



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs

Telephone: 301/415-8200

Washington, DC 20555-001

E-mail: opa@nrc.gov

Web Site: <http://www.nrc.gov/OPA>

No. 05-080

May 12, 2005

NRC TOUGHENS EXPORT-IMPORT REQUIREMENTS FOR CERTAIN RADIOACTIVE MATERIALS

The Nuclear Regulatory Commission today approved new regulations to require specific licenses for the export or import of radioactive materials that could be used in so-called “dirty bombs” or other terrorist weapons, making the United States the first country to implement international export controls on these materials.

“The export-import controls are part of the Commission’s effort to protect the American people from the threat of radiological terrorism while allowing the beneficial, peaceful uses of radioactive materials in industry and medicine,” NRC Chairman Nils J. Diaz said. “They are part of the U.S. government’s efforts to increase control of radioactive material, in cooperation with our allies.”

The regulations, contained in a final rule to be published next month in the *Federal Register* and to be effective by Dec. 31, are based on export-import provisions of the Code of Conduct on the Safety and Security of Radioactive Sources adopted in September 2003 by the International Atomic Energy Agency (IAEA). The United States played a key role in developing the Code of Conduct and, at U.S. urging, the Group of Eight Industrial Nations agreed at their June 2004 summit in Sea Island, Ga., to implement the Code’s export-import provisions by December 2005. With this rule, the United States is the first country to do so.

The new regulations require specific licenses for all exports and imports of radioactive materials (in sealed sources or in bulk) as defined in the rule. The rule’s lists of nuclear materials and radioactivity levels of concern are essentially identical to those in Category 1 and Category 2 of the Code of Conduct. Anyone in the United States wishing to export or import these materials would be required to apply for NRC approval. Under current NRC regulations, these radioactive materials may be exported or imported under a general license, which does not require filing an application to the NRC or the issuance of licensing documents.

Before approving an export license, the NRC will determine that the proposed export is not inimical to the common defense and security of the United States. In making this determination, the Commission, in consultation with the Executive Branch, will consider whether the importing country has the technical and administrative capability and the resources and regulatory structure to manage the material in a safe and secure manner, and has authorized the recipient to receive and possess the material.

Import licenses will be granted only after NRC determines the import would not be inimical to the common defense and security of the United States or pose a threat to public health and safety. Importers must verify to the exporting country that they are authorized to receive the material, provide prior notification of shipments to the NRC, and verify to the NRC that each recipient is authorized to possess the material.

The Commission will have the discretion to grant broad specific licenses covering multiple shipments over several years or limit a license to a single shipment.

A proposed rule containing these requirements was published Sept. 16, 2004, in the *Federal Register*. The NRC received comments from the Executive Branch, private individuals and industry, relating in general to the scope of the rule, the effect on commerce (including supply disruption), and concerns about fees for the new licenses. A summary of the comments and the NRC's responses is included in the upcoming *Federal Register* notice on the final rule.

###