



INTERNATIONAL
T R A D E
ADMINISTRATION

CIVIL NUCLEAR EXPORTERS GUIDE

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Interagency Jurisdictions

123 AGREEMENTS

Lead Agency: [Department of State](#), [Department of Energy](#)

Jurisdiction: Nuclear power reactors, research reactors, nuclear material, and major reactor components

Advisory Agencies: Nuclear Regulatory Commission (NRC)

PART 810

Lead Agency: [Department of Energy](#)

Jurisdiction: Nuclear technology and services (as information) related to the production of Special Nuclear Material

Advisory Agencies: Departments of Commerce, Defense, State, and the NRC

PART 110

Lead Agency: [Nuclear Regulatory Commission](#)

Jurisdiction: Nuclear equipment and material

Advisory Agencies: Departments of Commerce, Defense, State, and Energy

EXPORT ADMINISTRATION REGULATIONS (DUAL-USE ITEMS)

Lead Agency: [Department of Commerce](#)

Jurisdiction: [Dual-use items](#) listed on the Commerce Control List

Advisory Agencies: Departments of Defense, Energy, and State

ARMS EXPORT CONTROL ACT (AECA) & INTERNATIONAL TRAFFIC IN ARMS (ITAR)

Lead Agency: [Department of State](#)

Jurisdiction: Defense articles and services on the United States Munitions List

Advisory Agencies: Departments of Commerce, Defense, and Energy

123 Agreement

- For significant nuclear exports, the United States must have an agreement for peaceful nuclear cooperation pursuant to Section 123 of the U.S. Atomic Energy Act of 1954, as amended with the recipient country.
- Significant nuclear exports include power reactors, research reactors, source and special nuclear materials (for use as reactor fuel), and four major components of reactors (pressure vessels, fuel charging and discharging machines, complete control rod drive units, and primary coolant pumps).
- A 123 Agreement typically does not commit the United States to any specific exports or other cooperative activities, but rather establishes a framework of conditions and controls to govern subsequent commercial transactions, if any.
- [List of 123 Agreements in Force.](#)

Activities That Do Not Require a License/Authorization

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- After consulting with the appropriate [U.S. Government agencies](#), U.S. companies can at times engage in certain activities related to civil nuclear trade in foreign markets that do not require a license/authorization.
- Such activities may include: holding meetings with government officials, potential customers and partners; and, participating in trade missions and other similar business development activities, as long as information shared is public and not business-proprietary.

Is a Part 810 Authorization Required?

- **Part 810**-refers to the process set forth in *10 Code of Federal Regulations Part 810*. Under the authority of section 57.b of the Atomic Energy Act of 1954, as amended, and in accordance with established procedures, only the Secretary of Energy may authorize, through the Part 810 process, persons to engage, directly or indirectly, in the production of special nuclear material outside the United States. This provision applies to technology transfers and technical assistance to all activities of the nuclear fuel-cycle, including non-power reactors.
- The first step in determining whether a company needs a license/authorization in order to engage in international civil nuclear trade is to consult with the appropriate [U.S. Government agencies](#) prior to engaging in business overseas or with foreign nationals.

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Is a Part 810 Authorization Required? -Continued

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- Sometimes the tender process does not require the transmission of business proprietary or export-controlled information, in which case a company does not need to seek a Part 810 authorization prior to bidding. The only way to be certain, however, is to consult first with the appropriate [U.S. Government agencies](#).
- In some instances companies may seek a license/authorization before submitting a bid, so as not to run the risk of licensing issues arising after having already won a contract.

Obtaining Part 810 Authorization

- **There is no standard form** – companies should submit a letter with a detailed proposal to the Director of the [International Regimes & Agreements Office](#), National Nuclear Security Administration, U.S. Department of Energy. [10 CFR 810.12](#) describes the information that must be included in an application.

Is a Part 110 License Required?

- **Part 110**- refers to the process set forth in 10 Code of Federal Regulations Part 110, establishing licensing requirements for any person that seeks to import or export NRC-controlled nuclear equipment or material.
- **Part 110** applies to the following exports:
 - Nuclear production and utilization facilities (e.g., reactors, fuel cycle facilities) and especially designed or prepared equipment/components for such facilities
 - Special nuclear material
 - Source material
 - Byproduct material
 - Deuterium and heavy water
 - Nuclear grade graphite for nuclear end use
- See the [NRC website](#) for more information.

Obtaining a Part 110 License

- [NRC Form 7](#) is the license application for Part 110. Completed applications and processing fee should be sent to the Deputy Director, [Office of International Programs](#), at the NRC.
- For proposed exports of nuclear facilities, source and/or special nuclear material, NRC asks the Department of State to coordinate review by interested Executive Branch agencies (Energy, Defense, and Commerce Departments), which includes:
 - Obtaining assurances from the foreign government that parties are authorized to receive the items subject to the terms of a Section 123 Agreement for Cooperation in the Peaceful Uses of Nuclear Energy;
 - Providing views as to whether export licensing criteria are met; and,
 - After the export license is issued, DOE and NRC manage the [Nuclear Materials Management & Safeguards System](#) (NMMSS), which tracks nuclear materials. DOE also processes subsequent arrangements, such as the re-transfer of U.S.-origin nuclear material or equipment.
- See the [NRC website](#) for more information.

Necessary Recipient Government Assurances

- Government-to-government assurances obtained by either the Department of State or the Department of Energy are required for the 810 approval and 110 licensing process.
 - The assurances for 810 approvals affirm that the recipient government pledges to use the acquired technology exclusively for peaceful purposes and will not re-transfer it to another country without the consent of the supplier-country government.
 - The assurances for 110 exports of nuclear facilities, special nuclear and source material affirm that the recipient government pledges to use the acquired items in accordance with the applicable 123 Agreement for Cooperation.
 - The assurances for 110 exports of nuclear components, heavy water, and deuterium affirm that the recipient government pledges to use the acquired items exclusively for peaceful purposes, subject to IAEA safeguards and will not re-transfer them to another country without the consent of the supplier-country government.

Is a BIS Export License Required?

- The [Bureau of Industry & Security \(BIS\)](#) at the Department of Commerce has jurisdiction over [nuclear -related dual-use items subject to the Export Administration Regulations \(EAR\)](#).
 - Nuclear-related dual-use items can include simulators, detectors, analytic equipment, and many types of pipes, valves and other parts.
 - [Steps for using EAR](#).

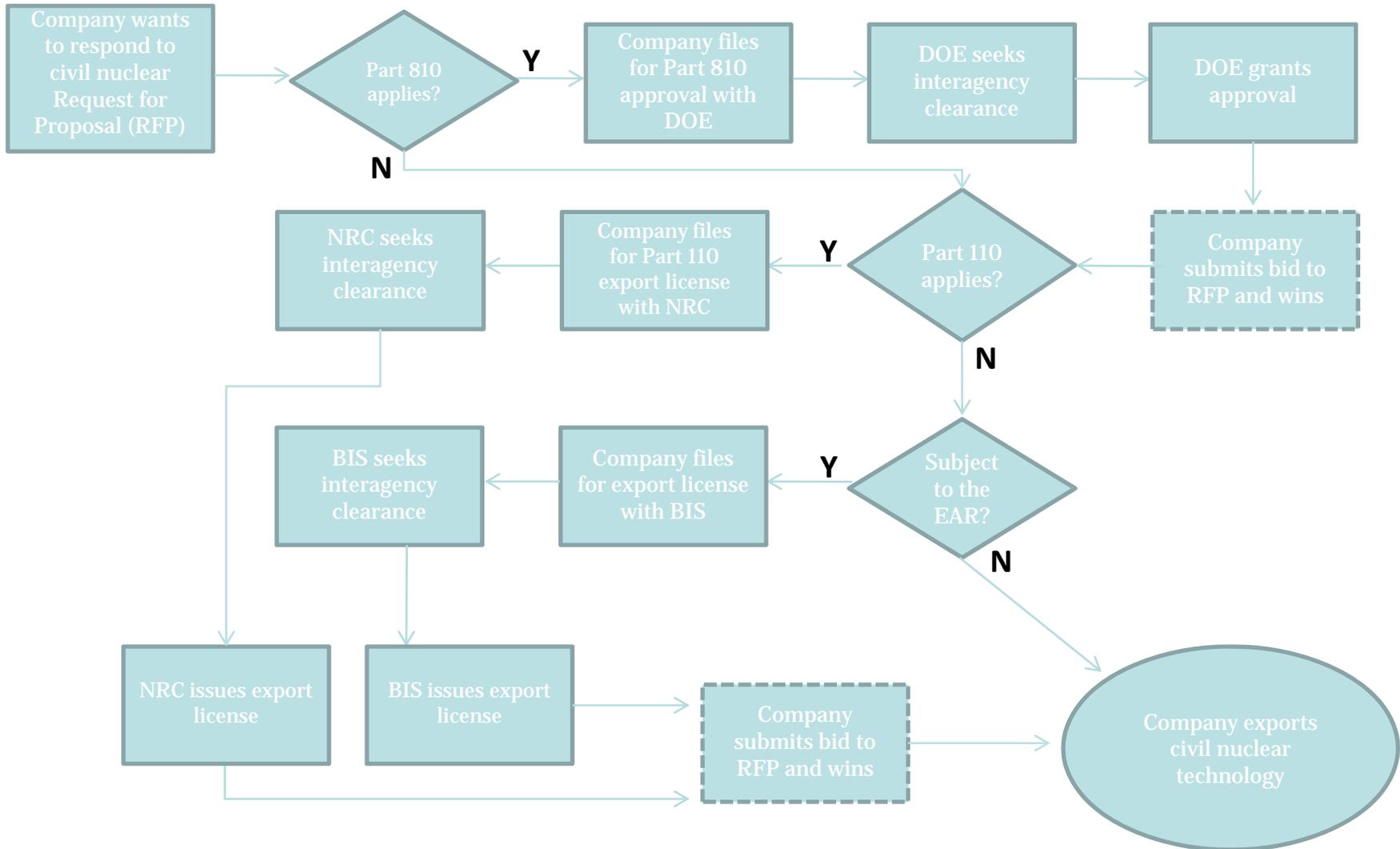
Obtaining a BIS Export License

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- All applications for BIS export licenses must be submitted electronically using the [SNAP-R system](#).

Licensing Process Summary

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Authorizing/Licensing Contacts

PART 810

Agency: Department of Energy
Name: Richard Goorevich
Address: Office of International Regimes and Agreements
National Nuclear Security Administration
1000 Independence Ave, SW
Washington, DC 20585
Phone: 202-586-0589
Email: Richard.goorevich@nnsa.doe.gov

PART 110

Agency: Nuclear Regulatory Commission
Name: Stephen Dembek
Address: Office of International Programs
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852-2746
Phone: 301-415-2342
Email: stephen.dembek@nrc.gov

DUAL-USE

Agency: Department of Commerce, Bureau of Industry and
Security
Name: Steve Clagett
Address: Nuclear and Missile
Technology Division
Bureau of Industry & Security
Phone: 202-482-1641
Email: sclagett@bis.doc.gov

U.S. Government Trade Support

- [Department of Commerce, International Trade Administration \(ITA\)](#)
 - ITA’s mission is to create prosperity by strengthening the competitiveness of U.S. industry, promoting trade and investment, and ensuring fair trade and compliance with trade laws and agreements.
 - [ITA’s Office of Energy and Environmental Industries](#): This Office facilitates global trade and supports the economic competitiveness of U.S. energy and environmental technologies firms. The Office provides critical economic and policy analysis to help U.S. business compete in the global market; works closely with industry and other stakeholders to ensure their input is reflected in trade and domestic policy development, negotiations and implementation; and enhances public and private partnerships that advance the interests of both the USG and the U.S. energy and environmental industries.
 - [ITA’s Advocacy Center](#): A company interested in receiving U.S. Government trade advocacy assistance on nuclear-related commercial competitions must first file an Advocacy Questionnaire and Anti-Bribery Agreement with the Advocacy Center. The Advocacy Center will coordinate with the appropriate U.S. Government agencies on whether to grant advocacy assistance.
 - [ITA’s U.S. & Foreign Commercial Service](#): The US&FCS operates a global network of trade professionals in U.S. Export Assistance Centers (USEACs) in 109 U.S. cities and in U.S. Embassies and Consulates in 77 countries. US&FCS staff work with U.S. companies, providing counseling and advocacy, market research, trade events, and identification of potential international buyers or partners

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U.S. Government Trade Support, cont.

- [U.S. Export-Import Bank](#)
 - The Export-Import Bank of the United States (Ex-Im Bank) is the official export credit agency of the U.S. Government. Ex-Im Bank's mission is to assist in financing the export of U.S. goods and services to international markets, including nuclear-related exports.
- [United States Trade and Development Agency](#)
 - The U.S. Trade and Development Agency (USTDA) advances economic development and U.S. commercial interests in developing and middle income countries. The agency funds various forms of technical assistance, early investment analysis, training, orientation visits, and business workshops that support the development of a modern infrastructure and a fair and open trading environment. USTDA supports nuclear-related programs.

Nuclear Trade-Related U.S. Government Contacts

DEPARTMENT OF COMMERCE, OFFICE OF ENERGY & ENVIRONMENTAL INDUSTRIES

Name: Sarah Lopp & Ryan Mulholland
Address: 1401 Constitution Avenue NW, Room 4407
Washington, DC 20230
Phone: 202-482-3851 & 202-482-4693
Email: Sarah.Lopp@mail.doc.gov & Ryan.Mulholland@mail.doc.gov

DEPARTMENT OF COMMERCE, ADVOCACY CENTER

Name: Addilyn Chams-Eddine
Address: 1401 Constitution Avenue NW, Room 4407
Washington, DC 20230
Phone: 202-482-0648
Email: Addilyn.Chams-Eddine@mail.doc.gov

EXPORT-IMPORT BANK

Name: John Schuster
Address: 811 Vermont Avenue, N.W.
Washington, DC 20571
Phone: 202-565-3691
Email: John.Schuster@exim.gov

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Nuclear Trade-Related U.S. Government Contacts

UNITED STATES TRADE DEVELOPMENT AGENCY (USTDA)

Name: Jim Wilderotter
Address: 1000 Wilson Blvd., Suite 1600 Arlington, VA 22209
Phone: 703-875-4357
Email: Jwilderotter@ustda.gov

DEPARTMENT OF STATE, INTERNATIONAL SECURITY & NONPROLIFERATION

Name: Robin DeLaBarre
Address: 2201 C Street NW
Washington, DC 20520
Phone: 202-647-3978
Email: DeLaBarrer@state.gov

DEPARTMENT OF STATE, COMMERCIAL AND BUSINESS AFFAIRS (CBA)

Name: Tim Gilman
Address: 2201 C Street NW
Washington, DC 20520
Phone: 202-647-4103
Email: GilmanTg@state.gov

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DEPARTMENT OF ENERGY, OFFICE OF NUCLEAR ENERGY

Name: Craig Welling

Address: 1000 Independence Ave., SW
Washington, DC 20585

Phone: 202-586-7118

Email: Craig.Welling@nuclear.energ.gov