



RIS 2018-XX

Clarification of Export Reporting Requirements for Nuclear Facilities, Equipment, Nonnuclear Materials

Cumulative Effects of Regulation

April 11, 2018

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Agenda

- Regulatory Issue Summary
- Exports under a general and specific license
- Additional Protocol Background
- AP Quarterly Reporting Requirements
- Summary
- Point of Contacts
- Questions

Regulatory Issue Summary

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 - **Communicate and clarify NRC technical or policy positions on regulatory matters that have not been communicated to or are not broadly understood by the nuclear industry.**
 - Inform the nuclear industry of opportunities for regulatory relief.
 - Communicate previous NRC endorsement of industry guidance on technical or regulatory matters.
 - Provide guidance to applicants and licensees on the scope and detail of information that should be provided in licensing applications to facilitate NRC review.
 - Request the voluntary participation of the nuclear industry in NRC sponsored pilot programs or the voluntary submittal of information which will assist the NRC in the performance of its functions.

RIS 2018-XX

- Purpose
 - Clarification of reporting requirements under 10 CFR Part 110.
 - Annual report of the export of components under a general license
 - Quarterly reports of exports of components under Annex II of the **Additional Protocol**
- This RIS requires no action or written response on the part of licensees/exporters.
- RIS is still under NRC process, will be issued in:
 - www.regulation.gov (for comments)
 - www.nrc.gov

Export of Components Licenses

- Specific Licenses - 10 CFR 110.31 (e.g. reactor coolant pump)
- General licenses – 10 CFR 110.26(a)
 - Appendix A, 10 CFR 110
 - Reactor pressure tube
 - Zirconium tubes
 - Reactor internals (e.g. control and rod guide tubes)
 - Reactor control rods drive mechanism
 - Heat exchangers

- Annual Export Report
 - Exports of components under a general license (10 CFR 110.26(a)) shipped during the previous year.
 - February 1st of every year.
 - Submission to U.S. NRC/Office of International Programs.
 - No form required.

Additional Protocol Background

- The IAEA applies safeguards around the world, in non-nuclear weapons countries, pursuant to comprehensive safeguards agreements (CSA) in each country.
- The IAEA applies safeguards in weapons countries (U.S., France, China, and Russia), pursuant to a Voluntary Offer Agreement with each country.
 - United States: “*INFCIRC/288*” or “*Voluntary Offer Agreement*”
- Model **Additional Protocol** (INFCIRC/540)
 - Focuses on materials and activities, related to the nuclear fuel cycle, that were not previously covered by comprehensive safeguard agreements
 - Opened for signature in 1997

U.S. Additional Protocol

- U.S. Additional Protocol
 - Identical to the model INFCIRC/540, but with *a national security exclusion*
 - Signed by the U.S. on June 12, 1998
 - Entered into force on January 6, 2009
- Primary impacts of the U.S. Additional Protocol:
 - *Reporting requirements*: Additional aspects of the nuclear fuel cycle and related activities (e.g. initial declaration, annual updates, and quarterly export reports)
 - Annual Reports
 - Quarterly Reports

- Quarterly Export Reports
 - Exports under a general or specific license of nuclear equipment, nuclear graphite for nuclear end use, and deuterium shipped during the previous quarter.
 - 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 in www.ap.gov

Additional Protocol Webpage (www.ap.gov)



The screenshot shows the homepage of the Bureau of Industry and Security (BIS) for the U.S. Department of Commerce. The header includes the BIS logo and the text "Bureau of Industry and Security, U.S. Department of Commerce, Where Industry and Security Intersect". A search bar is located in the top right corner. Below the header is a navigation menu with links for Home, About BIS, Regulations, Licensing, Enforcement, Compliance & Training, Policy Guidance, Add'l Programs, and Reform.

The main content area is titled "Additional Protocol (AP)" and features a "U.S. Additional Protocol" section. This section includes a welcome message, a paragraph about reporting requirements, and a list of key points:

- If you started a new nuclear fuel-related activity during the previous calendar year and your location has not previously been reported to BIS, you must submit an Initial Report.
- If you previously submitted an Initial Report to BIS for your location, you must submit an Annual Update Report or a No Change Report.
 - Any new nuclear fuel-related activity started during the previous year at a location previously reported to BIS can be included in an Annual Update Report.
 - Any nuclear fuel-related activity that ceased during the previously year at a location previously reported to BIS must be included in the Annual Update Report.

Below the list, it states: "For additional information on APR reporting requirements, contact BIS's Treaty Compliance Division at 202-482-1001." and "The APR applies to all persons and locations in the United States, except:"

1. Locations that are subject to the regulatory authority of the Nuclear Regulatory Commission or one of their Agreement States.

On the left side, there are two sidebars. The top one, "Additional Protocol (AP)", contains links to the Report Handbook for Locations, Report Handbook for Sites, Outreach Events, Informational Publications, and Press Releases. The bottom one, "Additional Protocol Links", contains links to the Department of Energy (DOE) and the Nuclear Regulatory Commission (NRC). On the right side, there is a "Additional Protocol Related Documents" sidebar with links to the Additional Protocol Treaty, Legislation 109-721, Executive Order 13458, Final AP Rule, Report Handbook for Locations, and Report Handbook for Sites. At the bottom right, there is a status bar that reads "Internet | Protected Mode: On".

Quarterly Export Reports (INFCIRC 540, Article 2.a.ix)

- For licensees using NRC general or specific license authorizations for exports of specified equipment and non-nuclear material (2.a.ix), as listed in Annex II of the Additional Protocol to the U.S. – IAEA Safeguards Agreement [INFCIRC/540 (Corrected)]
- Most NRC licensees should report as a “**location**” using AP-13 found on www.AP.gov, to report directly to Department of Commerce, Bureau of Industry and Security (BIS) every quarter (forms are joint DOC/NRC forms).
- Selected facilities under the U.S.-IAEA Safeguards Agreement (Framatome, Westinghouse-Columbia, Global Nuclear Fuel-Americas, and Louisiana Energy Services [URENCO-USA]) should report as “**sites**” using AP-M.

Additional Protocol-Annex II

- Example of equipment to be reported under 10 CFR 110.54(a)(1)
 - Reactor Control Rods (Annex II, 1.4)
 - Zirconium tubes (Annex II, 1.6)
 - Reactor Primary Coolant Pump (Annex II, 1.7)



Summary

NRC Regulation	Reporting Requirement	License	Due Date	Submission
10 CFR 110.54(a)	Quarterly report of export of equipment and non-nuclear material described in Annex II of the AP.	Specific or General	January 15 th , April 15 th , July 15 th , October 15 th .	DOC/BSI
10 CFR 110.54(c)	Annual report on exports of reactor components under a general license established by 110.26(a).	General	February 1st	NRC/OIP

Exporters should check if any of the items exported under a general license (§110.26(a)) may also need to be reported under AP (§110.54(a))

Point of Contacts

- Please ask questions early and often!
 - NRC/NMSS
 - Hector Rodriguez-Luccioni hector.rodriquez-luccioni@nrc.gov
 - Santiago Aguilar santiago.aguilar@nrc.gov
 - NRC/OIP
 - Andrea Jones andrea.jones2@nrc.gov
- Additional resource:
 - <http://www.nrc.gov/about-nrc/ip/intl-safeguards.html>

Questions

