly the specific criteria for license approvals.

Legal and Policy Basis for Exports and Imports



Legal and Policy Basis For Exports and Imports

- Title 10 of the Code of Federal Regulations (10 CFR Part 110)
- Atomic Energy Act of 1954, as amended
- Nuclear Non-Proliferation Act of 1978
- Treaty on the Non-Proliferation of Nuclear Weapons
- Treaties, Conventions, and Agreements
 - International Atomic Energy Agency Safeguards
 - Conventions (Nuclear Safety; Waste and Spent Fuel; Physical Protection; Early Notification; Assistance)
 - Section 123 Agreements for Peaceful Cooperation

Notes:

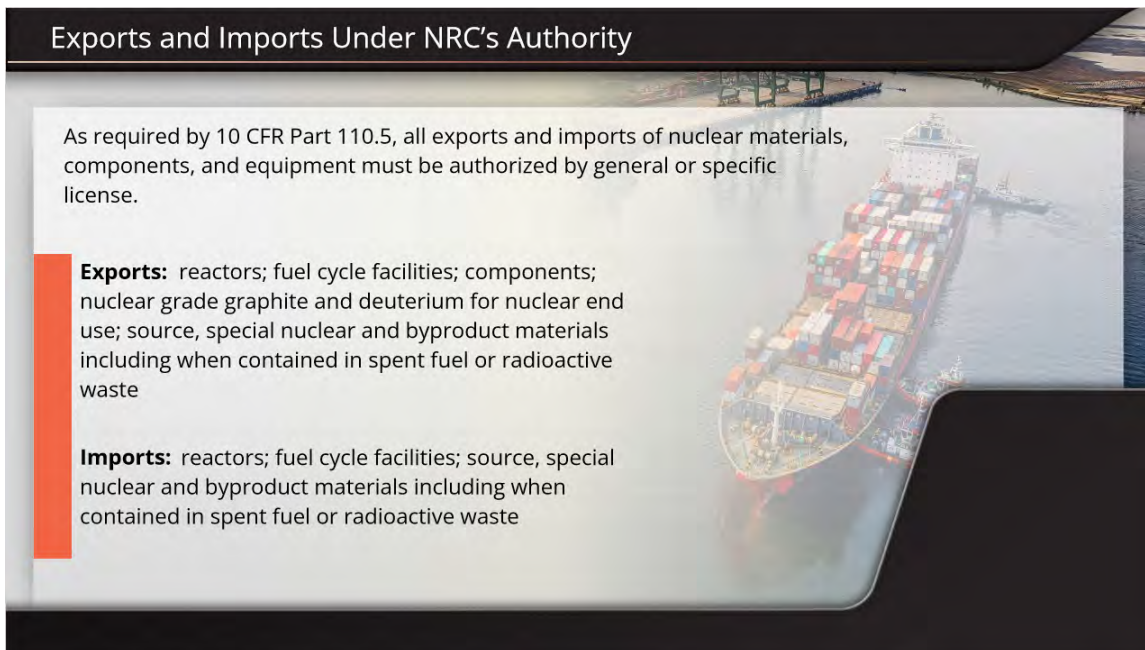
In addition to the regulations set forth in 10 CFR 110, the NRC's international activities are authorized under several key statutes. These include the Atomic Energy Act of 1954, as amended and the 1978 Nuclear Non-Proliferation Act.

Additionally, through our regulatory programs, the NRC ensures U.S. compliance with many key international treaties and other instruments in various fields, including non-proliferation, safety, physical protection, waste and spent fuel management, emergency preparedness and response, and counter-terrorism.

These additional treaties, conventions, and agreements include: the International Atomic Energy Agency Safeguards, Conventions: Nuclear Safety; Waste and Spent Fuel; Physical Protection; Early Notification; Assistance, Section 123 Agreements for Peaceful Cooperation – commonly referred to as 123 Agreements, which allows for nuclear trade and export.

Many of these obligations are implemented through regulatory requirements and enforced through licensing.

Exports and Imports Under NRC's Authority



Exports and Imports Under NRC's Authority

As required by 10 CFR Part 110.5, all exports and imports of nuclear materials, components, and equipment must be authorized by general or specific license.

Exports: reactors; fuel cycle facilities; components; nuclear grade graphite and deuterium for nuclear end use; 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

Notes:

Applicants, stakeholders, or other interested parties should become familiar with 10 CFR 110.5, which requires that all exports and imports be authorized by a general or specific license.

If a nuclear commodity is subject to NRC regulations, these shipments are performed under a general or specific license. If not authorized by an NRC general license, then a specific license is required.

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

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

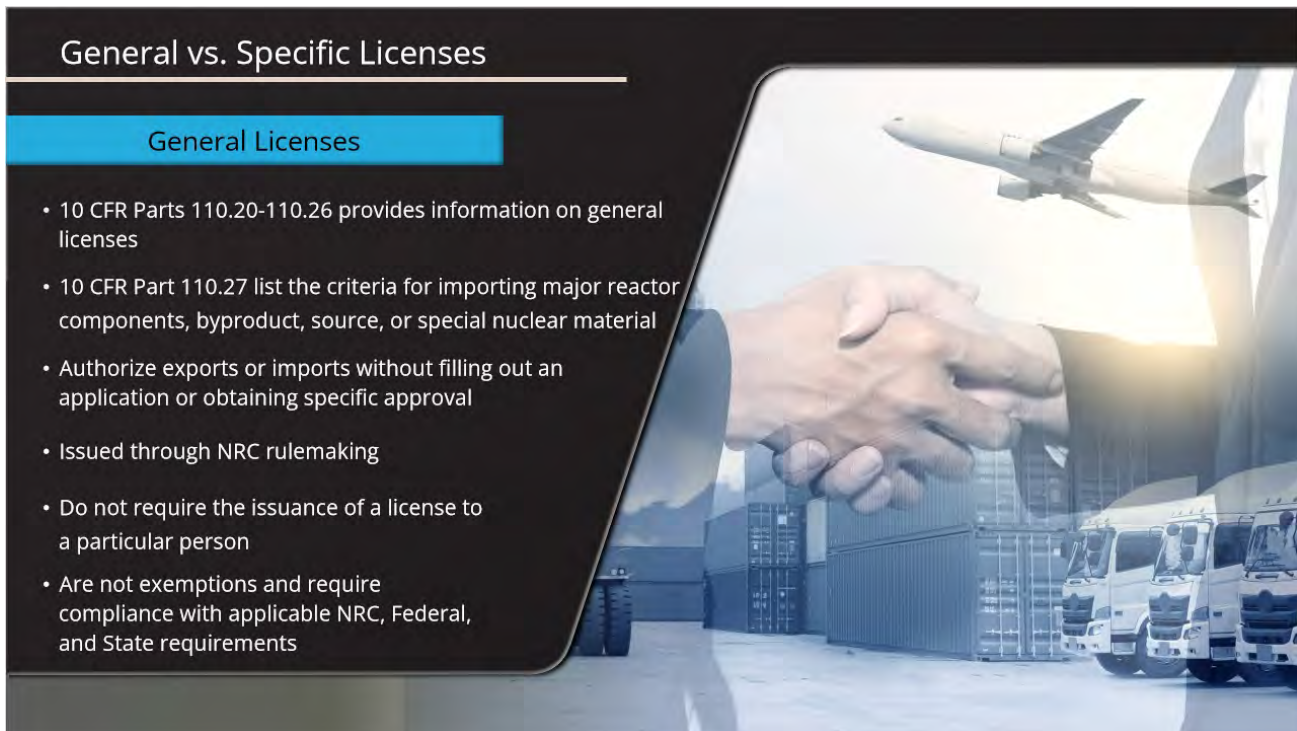
Part 2: General and Specific Licenses



Notes:

This part covers general and specific licenses, authorization for general licenses, specific licenses for source, special nuclear material (SNM) and byproduct material, export licenses for facilities and equipment, and radioactive waste and the specific licenses it imports and exports.

General vs. Specific Licenses



General vs. Specific Licenses

General Licenses

- 10 CFR Parts 110.20-110.26 provides information on general licenses
- 10 CFR Part 110.27 list the criteria for importing major reactor components, byproduct, source, or special nuclear material
- Authorize exports or imports without filling out an application or obtaining specific approval
- Issued through NRC rulemaking
- Do not require the issuance of a license to a particular person
- Are not exemptions and require compliance with applicable NRC, Federal, and State requirements

Notes:

Today, NRC uses general and specific licenses to authorize exports and imports. However, this wasn't the practice until the early 1980s, when there was a holistic look at the proliferation significance of the licenses issued. In other words, not all licensees carry the same significance and the same level of review.


The provisions for general licenses were approved after rulemaking and coordination with the Executive Branch and authorizes the export and import of less proliferation significant commodities. Section 10 CFR 110.21-110.26 lists the specific nuclear materials and components that can be exported under a general license. While Section 10 CFR 110.27 lists the criteria for importing major reactor components, byproduct, source, or special nuclear materials that are below 10 CFR 110 Appendix P thresholds under a general license.

It is important to note that no general license is issued to a particular person and general licenses are not exemptions from complying with applicable NRC, Federal, and State requirements.

General vs. Specific Licenses

General vs. Specific Licenses (continued)

Specific Licenses



- If not authorized by a general license, a specific license is required, e.g., no general license authorizes exports to embargoed countries (10 CFR Part 110.28) such as Cuba, Iran, Iraq, North Korea, Syria, and Sudan
- A person must file NRC Form 7 application providing the information detailed in 10 CFR Part 110.31 and 110.32
- Case-by-case reviews performed in accordance with processes in 10 CFR Part 110, and depending on the proposed export's proliferation significance, could require:
 - ✓ Reviews by the Commission (10 CFR Part 110.40) preceded by
 - ✓ Reviews by the Executive Branch (10 CFR Part 110.41) including obtaining relevant assurances from foreign governments primarily through diplomatic channels
- Reviews must ultimately determine that relevant export licensing criteria (10 CFR Part 110.42) are met and issuing the license will not be inimical to the common defense and security of the United States

Notes:

The general license cannot authorize exports to embargoed or restricted destinations. This means, a specific NRC license is required to export any NRC-controlled commodity to an embargoed destination (such as Cuba, Iran, Iraq, North Korea, Syria, and Sudan) or restricted destination (such as India, Israel, and Libya). The regulations authorizing general licenses in 10 CFR 110.21 through 110.26 specifically exclude exports to embargoed and restricted destinations listed in 10 CFR 110.28 and 10 CFR 110.29.

If not authorized by a general license in 10 CFR 110 regulations, a specific export license is required. And following the same reasoning of proliferation significance, the level of review of a specific license is based on the proliferation significance of the proposed export/import.

It is important to note that changes in foreign policy matters, as directed by the Executive Branch, can govern whether exports - previously authorized under general license provisions - require a specific license, see the notices listed on the NRC public website, Export-Import: <https://publish.nrc.gov/about-nrc/ip/export-import.html>.

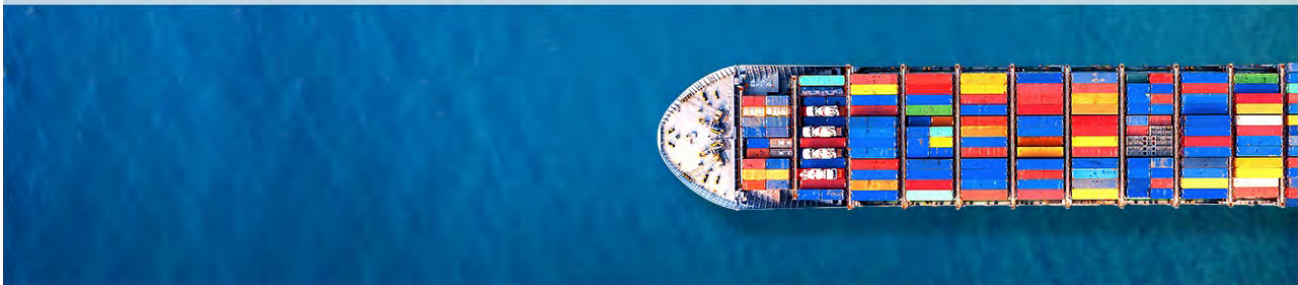
10 CFR Part 110.27

General Licenses for Imports – 10 CFR Part 110.27

Authorizes any person to import byproduct, source, special nuclear material, or major utilization facility components if the U.S. consignee is an appropriately authorized recipient

Does not authorize imports of more than 100 kilograms (kg) per shipment of source or special nuclear material in the form of irradiated fuel

Does not authorize imports of radioactive waste



Notes:

General licensing for imports is only applicable if the U.S. consignee is appropriately authorized by the NRC or an Agreement State to receive and possess the material and/or equipment.

General licensing does not authorize imports of more than 100 kilograms (kg) per shipment of source or special nuclear material in the form of irradiated fuel.

And finally, and probably the topic the staff receives the most requests for clarification, a general license does not authorize imports of radioactive waste.

Export Licenses for Materials: Source Material

Export Licenses for Materials: Source Material

Source Material

- Natural or depleted uranium, or thorium, other than special nuclear material
- Ores that contain by weight 0.05% or more of uranium, thorium, or depleted uranium

General License

What does the General License in 10 CFR Part 110.22 authorize?

- Small quantities of natural/depleted uranium or thorium
- 10 CFR Part 110.22 delineates eligible destinations and the different types and forms of source material authorized for export under a general license

Specific License

A Specific License is required when the export is not authorized by 10 CFR Part 110.22.

- Exceeds the quantities authorized in 10 CFR Part 110.22
- Any exports to embargoed countries (110.28)
- Certain exports to restricted countries (110.29) as listed in 10 CFR Part 110.22
- Any source material in radioactive waste

Notes:

The different types of material and equipment that are under the NRC's export and import licensing jurisdiction, and the criteria governing export or import authorizations.

Source material is often exported to be enriched and used as fuel for nuclear power plants across the world. As source material (uranium) could potentially be enriched to produce highly enriched uranium – the primary ingredient of an atomic weapon – tracking and accounting for the exports of source material are important to:

- (1) ensure that it is used only for peaceful purposes
- (2) comply with international treaty obligations
- (3) provide data to policymakers and other government officials

As you can see, most imports of source material are exported under a "General License."

A specific license for source material is required when the export is not authorized by the general license provisions in 10 CFR 110.22. These are exports wherein the quantity exceeds the concentration or activity authorized in 10 CFR 110.22; the destination country is embargoed or restricted; or the source material meets the definition of radioactive waste.


Export Licenses for Materials:

Special Nuclear Material


Export Licenses for Materials: Special Nuclear Material

Special Nuclear Material

Plutonium, uranium-233, or uranium enriched above 0.711% by weight in the isotope uranium-235

 What does the General License in 10 CFR Part 110.21 authorize?

- Small quantities of low-enriched uranium, and certain isotopes of uranium and plutonium for specified uses, and as residual contamination
- 10 CFR Part 110.21 delineates which destinations are eligible to receive which isotopes under a general license

 A Specific License is required when the export is not authorized by 10 CFR Part 110.21.

- Exceeds the quantities authorized in 10 CFR Part 110.21
- Any exports to embargoed countries (110.28)
- Any special nuclear material in radioactive waste

Notes:

Special nuclear material can also be issued under a general and specific license.

For example, small quantities of low-enriched uranium, and certain isotopes of uranium and plutonium for specified uses, such as residual contamination, can be exported under a general license.

A specific license is required when the export is not authorized by a general license.

What does the General License in 10 CFR 110.21 authorize?

- Small quantities of low-enriched uranium, and certain isotopes of uranium and plutonium for specified uses, and as residual contamination.
- 10 CFR 110.21 delineates which destinations are eligible to receive which isotopes under a general license.

A specific license is required when the export is not authorized under 10 CFR 110.21.

- Exceeds the quantities authorized in 10 CFR 110.21
- Any exports to embargoed countries listed in 10 CFR 110.28
- Any special nuclear material in radioactive waste

Export Licenses for Materials:

Byproduct Material

Export Licenses for Materials: Byproduct Material

Byproduct material is any radioactive material (except source or special nuclear material) yielded in, or made radioactive by, exposure to the radiation incident to the process of producing or utilizing special nuclear material. A comprehensive definition can be found in 10 CFR Part 110.2.

An illustrative list of byproduct materials under NRC exporting licensing authority is found in 10 CFR Part 110 Appendix L.



What does the General License in 10 CFR Part 110.23 authorize?

- Low activity materials listed in Appendix L subject to the limitations described
- 10 CFR Part 110.23 delineates activity levels depending on the different types of byproduct materials, the different forms or end uses and the destinations authorized for exports under a general license



A Specific License is required when the export is not authorized by 10 CFR Part 110.23.

- Exceeds the quantities/activity levels authorized in 10 CFR Part 110.23
- Any exports to embargoed countries (110.28)
- Category 1 or 2 radioactive material listed in Appendix P (i.e. risk significant radioactive material)
- Any byproduct material in radioactive waste

Notes:

The NRC also licenses exports and imports of byproduct material. Byproduct material, in general, is nuclear material (other than special nuclear material) that is produced or made radioactive in a nuclear reactor or particle accelerator.

The radioactive material licensed by the NRC for import and export is mainly used in the medical, research, and industrial applications. Again, these materials can be exported or imported under a general or specific license, see 10 CFR 110.23.

What does the general license in 10 CFR 110.23 authorize?

- Byproduct material listed in Appendix L subject to the limitations described.
- Section 110.23 delineates activity levels depending on the different types of byproduct materials, the different forms or end uses, and the destinations authorized for exports under a general license.

A specific license is required when the export is not authorized by 10 CFR 110.23.

- Exceeds the quantities/activity levels listed in in 10 CFR 110.23
- Any exports to embargoed countries listed in 10 CFR 110.28
- Category 1 or 2 radioactive material listed in Appendix P (i.e., risk significant radioactive material)
- Any byproduct material in radioactive waste

Export Licenses for Facilities and Equipment

Export Licenses for Facilities and Equipment

Facilities and equipment under NRC licensing authority, for nuclear reactors, include any “especially designed or prepared equipment (EDP)” and components for use in such facilities.

Equipment for nuclear reactors is divided into two groups:

- Complete facilities and major components/equipment (Appendix A, paragraphs 1-4)
 - Reactor pressure vessel, complete control rod system, primary coolant pumps, on-line charging/discharging machine, are “major” components of a reactor and are subject to the same export and import licensing requirements as a complete reactor
- Minor components (Appendix A, paragraphs 5-11)
 - Reactor pressure tubes, zirconium tubes, reactor internals, control rod drive mechanisms. These items are less proliferation significant and therefore are subject to less stringent export and import licensing requirements

Note: There are an additional 15 Appendices that cover facilities and components under NRC’s jurisdiction.

Notes:

Facilities and equipment under NRC licensing authority, for nuclear reactors, include any “especially designed or prepared equipment (EDP)” and components for use in such facilities. Appendix A to 10 CFR 110, provides an illustrative list of the reactor equipment and components that fall under NRC’s jurisdiction. Note: there are an additional 15 appendices that cover facilities and components under NRC’s jurisdiction.

It is worth mentioning, the first four paragraphs of Appendix A, list reactor pressure vessel, complete control rod system, primary coolant pumps, on-line charging/discharging machine, are “major” components of a reactor and are subject to the same export and import licensing requirements as a complete reactor.

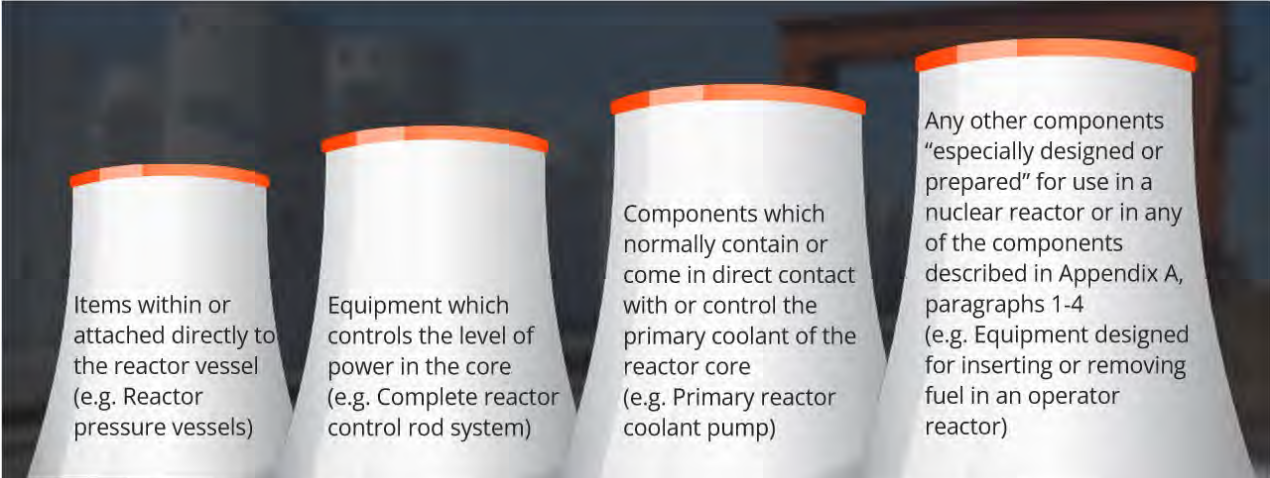
Paragraphs 5-11 in Appendix A, list “minor” components - reactor pressure tubes, zirconium tubes, reactor internals, control rod drive mechanisms. These items are less proliferation significant and therefore are subject to less stringent export and import licensing requirements.

Export Licenses for Equipment:

Complete Facilities and Major Components

Export Licenses for Equipment: Complete Facilities and Major Components

Specific licenses are required for exports of complete nuclear reactors and the following major components:



- Items within or attached directly to the reactor vessel (e.g. Reactor pressure vessels)
- Equipment which controls the level of power in the core (e.g. Complete reactor control rod system)
- Components which normally contain or come in direct contact with or control the primary coolant of the reactor core (e.g. Primary reactor coolant pump)
- Any other components "especially designed or prepared" for use in a nuclear reactor or in any of the components described in Appendix A, paragraphs 1-4 (e.g. Equipment designed for inserting or removing fuel in an operator reactor)

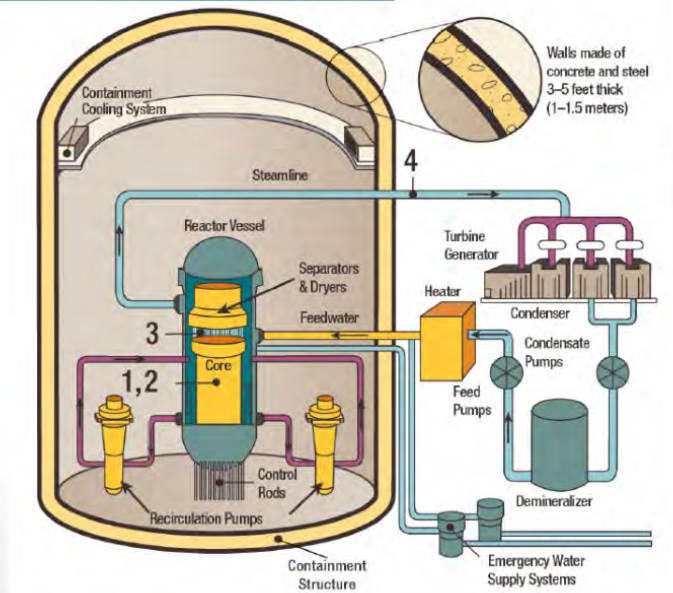
Notes:

This graphic gives additional guidance in determining if a nuclear component is categorized as a major component. A major component requires the issuance of a specific export license prior to exporting and is subject to more stringent export licensing requirements.

Typical Boiling – Water Reactor

Typical Boiling – Water Reactor

- Appendices of Part 110 gives an illustrative list of all material, equipment, and components under NRC export and import authority



Notes:

Consider a nuclear power plant, this illustration provide a visual of the typical equipment and material under NRC's export and import licensing authority.

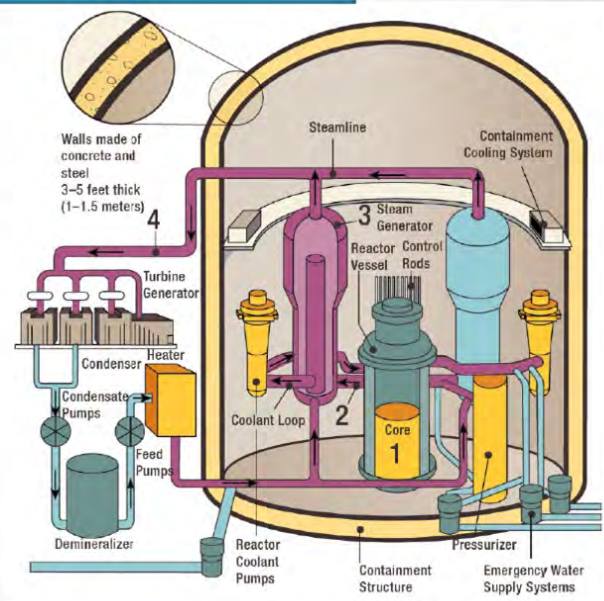
Everything in the balance of a plant would typically be licensed for export and import by the Department of Commerce. Everything that comes in direct contact with the reactor vessel or reactor coolant is typically licensed for export and import by the NRC.

Appendices of 10 CFR 110 give an illustrative list of all material, equipment, and components under NRC export and import authority.

Typical Pressurized – Water Reactor

Typical Pressurized – Water Reactor

- Appendices A-K, N and O gives an illustrative list of equipment and components for reactors, plants, and facilities
- Appendices L, M, and P gives an illustrative list of nuclear material



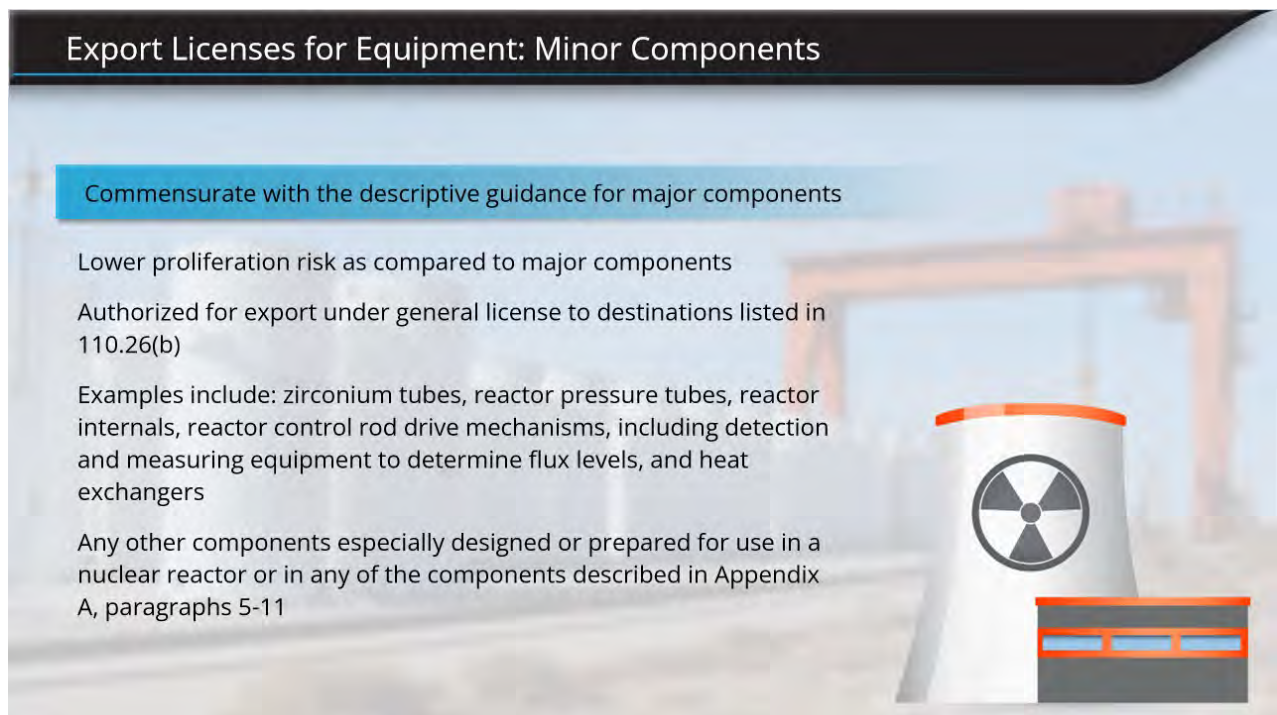
Notes:

Appendices A-K, N, and O give an illustrative list of equipment and components for reactors, plants, and facilities.

Appendices L, M, and P give an illustrative list of nuclear material.

Export Licenses for Equipment:

Minor Components



Export Licenses for Equipment: Minor Components

Commensurate with the descriptive guidance for major components

Lower proliferation risk as compared to major components

Authorized for export under general license to destinations listed in 110.26(b)

Examples include: zirconium tubes, reactor pressure tubes, reactor internals, reactor control rod drive mechanisms, including detection and measuring equipment to determine flux levels, and heat exchangers

Any other components especially designed or prepared for use in a nuclear reactor or in any of the components described in Appendix A, paragraphs 5-11

Notes:

Commensurate with the descriptive guidance for major components, Appendix A also provides descriptions for minor components. **Minor components are:**


- Lower proliferation risk as compared to major components.
- Authorized for export under general license to destinations listed in 10 CFR 110.26(b).
- Examples include zirconium tubes, reactor pressure tubes, reactor internals, reactor control rod drive mechanisms, including detection and measuring equipment to determine flux levels, and heat exchangers.
- Any other components especially designed or prepared for use in a nuclear reactor or in any of the components described in Appendix A, paragraphs 5-11.


Export Licenses for Equipment:


Especially Designed or Prepared


Export Licenses for Equipment: Especially Designed or Prepared (EDP)

For export control purposes, EDP equipment falls under NRC's jurisdiction.

 EDP is equipment or material that is especially designed for the processing, use, or production of special fissionable material, and by equipment or material especially prepared for the processing, use, or production of special fissionable material.

 If the equipment or material is not a common "off the shelf" commodity or widely available for non-nuclear uses and if it is custom-ordered for use in an activity engaged in the processing, use, or production of special fissionable material, then it is EDP.

 Under NPT Article III.2.b, all NPT signatories have a binding legal obligation not to transfer equipment or material "especially designed or prepared" for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material processed or utilized is subject to IAEA safeguards.

 The EDP concept is the basis of the controls in the Nuclear Suppliers Group's (NSG) Trigger List (NSG Part 1).

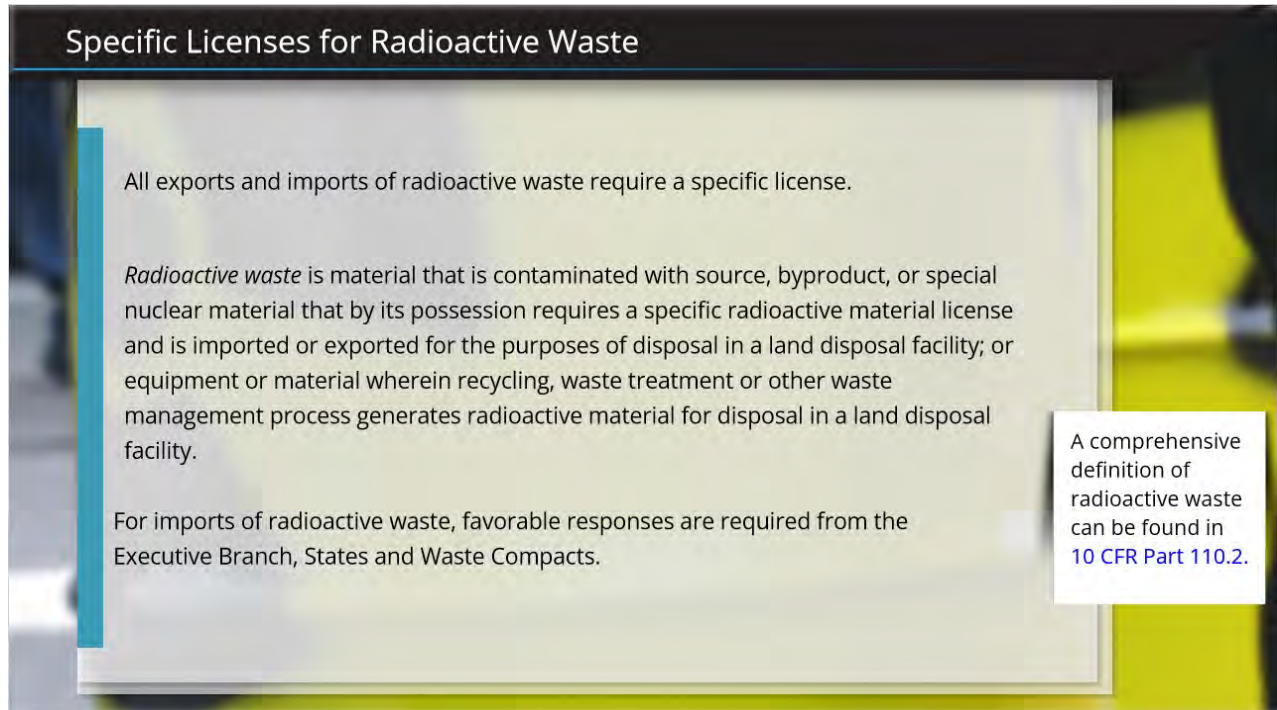
Notes:

"How do we know if a certain reactor component falls under NRC or the U.S Department of Commerce's jurisdiction?" is a commonly asked question.

First, the U.S. Department of Commerce is responsible for regulating the export of most commercial items, often referred to as "dual use" items which are those having both commercial and military or proliferation applications.

A nuclear reactor is an especially designed or prepared major component. A "nuclear reactor" (for NRC export control purposes) basically includes items within or attached directly to the reactor vessel, the equipment which controls the level of power in the core, and the components which normally contain or come in direct contact with or control the primary coolant of the reactor core. If your item falls within that description, then you must determine if it is especially designed or prepared for use in a nuclear reactor. Again, because Appendix A is illustrative and responds to changing technologies, the list does not include every component that could fall under NRC's jurisdiction.

Specific Licenses for Radioactive Waste



Specific Licenses for Radioactive Waste

All exports and imports of radioactive waste require a specific license.

Radioactive waste is material that is contaminated with source, byproduct, or special nuclear material that by its possession requires a specific radioactive material license and is imported or exported for the purposes of disposal in a land disposal facility; or equipment or material wherein recycling, waste treatment or other waste management process generates radioactive material for disposal in a land disposal facility.

For imports of radioactive waste, favorable responses are required from the Executive Branch, States and Waste Compacts.

A comprehensive definition of radioactive waste can be found in [10 CFR Part 110.2](#).

Notes:

Radioactive waste: The NRC typically receives between two to four license applications per year, requesting to export low-level radioactive waste. Due to complex issues involving waste, and the technical and regulatory analyses needed to perform an acceptance review, applications are discussed with the Office of Nuclear Material Safety and Safeguards, the Low-Level Waste & Projects Branch, and the Office of General Counsel.

On the next slide, you will see what radioactive waste does not include, which is equally important when determining if a specific license is required.

Exclusions to Radioactive Waste

Exclusions to Radioactive Waste

Radioactive waste does not include radioactive material that is:

- Of U.S. origin and contained in a sealed source, or device
- A contaminant on any non-radioactive material if goal is recovery and reuse of non-radioactive material
- Exempted from regulation by NRC or Agreement State
- Generated or used in U.S. government Research & Development
- Being returned by or for U.S. government to authorized facility
- Imported for recycling, not waste management, where there is a market and a contract or business agreement is in place

Such imports are authorized to eligible U.S. recipients under the [10 CFR Part 110.27 general license](#)

Notes:

Exclusions to Radioactive Waste.... We have established that the import and export of radwaste requires a specific license, but what is radwaste? And equally important, what isn't.

Summary

Summary

Iraq, North Korea and Sudan require a specific license for exports for minor components and byproduct material.

A general license is issued to any person to export to a destination that is not embargoed or restricted, any nuclear reactor component of U.S. origin described in paragraphs (5) through (11) of Appendix A, to 10 CFR Part 110.

In accordance with 10 CFR Part 110.5, no person may export nuclear equipment listed in 10 CFR Part 110.8 unless authorized by a general or specific license. Although 10 CFR Part 110.8 lists nuclear reactors under NRC export licensing authority, 10 CFR Part 26 specifically states that a general license is issued to any person to export any nuclear reactor component of U.S. origin described in paragraphs (5) through (11). Major components of a nuclear reactor consist of components listed in paragraphs (1) through (4). Therefore, the export of major components cannot be exported under a general license.

As per Section 10 CFR Part 110.27(c), "General license for Import," general license for import does not authorize the import of radioactive waste. Radioactive waste is defined in 10 CFR Part 2, "Definitions".

Notes:

In summary:

A general license is issued to any person to export to a destination that is not embargoed or restricted, any nuclear reactor component of U.S. origin described in paragraphs (5) through (11) of Appendix A, to 10 CFR 110. For example, Iraq, India, Israel, North Korea, and Sudan require a specific license for exports for minor components and byproduct material.

In accordance with 10 CFR 110.5, no person may export nuclear equipment listed in 10 CFR 110.8 unless authorized by a general or specific license. Although 10 CFR 110.8 lists nuclear reactors under NRC export licensing authority, 10 CFR 110.26 specifically states that a general license is issued to any person to export any nuclear reactor component of U.S. origin described in paragraphs (5) through (11). Major components of a nuclear reactor consist of components listed in paragraphs (1) through (4). Therefore, the export of major components cannot be exported under a general license.

As per Section 10 CFR 110.27(c), "General license for Import," general license for import does not authorize the import of radioactive waste. Radioactive waste is defined in 10 CFR 110.2, "Definitions".

Part 3: Applying for a Specific License



NRC Form 7 – License Applications

NRC Form 7 – License Applications

- Application for NRC Export or Import License, Amendment, Renewal, or Consent Request(s) is NRC Form 7, which is required by 10 CFR Part 110.31
- 10 CFR Part 110.32 details the information required within the application
- More detailed instructions for completing the Form 7 are included at the end of the application (pages 4-5)
- The following pages provide examples of the information licensing officers look for when reviewing applications

The image shows two overlapping examples of NRC Form 7, 'APPLICATION FOR NRC EXPORT OR IMPORT LICENSE, AMENDMENT, RENEWAL, OR CONSENT REQUEST(S)'. The forms are filled out with various fields and text, illustrating the structure and content of the application. A pink banner at the top right of the image reads 'NRC Form 7'.

Notes:

If a specific license is required, an application must be filed. The application form and guidance are available from the OIP section of the NRC website.

The NRC review process is public. Written comments and request for hearings or petitions to intervene, must be addressed.

It can take anywhere from one month to one year or longer – depending on the sensitivity of the case or if policy implications are in play, to process a specific license application. Typically, it is about two months. In addition to requiring foreign government assurances, some license requests require Executive Branch and NRC Commission review. These steps add more time.

Specific export licenses establish the terms and conditions, including an expiration date and ceilings for the total quantity of material and/or type of equipment authorized for export. Also note that obtaining an export license does not obligate a licensee to make an export.

NRC Form 7: Page 1 – Part A – License Number

NRC Form 7 – Page 1 – Part A

License Number

Once the application is received and the processing begins, a license number is assigned in Part A with the following nomenclature:

- XSNM = export of special nuclear material
- XSOU = export of source material
- XMAT = export of material (i.e., deuterium)
- XB = export of byproduct material (Appendix L)
- XR = export of reactor (or major components)
- XCOM = export of minor components
- XW = export of radioactive waste
- IW = import of radioactive waste
- PXB = export of byproduct material (Appendix P)

NRC FORM 7 607-2019 19 CFR 110		U. S. NUCLEAR REGULATORY COMMISSION		APPROVED BY OMB: <small>Estimated burden per response is reviewed to ensure that the app comments regarding burden on Regulatory Commission, Washing to the Desk Office, Office of Management and Budget. We do not display a currently valid OMB required to respond to, the inform</small>
APPLICATION FOR NRC EXPORT OR IMPORT LICENSE, AMENDMENT, RENEWAL, OR CONSENT REQUEST(S) <small>(See Instructions on Pages 4 and 5)</small>				
PART A. FOR NRC USE ONLY		<input type="checkbox"/> Public	OR	<input type="checkbox"/> Non-Public
License Number	Docket Number			Date
PART B. TO BE COMPLETED FOR ALL LICENSES, AMENDMENTS, RENEWALS, OR CONSENT REQUESTS <small>(If more space is needed to complete any of the items, use Pages 3-4 first, and then attach additional sheets.)</small>				
1. Name and Address of Applicant/Licensee		1a. Name of Applicant's Contact		
		1c. Office Telephone Number		
		1e. Applicant's E-mail Address		
2. Type of Action Requested (Check one)		Current License		
<input type="checkbox"/> Export (Parts B, C, E)		<input type="checkbox"/> Amendment/Renewal		
<input type="checkbox"/> Import (Parts B, D, E)		<input type="checkbox"/> Consent Request (Parts B, C)		
3. Contract Number(s)		4. First Shipment Date		5
PART C. TO BE COMPLETED FOR EXPORT LICENSES, AMENDMENTS, RENEWALS, OR CONSENT REQUESTS <small>(If more space is needed to complete any of the items, use Pages 3-4 first, and then attach additional sheets.)</small>				
7. Name(s)/Address(es) of U. S. Suppliers and/or other U. S. Parties to the Export		8. Name(s)/Address(es) of Intermediate Foreign Consignee(s)		

Notes:

OIP uses acronyms for each type of license issued and uses the acronyms in the numbering of the actual license.

NRC Form 7 – Page 2

NRC Form 7 – Page 2

1. Part D is for Imports. Follow the same instructions as Part C. If the application is for exports, leave this blank and complete Part C.
2. Indicate if there is additional information provided on Page 3 or additional attachments.
3. Provide name, signature, and date of authorized official from the applicant's company.

Page 2 of _____

NRC FORM 7
U. S. NUCLEAR REGULATORY COMMISSION

APPLICATION FOR NRC EXPORT OR IMPORT
LICENSE, AMENDMENT, RENEWAL, OR CONSENT REQUEST(S) (Continued)

License Number _____ DocId Number _____ Admin Accession Number _____ Public **OR** Non-Public

PART D. TO BE COMPLETED FOR IMPORT LICENSES, AMENDMENTS, OR RENEWALS
(If more space is needed to complete any of the items, use Pages 3-4 first, and then attach additional sheets, if necessary.)

12. Name(s)/Address(es) of Foreign Supplier and/or other Foreign Parties to Import	13. Name(s)/Address(es) of Foreign or U.S. Intermediate Consignee(s)	14. Name(s)/Address(es) of Ultimate U.S. Consignee(s)
15a. NRC Export License Number(s) (if applicable)	15b. License Number(s) / Expiration Date(s)	15c. License Number(s) / Expiration Date(s)
17a. Intermediate Use(s)	17b. Ultimate End Use(s)	

15. Description of Radioactive Material, Source, Source, Nuclear Facility

16a. Maximum Total Volume (Gross WGT (KG) or Total Activity (TBq))	16b. Max Enrichment or WGT%	16c. Max Isotope WGT (KG)
--	-----------------------------	---------------------------

18. Foreign Obligations (By country and by Percentage of Maximum Total Volume)

PART E. TO BE COMPLETED FOR ALL LICENSES, AMENDMENTS, RENEWALS OR CONSENT REQUEST(S)
(If more space is needed to complete any of the items, use Pages 3-4 first, and then attach additional sheets, if necessary.)

Additional information provided on pages 3-4 or other separate sheets? Yes No

Copies of Receipts/Disposition Records? Yes No

19. Certification
I, the applicant's authorized official, hereby certify that this application is prepared in conformity with Title 10, Code of Federal Regulations, and that all information provided is correct to the best of my knowledge.

20. Print Name and Title of Authorized Official _____ 21. Signature - Authorized Official _____ 22. Date _____

NRC FORM 7 (11/2016)

Notes:

The information in the red highlighted boxes includes:

1. Part D is for Imports. Follow the same instructions as Part C. If the application is for exports, leave this blank and complete Part C.
2. Indicate if there is additional information provided on Page 3 or additional attachments.
3. Provide name, signature, and date of authorized official from the applicant's company.

NRC Form 7 – Page 3

NRC Form 7 – Page 3

Additional Information

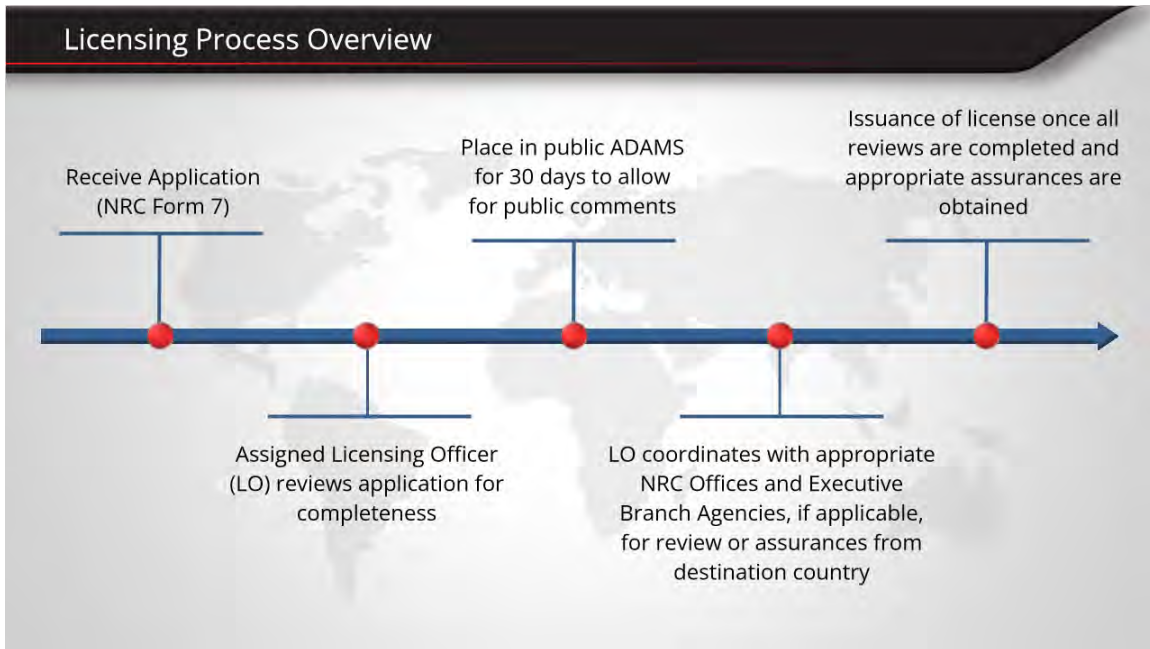
Provide any additional information here. This may include, but is not limited to, additional U.S. Parties, Intermediate Consignees, Ultimate Consignees, Intermediate or End Use description, or details about the product.

The diagram illustrates the relationship between the explanatory text and the form. On the left, a box titled 'Additional Information' contains instructions for providing details about U.S. Parties, consignees, and product descriptions. On the right, a portion of the NRC Form 7 is shown, with a red arrow pointing from the text box to the 'Additional Information' field on the form. The form header includes 'NRC FORM 7 (8/7-2019) 10 CFR 110' and 'U. S. NUCLEAR REGULATORY COMMISSION'. The main title is 'APPLICATION FOR NRC EXPORT OR IMPORT LICENSE, AMENDMENT, RENEWAL, OR CONSENT REQUEST(S) (Continued)'. Below the title are fields for 'License Number', 'Docket Number', 'Adams Accession Number', and a choice between 'Public' and 'Non-Public'. The 'Additional Information' field is highlighted with a red border and a circled '1' next to it.

Notes:

Any additional information should be provided in this box. This may include, but is not limited to, additional U.S. Parties, Intermediate Consignees, Ultimate Consignees, Intermediate or End Use description, or details about the product.

Licensing Process Overview



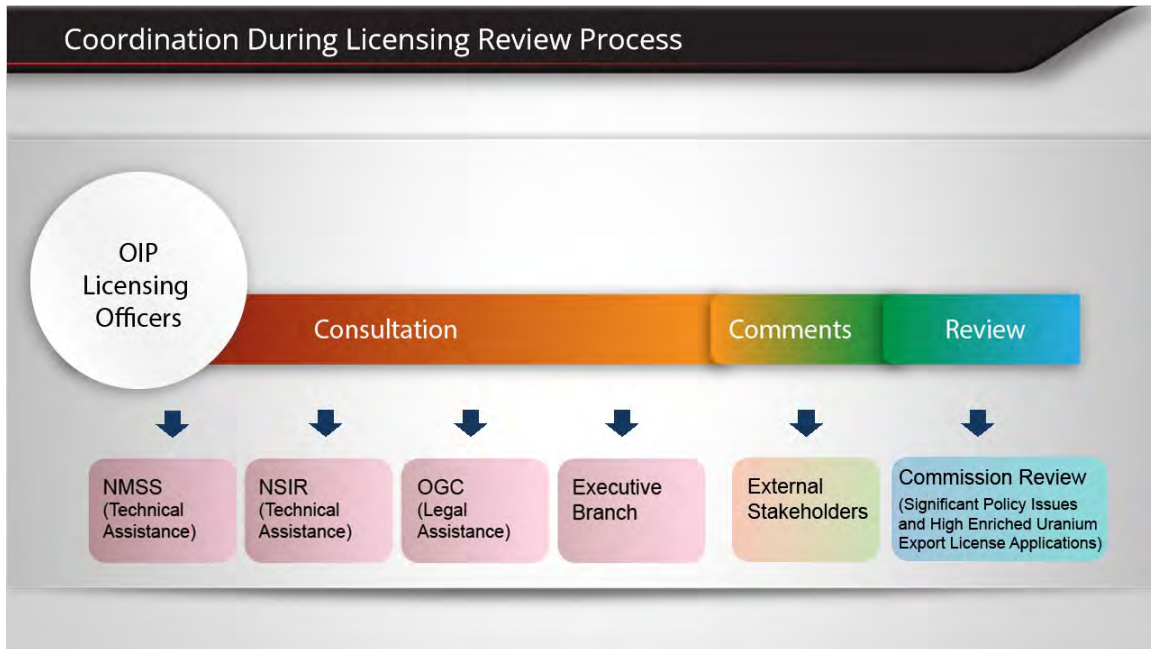
Notes:

The NRC's Office of International Programs (OIP) is responsible for implementing and managing the NRC's import and export licensing program.

Once an application is received, the OIP Licensing Officer will coordinate the review and input needed from program offices, such as the Office of Nuclear Material Safety and Safeguards (NMSS), Office of the General Counsel (OGC), Office of Nuclear Reactor Regulation (NRR), and the Office of Nuclear Security and Incident Response (NSIR). The roles and responsibilities of the OIP Licensing Officer also include coordinating the review of the application with other Federal agencies and the Executive Branch.

This timeline illustrates the licensing process overview.

Coordination During Licensing Review Process



Notes:

OIP's Licensing Officers perform an acceptance review of incoming application documents to verify completeness before docketing the incoming package. The Licensing Officer then coordinates with NMSS (and in certain cases NSIR, NRR and OGC) and the Executive Branch to obtain their views on the proposed licensing action, as necessary. In some cases, Commission level review and approval is required prior to issuance.

The licensing process is truly an interactive and coordinated process, beginning with the assigned Licensing Officer, including both external and internal stakeholders. Some exports require Executive Branch and/or Commission level review if the proposed export is more proliferation significant.

Refer to the image above for a simplified version of coordination during the licensing review process.

Types of License Reviews

Types of License Reviews



- 01 Commission Level
- 02 Executive Branch Views
- 03 Specific Government Assurances
- 04 Generic Foreign Level Assurances
- 05 Generic Reviews, Minor Amendments

Commission Level

01 Commission Level

10 CFR Part 110.40, "Commission Review" identifies commodities and end uses requiring Commission level review including:

- Export of a production or utilization facility
- More than five "effective" kgs of high-enriched uranium, plutonium, or uranium-233
- Initial exports of certain material to a restricted or embargoed country
- Export and/or import raising significant policy issues

Foreign government assurances may be required to complete these reviews

Commission Level
Executive Branch Views
Specific Government Assurances
Generic Foreign Level Assurances
Generic Reviews, Minor Amendments

Notes:

A Commission level review – includes an Executive Branch Review – and is the highest level of review due the proliferation significance of the proposed export, as well as the regulatory and foreign policy impacts involved with exporting the equipment or material. Staff is required to submit this export license application to the Commission for review and action in accordance with 10 CFR 110.40(b)(1).

Executive Branch Views

02 Executive Branch Views

The Executive Branch (EB) is responsible for gaining foreign government assurances for peaceful nuclear cooperation agreed upon under the Atomic Energy Act, as per 10 CFR Part 110.41, "Executive Branch Review".

Commodities requiring Executive Branch level review include:

- Nuclear grade graphite for nuclear end use
- Export of radioactive waste
- Export to any country listed in 10 CFR Part 110.28 or 110.29
- Export raising significant policy issues as determined by the Commission or the EB

Commission Level

Executive Branch Views

Specific Government Assurances

Generic Foreign Level Assurances

Generic Reviews, Minor Amendments

Notes:

Under 10 CFR 110.41, "Executive Branch review," the NRC asks the Executive Branch to provide its judgment as to whether certain proposed exports would be inimical, in other words harmful, to the common defense and security.

The Executive Branch also confirms that the proposed export is in accordance with the terms of an agreement for cooperation (where applicable) and addresses whether the proposed export satisfies the applicable statutory export criteria.

The NRC can issue a license only after all applicable statutory/regulatory criteria are met. Notably, the NRC cannot issue an export license until it receives foreign government assurances and favorable Executive Branch views.

Specific Foreign Government Assurances

03 Specific Government Assurances

State Department or Department of Energy/National Nuclear Security Administration requests foreign assurances through diplomatic channels.

Specific foreign assurances are requested to make the following subject to a specific bilateral (Section 123) agreement & meet the criteria listed in 10 CFR Part 110.42(a)

- Production facilities
- Utilization facilities
- Special nuclear material
- Source material for nuclear end uses

Commission Level

Executive Branch Views

Specific Government Assurances

Generic Foreign Level Assurances

Generic Reviews, Minor Amendments

Notes:

How does the U.S. government confirm that the specified nuclear material and/or equipment being exported from the U.S. will be subject to certain non-proliferation obligations in the recipient country? That information is contained in a specific Foreign Government Assurance also referred to as case specific government-to-government assurances. Case-specific government-to-government assurances are the most common form of assurances for export license applications. The diplomatic notification from the recipient government includes specific assurances that the proposed export will be subject to certain non-proliferation standards in that country – such as standards for physical protection, peaceful use guarantees and that it will be subject to safeguards. These assurances may be pursuant to a bilateral peaceful nuclear cooperation agreement, depending on the proliferation significance of the proposed export.

Although often covered under generic-level foreign government assurances (covered on the next slide), there are licensing actions wherein the export of minor components require the NRC staff to seek specific government-to-government assurances through diplomatic channels. These cases are usually for destinations with whom the United States has not entered into a bilateral agreement for civil nuclear cooperation.

The issuance of a license can be delayed if the recipient country has not submitted specific foreign government assurances on the requested equipment or material. When this happens, OIP staff suggest the applicant work with its customer in the destination country to facilitate the submittal of the foreign government assurances. Additionally, the customer in the destination country can contact the appropriate government officials in the destination country so they know to expect a request for assurances from the U.S.

Generic Foreign Government Assurances

04 Generic Foreign Level Assurances

Generic foreign assurances are obtained from individual governments.

Applies to items and substances deemed to be less proliferation significant.

Generic foreign assurances must satisfy the criteria listed in Section 109b of the AEA of 1954, as amended & 10 CFR Part 110.42(b). Examples include exports of:

- Nuclear components, other than production or utilization facility
- Deuterium
- Nuclear grade graphite for nuclear end use

For countries that do not provide these assurances generically, they must be requested on a case-by-case basis.

Commission Level
Executive Branch Views
Specific Government Assurances
Generic Foreign Level Assurances
Generic Reviews, Minor Amendments

Notes:

Generic Foreign Government Assurances as opposed to Specific Foreign Government Assurances have already been obtained from individual governments. The U.S. Government negotiates Generic Foreign Government Assurances to facilitate trade with foreign partners in good standing. Requests for generic assurances are made through diplomatic channels by the Department of State and provide blanket assurances over mostly minor nuclear reactor components, to avoid obtaining case-by-case assurances requests for more routine exports.

Generic assurances do not apply to items that must be exported pursuant to a 123 agreement.

If a commodity is not covered by a Generic Foreign Government Assurance, a case specific government-to-government assurance must be requested.

Generic Reviews, Minor Amendments

05 Generic Reviews, Minor Amendments

Generic reviews are specific licenses that do not require any of the aforementioned licensing reviews. Examples include:

- Byproduct materials not listed in 10 CFR Part 110 Appendix P
- Source material for non-nuclear end use

Minor amendments to active, specific export or import licenses which do not involve significant changes to license terms and conditions or to the type/quantity/chemical composition of the material include:

- Requests to extend the expiration date
- Requests to change a licensee point of contact

The NRC reviews available information to determine that approval of the export will not be inimical to the common defense and security of the United States.

Commission Level
Executive Branch Views
Specific Government Assurances
Generic Foreign Level Assurances
Generic Reviews, Minor Amendments

Notes:

Above is a simplified summary of generic reviews and minor amendments. Licenses that meet generic level review or minor amendments can be issued after a 30-day public posting of the application and barring no significant public comments or substantial legal issues, requiring an additional assessment of the application.

NRC's licensing officers make an assessment as to whether the application poses any type of threat to the common defense and security of the United States. If it does not, then the application can be issued, or the minor changes can be made to a current license.

Summary

Summary

A license application must be available to the public for 30 days. Section 10 CFR Part 110.70 specified that the Commission will notice the receipt of each license application, including application for amendment or renewals, for an export or import for which a license is required. Furthermore, 10 CFR Part 110 states, in part, that public comments should be submitted within 30 days after public notice of receipt of the application.

In accordance with 10 CFR Part 110.53(a), "United States address, records, and inspections", each licensee (general or specific) shall have an office in the United States where papers may be served and where required by the Commission will be maintained. For example, a Post Office Box would not be an acceptable address for a license application.

NRC Form 7, "Application for NRC Export or Import License, Amendment, Renewal, or Consent Request(s)" is used to apply to export or import nuclear equipment and material.

A Commission Review is required for applications that raise significant policy issues. In accordance with 10 CFR Part 110.40(c), the Commission will review export and import license applications raising significant policy issues.

Notes:

In summary:

A license application must be available to the public for 30 days. Section 10 CFR 110.70 specified that the Commission will notice the receipt of each license application, including application for amendment or renewals, for an export or import for which a license is required. Furthermore, 10 CFR 110 states, in part, that public comments should be submitted within 30 days after public notice of receipt of the application.

In accordance with 10 CFR 110.53(a), "United States address, records, and inspections", each licensee (general or specific) shall have an office in the United States where papers may be served and where required by the Commission will be maintained. For example, a Post Office Box would not be an acceptable address for a license application.

NRC Form 7, "Application for NRC Export or Import License, Amendment, Renewal, or Consent Request(s)" is used to apply to export or import nuclear equipment and material.

A Commission Review is required for applications that raise significant policy issues. In accordance with 10 CFR 110.40(c), the Commission will review export and import license applications raising significant policy issues.

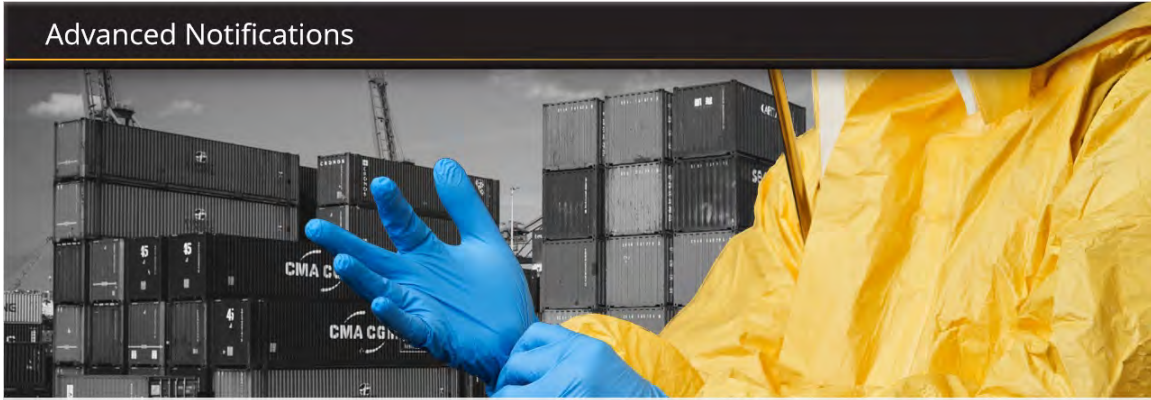
Part 4: Post Licensing Actions



Notes:

Part 4: Post Licensing Actions. This part covers post licensing actions and advanced notification requirements, reporting requirements for certain nuclear components, and NRC's Enforcement Policy; and lastly, OIP outreach and communications efforts.

Advanced Notifications



Advanced Notifications

Advanced notifications for exports and imports are critically important to the NRC's mission of protecting public health and safety, as it enables the NRC to take appropriate action.

NRC can prevent the import of a shipment if the U.S. consignee does not possess the appropriate license or if radioactivity levels are above established limits.

Notes:

Advanced notifications for exports and imports are critically important to the NRC's mission of protecting public health and safety, as it enables the NRC to take appropriate action, when needed.

For example, the NRC can prevent the import of a shipment if the U.S. consignee does not possess the appropriate license or if radioactivity levels are above established limits.

Advanced Notifications (continued)



The infographic features a central circular graphic with the text "Advanced Notifications" and a list of six numbered points (01-06) on the right side, each with a corresponding colored square.

Number	Description
01	Required by 10 CFR Part 110.50(c)
02	For materials listed in 10 CFR Part 110, Appendix P
03	Exporters are required to give an advanced notification at least 24 hours prior to each shipment
04	Importers are required to give an advanced notification at least 7 days prior to each shipment
05	NRC Form 830 is used for imports and NRC Form 831 is used for exports
06	Notifications are sent to the NRC's Headquarters Operations Center

Notes:

Advanced Notifications are required by 10 CFR 110.50(c), are for materials listed in 10 CFR 110, Appendix P.

Exporters are required to give an advanced notification at least 24 hours prior to each shipment.

Importers are required to give an advanced notification at least 7 days prior to each shipment.

NRC Form 830 is used for imports and NRC Form 831 is used for exports.

Notifications are sent to the NRC's Headquarters Operations Center.

Reporting Requirements for Facility and Equipment

Listed in Annex II of the Additional Protocol

Reporting Requirements for Facility and Equipment Listed in Annex II of the Additional Protocol



The International Atomic Energy Agency:

- Embarked on a broad program to further strengthen safeguards to enable detection of undeclared material and activities
- Determined that the safeguards system needed to be strengthened, and negotiated an Additional Protocol requiring enhanced information collection and access to sites and other locations involved in activities related to the nuclear fuel cycle


Notes:

In the aftermath of the 1991 Persian Gulf War, the International Atomic Energy Agency embarked on a broad program to further strengthen safeguards to enable detection of undeclared material and activities.

As such, the international community determined that the safeguards system needed to be strengthened and negotiated an Additional Protocol requiring enhanced information collection and access to sites and other locations involved in activities related to the nuclear fuel cycle.

Thereby providing IAEA inspectors greater ability to detect clandestine nuclear activities at the sites and locations at non-nuclear-weapon states involved in nuclear fuel cycle activities.

Reporting Requirements



Reporting Requirements

Quarterly Export Reports


- Required under 10 CFR Part 110.54(a)
- Related to Annex II of the Additional Protocol
- Exports under a general or specific license of nuclear equipment, nuclear graphite for nuclear end use, and deuterium shipped
- January 15, April 15, July 15, and October 15 of each year
- Submission to Department of Commerce/Bureau of Industry and Security
- Forms can be found at Bis.doc.gov

Notes:

As a result, 10 CFR 110.54(a)(1) requires that licensees exporting under a general license or specific license in 10 CFR 110 must report exports of nuclear facilities and equipment, and certain non-nuclear materials, shipped during the previous quarter by January 15, April 15, July 15, and October 15 of each year.

These required reports must be submitted to the Department of Commerce. Reporting the export of equipment and components listed in Annex II of the Additional Protocol on a quarterly basis enables the U.S. Government to fulfill its agreement with the IAEA under the Additional Protocol.

Annual Reporting Requirements



Annual Reporting Requirements

- Not related to the Additional Protocol
- Exports of all americium and neptunium under a general license (10 CFR Part 110.23(a)) shipped during the previous year as required under 10 CFR Part 110.54(b)
- Exports of components under a general license (10 CFR Part 110.26(a)) shipped during the previous year as required under 10 CFR Part 110.54(c)
- Due February 1st of every year and must be submitted to OIP

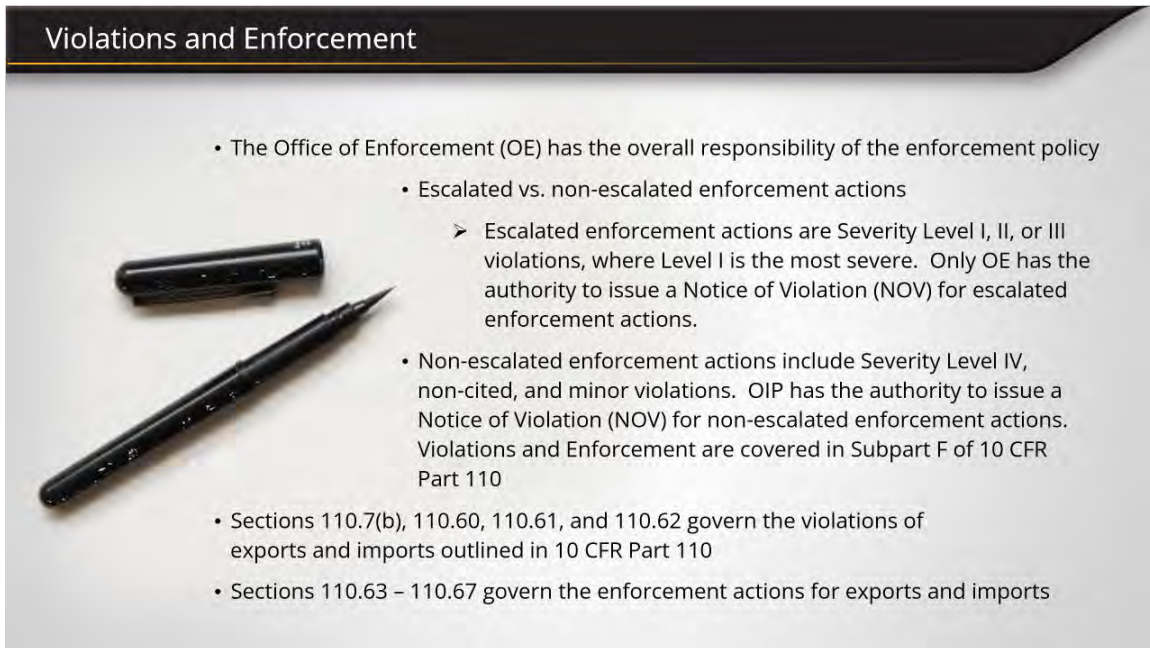
Notes:

Annual reporting requirements are not related to the Additional Protocol quarterly reporting requirements, but can be subject to enforcement action, if not reported timely.

This type of reporting is required for several reasons: to ensure that a licensee is meeting the terms of its license; to fulfill inventory reporting requirements under certain bilateral agreements; and to track the use of sensitive materials.

Reports of exports of americium and neptunium; and nuclear reactor components shipped under a general license, are due annually, on February 1st, to the NRC.

Violations and Enforcement



Violations and Enforcement

- The Office of Enforcement (OE) has the overall responsibility of the enforcement policy
 - Escalated vs. non-escalated enforcement actions
 - Escalated enforcement actions are Severity Level I, II, or III violations, where Level I is the most severe. Only OE has the authority to issue a Notice of Violation (NOV) for escalated enforcement actions.
 - Non-escalated enforcement actions include Severity Level IV, non-cited, and minor violations. OIP has the authority to issue a Notice of Violation (NOV) for non-escalated enforcement actions. Violations and Enforcement are covered in Subpart F of 10 CFR Part 110
- Sections 110.7(b), 110.60, 110.61, and 110.62 govern the violations of exports and imports outlined in 10 CFR Part 110
- Sections 110.63 – 110.67 govern the enforcement actions for exports and imports

Notes:

Both domestic and international export and import activities are subject to enforcement action.

The Office of Enforcement, in short called “OE”, has the overall responsibility of implementing the enforcement policy.

OIP works very closely with OE and has dedicated staff assigned to reviewing potential and apparent violations of export and import licenses.

OIP Outreach and Communications

OIP Outreach and Communications



- Communicate with the licensees to update them on any policy or rule changes, answer questions about 10 CFR Part 110, or provide clarity to the license application, license, or 10 CFR Part 110
- Outreach to public through incoming calls and emails through the OIP resource mailbox
- Outreach to industry at various locations and events on export and import requirements
- Outreach to the U.S. interagency

Notes:

OIP uses outreach and communication as instruments to educate applicants and licensees of their responsibilities under 10 CFR 110. OIP staff does this by providing updates on policy or rule changes, answering questions about 10 CFR 110, and providing guidance on how to apply for an export or import license. Many of the questions OIP receive are answered through calls, emails, and through the OIP resource box (IP.Resource@nrc.gov).

Outreach is also conducted with the U.S. nuclear industry and with the U.S. government interagency. These communications are key in providing clear, easily understood, and transparent licensing processes and nonproliferation policy developments.

Summary

The slide features a dark header with the word 'Summary' in white. Below the header, there are three white text boxes with black borders, each containing a paragraph of text. The background of the slide is a light blue gradient with a faint image of a person's hands holding a document.

Summary

Advanced notifications cover risk significant byproduct material listed in 10 CFR Part 110, Appendix P, and submittals are required prior to actual exports and imports. Applications for a specific license to export or import shall be filed with the Deputy Director of OIP.

Quarterly export reports relate to Annex II of the Additional Protocol. Section 110.54(a)(1), "Reporting requirements" describe the requirements for submitting reports of export of nuclear facilities and equipment, nuclear grade graphite for nuclear end use, and deuterium shipped during the previous quarter listed in Annex II of the Additional Protocol.

OIP does not have the authority to issue Severity Levels I, II, III violations. That authority falls under the Director of OE. While OIP does disposition escalated enforcement, the Director of OE will issue the NOV on behalf of OIP, as delegated by the Executive Director of Operations.

Notes:

In summary:

Advanced notifications cover risk significant byproduct material listed in 10 CFR 110, Appendix P, and are required to be submitted prior to actual exports and imports. Applications for a specific license to export or import shall be filed with the Deputy Director of OIP.

Quarterly export reports relate to Annex II of the Additional Protocol. Section 110.54(a)(1), "Reporting requirements" describe the requirements for submitting reports of export of nuclear facilities and equipment, nuclear grade graphite for nuclear end use, and deuterium shipped during the previous quarter listed in Annex II of the Additional Protocol.

OIP does not have the authority to issue Severity Levels I, II, III violations. That authority falls under the Director of OE. While OIP does disposition escalated enforcement, the Director of OE will issue the NOV on behalf of OIP, as delegated by the Executive Director of Operations.

Part 5: Interagency Collaboration



Notes:

The final training module covers NRC's relationship with its federal partners, explains bilateral agreements for civil nuclear cooperation, identifies the Department of Energy's 10 CFR 810 process and NRC's coordination role, and discusses country-to-country subsequent arrangements.

Interagency Collaboration

Interagency Collaboration



The U.S. Department of State establishes and implements foreign policy. In order to support and comply with foreign policy, interagency collaboration is active with the NRC, DOE, and Department of Commerce.

As a reminder, regulatory jurisdiction for exports of non-military nuclear products, services and technology is divided among three agencies:

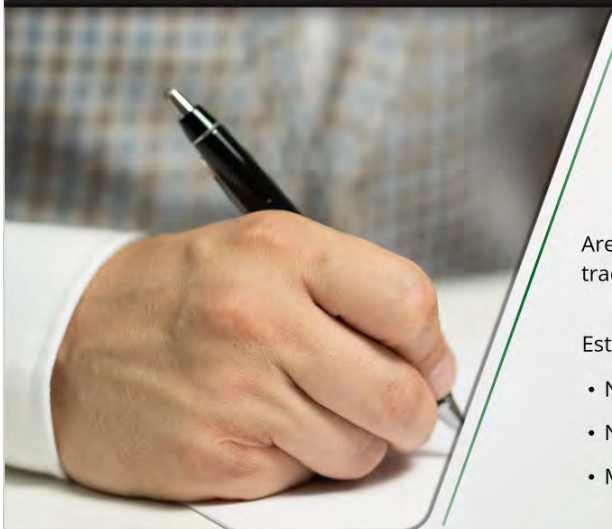
- *NRC = nuclear equipment & material*
- *DOE = knowledge & technology*
- *DOC = dual use equipment and material*

Notes:

As an established nuclear regulatory body, NRC has a responsibility to ensure that its international activities underscore the safety and security of peaceful nuclear activities worldwide by executing foreign policy as directed by the U.S. Department of State.

The NRC provides insights and sharing lessons learned with other federal partner agencies such as the Department of State, Energy, and Commerce. We do this, in part, by supporting and participating in interagency meetings that promote worldwide commitments to safety, security, and safeguards.

Interagency Collaboration Section 123 Agreements



Interagency Collaboration Section 123 Agreements

123 Agreements:

Are required in order to conduct significant nuclear trade with partner countries

Establish a legal framework that permit the export of:

- Nuclear material
- Nuclear reactors
- Major reactor components

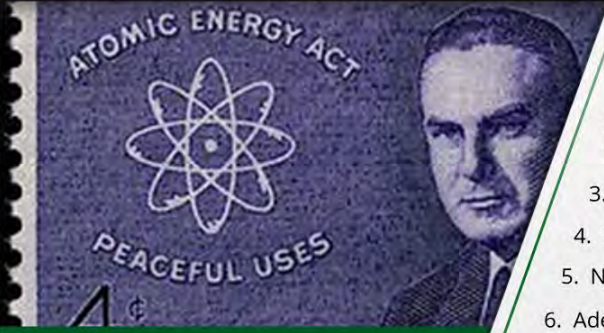
Notes:

Bilateral agreements for civil nuclear cooperation with other countries, known as 123 Agreements after Section 123 of the Atomic Energy Act of 1954, as amended, are required in order to conduct significant nuclear trade with partner countries.

Specifically, 123 Agreements establish a legal framework that permit the export of nuclear material and major reactor components needed to construct and operate nuclear reactors.

Interagency Collaboration Section 123 Agreements (continued)

Interagency Collaboration Section 123 Agreements (continued)



Under a 123 Agreement, the U.S. government asks a recipient government of U.S.-obligated material and equipment to adhere to the following obligations:

1. Safeguards maintained for all nuclear material and equipment
2. Full Scope Safeguards for Non-Nuclear Weapon States
3. Peaceful Uses
4. Right of Return
5. No retransfer without prior U.S. consent
6. Adequate physical protection
7. No enrichment or alteration in form or content without prior U.S. approval
8. Pre-approval on storage facilities
9. Special Nuclear Technology provisions

Notes:

A 123 Agreement must contain the nine requirements, listed above, that set the nonproliferation standards for conducting nuclear commerce with the United States.

Section 123 Agreements are negotiated by the Department of State, with technical assistance from Department of Energy and concurrence of NRC. OIP staff participate on the interagency teams that negotiate 123 Agreements, and staff from relevant NRC program offices review and provide input on each draft of an agreement during its negotiation.

The NRC reviews and approves license requests for all exported nuclear material and equipment subject to a 123 Agreement. The NRC works closely with the interagency to ensure the proper framework for nuclear exports is established in these agreements.

Interagency Collaboration: Part 810

Interagency Collaboration Part 810

- 10 CFR Part 810 controls the export of unclassified nuclear technology and assistance as required by Section 57b (2) of the AEA, as amended
- Department of Energy/National Nuclear Security Administration jurisdiction with concurrence by Department of State and consultation with the NRC, Department of Commerce, and the Department of Defense
- Section 57b (2) gives the NRC the authority to review
- OIP coordinates with other NRC Offices to review an incoming Part 810 request and provides a formal response to DOE/ NNSA

SAFEGUARD nuclear materials to prevent their diversion or theft

CONTROL the spread of WMD-related material, equipment and technology

Negotiate, monitor, and **VERIFY** compliance with international nonproliferation and arms control treaties and agreements

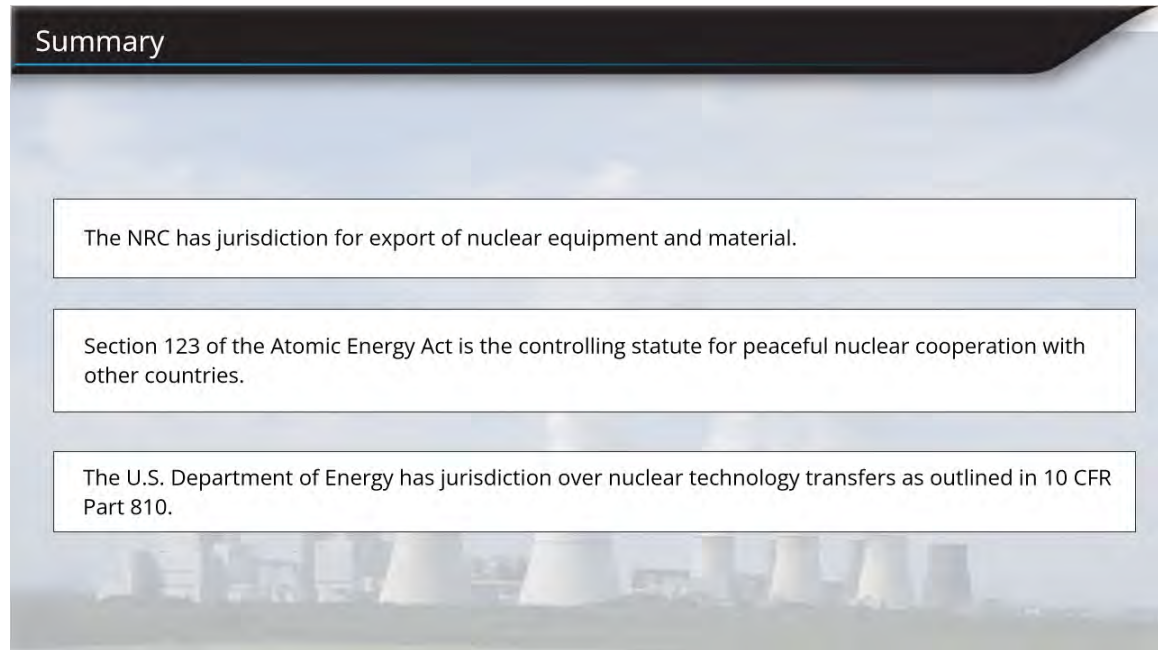
Develop **POLICIES**, programs, and strategies to address emerging nonproliferation and arms control challenges and opportunities

Notes:

Another example of interagency collaboration is the 10 CFR Part 810 authorization review process. In summary, 10 CFR 810 controls the export of unclassified nuclear technology and assistance. The 810 application review process starts with the Department of Energy's National Nuclear Security Administration along with consultation with other DOE offices and laboratories. The 810 application is disseminated to the Departments of State, Defense, Commerce, and the NRC to review.

The NRC reviews 10 CFR 810 applications, on average one to two times per month, and accordingly review and recommend approval (or non-approval) for the export of unclassified nuclear technology, to the Secretary of Energy. The Secretary will determine if the authorization will not be inimical to the interests of the United States.

Summary



Summary

The NRC has jurisdiction for export of nuclear equipment and material.

Section 123 of the Atomic Energy Act is the controlling statute for peaceful nuclear cooperation with other countries.

The U.S. Department of Energy has jurisdiction over nuclear technology transfers as outlined in 10 CFR Part 810.

Notes:

In summary:

The NRC has jurisdiction for export of nuclear equipment and material.

Section 123 of the Atomic Energy Act is the controlling statute for peaceful nuclear cooperation with other countries.

The U.S. Department of Energy has jurisdiction over nuclear technology transfers as outlined in 10 CFR 810.