

NUCLEAR REGULATORY COMMISSION

10 CFR PART 110

EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

Export of Certain Minor Quantities of Nuclear Material

AGENCY: U.S. Nuclear Regulatory Commission

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations by simplifying its licensing requirements for the export of certain quantities of nuclear material which do not have significance from a nuclear proliferation perspective. The amendments establish or expand general licensing provisions for gram quantities of special nuclear material (SNM) and certain kinds of source and byproduct material. The amendments, which reflect public comments, are the result of an extensive review by the Commission and the Executive Branch aimed at updating and streamlining NRC regulations to permit the expedited export of nuclear material where no significant nuclear proliferation risks are involved. This final rule leaves unchanged the general license for the export of americium-241. Revisions to that general license will be proposed in a separate rulemaking proceeding.

EFFECTIVE DATE: April 21, 1980

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: On May 9, 1978, NRC published in the FEDERAL REGISTER (43 FR 19861) a proposal to amend 10 CFR Part 110. The proposed amendments would simplify licensing requirements for the export of

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the export of any material to countries against which the United States then had a comprehensive trade embargo (Cambodia, Cuba, North Korea, Southern Rhodesia and Vietnam).

Finally, the cumulative limits on the export under general license of certain forms of tritium and polonium-210 would be eliminated.

Twenty letters of comments from the public were received in response to the proposed rule. Copies of these comments have been placed in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

Except for the proposed deletion of the general license for americium-241, the comments were generally in support of the proposed amendments. Of the 20 commenters, 14 objected to the proposed deletion of the americium-241 general license and requested retention of at least a portion of that license. Several recommendations were also made to revise NRC's export regulations to provide general licenses for additional items.

In addition to the public comments, the Executive Branch requested that the proposed general license for SNM contained in instruments be revised to restrict the amount of plutonium and uranium-233 in each instrument to .1 gram because of the possible national security concerns over the use of these materials.

In view of these comments, the Commission has decided on a two-stage approach. First, it has adopted those portions of the proposed amendments which were not the subject of significant criticism. Second,

5. Pursuant to Executive Order 12183 of December 16, 1979, the embargo of exports to Zimbabwe-Rhodesia has been deleted.

6. In addition, editorial amendments or corrections have been made in §§110.22 through 110.28 and §110.44. It should also be noted that §110.13 is deleted. This deletion was discussed in the statement of considerations accompanying the proposed rule but was inadvertently not included in the text of the proposed amendments. Also, in §110.24, the general license to export tritium contained in labeled organic compounds has been changed to include tritium in inorganic compounds as well.

The paragraph concerning reporting requirements (included in the proposed rule as §110.26) has also been deleted. These requirements were necessary because of international export-control procedures subscribed to by the United States. However, due to a recent change in these procedures, reporting is no longer required.

The Commission has concluded that the amendments, including the exemption in §110.44(a)(1), are not inimical to the common defense and security, do not constitute an unreasonable risk to the public health and safety, and will not result in any activity that adversely affects the environment. Furthermore, the amendments are consistent with the provisions of the Atomic Energy Act of 1954, as amended by the Nuclear Nonproliferation Act of 1978, and do not conflict with the safeguards criteria of the International Atomic Energy Agency.

The amendments are not inconsistent with the obligations of the United States under any treaty or international arrangement, including the Treaty on the Non-Proliferation of Nuclear Weapons.

2. A new §110.22 is added to read as follows:

§110.22 Export of special nuclear material.

General licenses are hereby issued authorizing any person to export to any country, except those listed in §110.28, the following:

(a) Special nuclear material contained in sensing components installed in instruments, if no more than 3 grams of enriched uranium or .1 gram of plutonium or uranium-233 are contained in each instrument.

(b) Plutonium containing 80 percent or more by weight of plutonium-238 in cardiac pacemakers.

(Sec. 5, Pub. L. 88-489, 78 Stat. 602; Secs. 2, 3, Pub. L. 93-377, 88 Stat. 473, 475 (42 U.S. 2073, 2074(c), 2077(d)).

3. Section 110.23 is revised to read as follows:

§110.23 Export of source material.

(a) General licenses are hereby issued authorizing any person to export to any country, except those listed in §110.28, the following:

(1) 1 kilogram or less per shipment of unirradiated thorium or uranium other than special nuclear material,

(3) Depleted uranium in the form of shielding contained in X-ray units or in packaging for the transportation of radioactive materials.

(Secs. 63 and 64, Pub. L. 83-703, 68 Stat. 933  
(42 USC 2093, 2094)).

4. Section 110.24 is revised to read as follows:

§110.24 Export of byproduct material.

General licenses are hereby issued authorizing any person to export to any country, except those listed in §110.28, the following:

- (a) Byproduct material having an atomic number from 3 to 83.
- (b) Tritium contained in luminous safety devices installed in aircraft as generally licensed items under §31.7 of this chapter.
- (c) Tritium and polonium-210 in individual shipments of 100 curies or less, contained in:
  - (1) Tritium activated luminous paint;
  - (2) Tritium labeled compounds;
  - (3) Tritiated accelerator targets;

6. Section 110.26 is revised to read as follows:

§110.26 Export of nuclear grade graphite.

A general license is hereby issued authorizing any person to export 100 kilograms or less per shipment of nuclear grade graphite to any country except those listed in §110.28: Provided, that no person shall, pursuant to this general license, export more than 2,000 kilograms per year to any one country.

(Sec. 309, Pub. L. 95-242, 92 Stat. 141 (42 USC 2139)).

7. Section 110.27 is revised and new §110.28 is added to read as follows:

§110.27 Restricted destinations.

(a) Albania, (b) Bulgaria, (c) Czechoslovakia, (d) German Democratic Republic (including East Berlin), (e) Hungary, (f) Mongolia, (g) Poland, (h) Romania, (i) Peoples Republic of China, and (j) Union of Soviet Socialist Republics.

§110.28 Embargoed destinations.

(a) Cuba, (b) Kampuchea, (c) North Korea, (d) Vietnam.

or more by weight of plutonium-238, or 100 grams or less of special nuclear material which is diluted so that it is no longer usable for any nuclear activity relevant from the point of view of safeguards and is practicably irrecoverable.

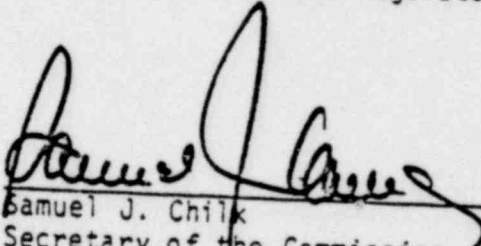
(Secs. 2, 3, Pub. L. 93-377, 88 Stat. 473, 475 (42 USC 2074(c). 2077(d)).

(Sec. 161i, Pub. L. 83-703, 68 Stat. 948 (42 USC 2201(i);

Sec. 201, Pub. L. 93-438, 88 Stat. 1243 (42 USC 5481)).

Dated at Washington, D. C. this 14<sup>th</sup> day of MARCH, 1980.

For the U.S. Nuclear Regulatory Commission

  
Samuel J. Chirk  
Secretary of the Commission