

Nuclear Trade and DOC's Export Administration Regulations

presented by
Steven Clagetti
Director, Nuclear and Missile Technology Division
Office on Nonproliferation and Treaty Compliance, U.S. Department of Commerce



Know your item's jurisdiction

Process	Agency	Jurisdiction	Advisory Agencies
Part 610	Department of Energy	Nuclear technology and services related to the production of Special Nuclear Material	Departments of Commerce, Defense, State, and the NRC
Part 110	Nuclear Regulatory Commission (NRC)	Nuclear equipment and material	Departments of Commerce, Defense, State, and Energy
Export Administration Regulations	Department of Commerce	Dual-use items listed on the Commerce Control List	Departments of Defense, Energy, and State

U.S. Department of Commerce | International Trade Administration

2



Common Nuclear Power-related ECCNs

• 2A290 (NP2, AT1) - Generators, turbines, heat exchangers designed or intended for use in a nuclear reactor

• 2A291 (NP2, AT1) - Process controls systems and parts/components specially designed for use in nuclear power plants

• 1C234 (NP1, AT1) - Zirconium with low hafnium content - metal, alloys, compounds, manufactured parts



3

 **Common Nuclear Power-related ECCNs**

- 1A999 (AT North Korea) – radiation detection equipment





- EAR99 – all other items not specifically listed on the CCL

4

 **Frequently Traded NSG Dual-Use Items**



2B230 (NP1, AT1) - Pressure transducers used for pressure measurement in a multitude of industrial processes as well as in the uranium hexafluoride gas in the centrifuge process for isotope separation




3A233 (NP1, AT1) - Mass spectrometers used to determine composition of chemical samples as well as the chemical make-up of uranium, plutonium, etc



2B001 (NS2, NP1, AT1) - Machine tools for product manufacturing in virtually every industry including nuclear explosive device components and uranium enrichment equipment

5

 **Country Chart**

Supplement No. 1 to Part 738 - COMMERCE COUNTRY CHART

[Reason for control]

Countries	Chemical and Biological Weapons			Nuclear Nonproliferation		National Security		Missile Tech	Regional Stability		Firearms Convention	Crime Control			Anti-Terrorism	
	CB 1	CB 2	CB 3	NP 1	NP 2	NS 1	NS 2	MT	RS 1	RS 2	FC 1	CC 1	CC 2	CC 3	AT 1	AT 2
China	X	X	X	X		X	X	X	X	X		X		X		
Russia	X	X	X			X	X	X	X	X		X	X			
India	X	X		X		X	X	X	X	X						
Pakistan	X	X	X	X	X	X	X	X	X	X		X		X		
Romania	X					X		X	X							

6



Classification Request and Advisory Opinions

- If you need help in figuring out what ECCN applies to your product or if you have transaction specific questions.
- BIS is there to help. Part 748.3 of the EAR explains the Commodity Classification and Advisory Opinion process.

7



Deemed Export Rule

- The obligation to determine whether a license is required before releasing controlled technology or source code to a foreign national is informally referred to as the “deemed export” rule.
- The release of controlled technology or source code to a foreign national in the U.S. is “deemed” to be an export to the home country or countries of the foreign national.



8



Nationality

- Commerce Dept. looks to a foreign person’s most recent country of citizenship or permanent resident



Exempted from the Deemed Export Rule

- A person granted U.S. citizenship
- A person granted permanent residence status (i.e. “Green Card” holders)
- A person granted status as a “protected individual” under 8 U.S.C. 1324b(a)(3).

9



Helpful Hints If a License Is Needed

- Transparency is the key.
 - Clearly state name of the consignee, with accurate address and contact information.
 - Provide alternate points of contact.
 - If multiple end-users, provide accurate listings, including correct addresses and contact information.
 - Provide thorough descriptions of end use that details the appropriateness of the export for the stated end use.

13



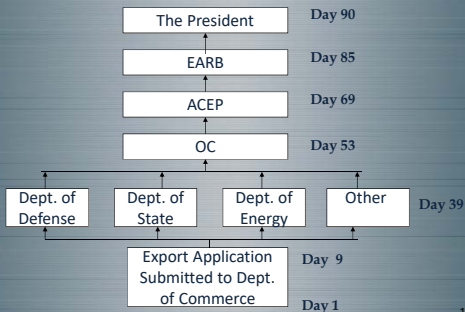
Helpful Hints If a License Is Needed

- Licenses can be used for multiple shipments. The quantity of items requested should be estimated for four (4) years of use.
 - If a longer duration for the export transaction is required, ask to have license validity extended.
- BIS licenses are authorizations to ship approved items to approved consignees/end user(s). BIS licenses allow numerous end users (over 35) to be placed on the license.
- Provide prior licensing history, if applicable.
- Provide website information, press releases, etc., to show your company is engaged in commercial activities.

14



Licensing Deadlines



15



Evaluation Factors for Applications

- Appropriate for stated end-use and end-user
- Significance for nuclear purposes of the item
- Whether the items are to be used in research, design, development, manufacture, construction, operation, or maintenance of a reprocessing or enrichment facility
- Types of assurances given
- Engagement in clandestine or illegal procurement activities
- Licensing history
- Risk of diversion and any associated intelligence
- Non-proliferation credentials of importing country
- Export controls in place in the importing country

16



steven.clagett@bis.doc.gov

17
