



## **U.S. Policy Framework on Civil Nuclear Cooperation with China**

The licensing policy for **technology exports** under 10 CFR part 810 will be the following:

- Presumption of approval, contingent on non-derogatory end-user checks, for:
  - Amendments or extensions for existing authorizations for technology transferred prior to January 1, 2018. This presumption does not apply to light water SMRs and non-light water advanced reactors;
  - New technology transfers for operational safety contingent on satisfactory technical analysis on applicability to and benefit of operational safety and assessment of the end user; and,
  - New technology transfers required to support sale of an item that is commercially available.
- Presumption of denial for:
  - Exports related to light water SMRs;
  - Non-light water advanced reactors;
  - New technology transfers after January 1, 2018; and
  - Any transfer to China General Nuclear (CGN) and/or CGN subsidiaries or related entities.

For exports to CGN, subsidiaries and CGN-related entities there is a presumption of denial for new license applications and amendments or extensions to existing authorizations for exports of technology, equipment and components, and material.

The presumption of denial will be in place until the U.S. Government is satisfied with CGN engagement on its indictment with the U.S. legal system. If there are changes to this policy, we will communicate that to industry.

For exports to Non-CGN intermediaries and end users there will be a case-by-case review that will assess the risk of diversion to the military, the risk to U.S. national and economic security, and the risk inherent in the parties to the transaction.

This will be balanced against the economic and strategic benefits the export might provide, and, if approved, impose conditions to mitigate the risks.

Additionally, the export of source codes (that includes for computer programs, systems, or components), and certain engineering and manufacturing techniques will not be approved.

The licensing policy for exports of **equipment and components** will be the following.

- Presumption of approval, contingent on non-derogatory end-user checks, for requests:
  - Supporting continued projects such as construction of AP-1000, CAP-1000, and major identical components supporting CAP-1400 reactors (i.e., those that are similar in type and technology level to those commonly available); and,
  - For only pressurized light water SMR or non-light water advanced reactors with no technology transfer above and beyond installation and operation.
- Presumption of denial for requests:
  - Related to direct economic competition with the United States such as the Hualong One and unique U.S. components supporting CAP-1400 reactors; and
  - Any transfer to CGN and/or CGN subsidiaries or related entities.

The licensing policy for exports of **material** will be a presumption of approval for new license applications and amendments or extensions to existing authorizations, but a resumption of denial for any transfer to CGN and/or CGN subsidiaries or related entities.