

6.15 Export and Import Activities

Several of the following violation examples involve deliberateness or careless disregard. For those examples, the normal Enforcement Policy process for discretion to potentially escalate the severity level of the violation based on willfulness is not necessary.

a. Severity Level I violations involve, for example:

1. Deliberate misrepresentation of facts, with the knowledge of a licensee official, that led to the export of licensable and sensitive equipment or material in quantities of concern to a destination that, if represented accurately, would not have been authorized by the NRC (or other authority); or
2. Deliberate misrepresentation of facts that led to unauthorized individuals obtaining sensitive nuclear equipment or materials in quantities of concern;

b. Severity Level II violations involve, for example:

1. Failure to provide notice of 10 CFR Part 110, Appendix P, material import as required by 10 CFR 110.50, which, if the notice had been provided, would have prompted the NRC to take action to block the import;
2. Misrepresentation of facts in careless disregard of requirements, with the knowledge of a licensee official, for the export or import of radioactive or byproduct materials, such as those involving the completeness or accuracy of the information that, if represented accurately, would not have been authorized by the NRC (or other authority); or
3. Inaccurate or incomplete information provided or maintained that led to unauthorized individuals possessing radioactive materials. If this information had been completely and accurately provided or maintained, it would likely have caused the NRC to terminate or deny a license, to issue an Order requiring suspension or cessation of licensed activity, or efforts to block an export or import, to protect the public health and safety or common defense and security.

c. Severity Level III violations involve, for example:

1. Failure to submit timely notification of the import of 10 CFR part 110, Appendix P material, as required by 10 CFR 110.50, where, if this information had been available and provided, it would likely have caused the NRC to take further action or inquiry;
2. Inaccurate or incomplete information on exports or imports of radioactive or byproduct materials such that, if the information had been represented accurately, an activity would not have been authorized by the NRC (or other authority) or would have resulted in the NRC reconsidering the

authorization of the activity, issuing a request for additional information (RAI), or conducting an inspection to resolve the matter;

3. Export of byproduct material identified in 10 CFR part 110, Appendix P, to individuals/entities not authorized to receive such materials; or
 4. Failure to obtain a specific license before the export or import of any NRC licensable equipment, special nuclear material, and source or byproduct materials, when required.
- d. Severity Level IV violations involve, for example:
1. Failure to submit timely reports as specified in 10 CFR 110.54;
 2. Export or import of nuclear equipment or materials in excess of the limits specified in a specific license or license amendment, when such activity would have been authorized by the NRC (or other authority); or
 3. Unauthorized export of foreign-obligated material or equipment in violation of 10 CFR 110.50(b)(3) requirements.