

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	License Nos. XSOU8846/01 and XSOU8789/07
ConverDyn)	Docket Nos. 11006295 and 11005360
7800 East Dorado Place, Suite 200)	EA-20-153
Greenwood Village, CO 80111)	

ORDER MODIFYING LICENSES TO SUSPEND CERTAIN EXPORTS TO THE UNITED
KINGDOM
(EFFECTIVE January 1, 2021)

I

ConverDyn (or “the licensee”) holds specific licenses XSOU8846/01 and XSOU8789/07 issued by the U.S. Nuclear Regulatory Commission (NRC) pursuant to Sections 62 and 127 of the Atomic Energy Act of 1954, as amended (AEA) and 10 CFR Part 110. These specific licenses authorize the export of source material to France, Germany, the Netherlands, and the United Kingdom (U.K.) under the terms of an Agreement for Cooperation in Peaceful Uses of Nuclear Energy (123 Agreement) between the United States (U.S.) and the European Atomic Energy Community (EURATOM).

II

On December 31, 2020, the formal transition period marking the United Kingdom’s (U.K.) exit from the European Union (EU) will end. On this date, the U.K. will also exit from EURATOM. On January 1, 2021, the U.S./U.K.123 Agreement will enter into force. At that time, ConverDyn’s export licenses, XSOU8846/01 and XSOU8789/07 will authorize exports to France, Germany, and the Netherlands under the legal framework of the U.S./EURATOM 123 agreement and will authorize exports to the U.K. under the legal framework of the U.S./U.K. 123 Agreement. After the U.K. exits EURATOM, the NRC is prohibited from authorizing any exports of EURATOM-obligated material from the U.S. to the U.K. until EURATOM, pursuant to the U.S./EURATOM 123 agreement, provides its pre-approval to retransfer EURATOM-obligated material from the U.S. to the U.K. The NRC is likewise prohibited from authorizing any exports of Canadian-obligated material from the U.S. to the U.K. until the Government of Canada,

pursuant to the U.S./Canada 123 Agreement, provides its pre-approval to retransfer Canadian-obligated material to the U.K.

The U.S. Government has already made arrangements with the Government of the U.K. for the transition from the U.S./EURATOM 123 Agreement to the U.S./U.K. 123 Agreement to automatically occur on January 1, 2021, for all NRC-approved export licenses to the U.K. However, the U.S. Government cannot authorize the export of EURATOM-obligated or Canadian-obligated material from the U.S. to the U.K. without prior approval for retransfer from EURATOM or the Canadian government, respectively. Therefore, beginning on January 1, 2021, ConverDyn will no longer be authorized to export EURATOM-obligated and Canadian-obligated material to the U.K. under licenses XSOU8846/01 and XSOU8789/07 until such prior approval is received.

III

Accordingly, pursuant to Sections 62, 64, 123, 127, 161b, 161i, 183, and 186 of the AEA, and 10 CFR §§ 110.50(a)(1) and (2) and 110.52, IT IS HEREBY ORDERED, EFFECTIVE January 1, 2021, THAT LICENSES XSOU8846/01 AND XSOU8789/07 ARE MODIFIED AS FOLLOWS:

- A. The licensee's authorization to export EURATOM-obligated material to the U.K. is suspended, and such exports are prohibited, until the licensee receives notice from the NRC that the United States Government has obtained EURATOM's pre-approval, pursuant to the U.S./EURATOM 123 Agreement, to retransfer EURATOM-obligated material to the U.K. When the licensee receives such notice from the NRC, this provision of the Order will expire without any further action by the NRC.
- B. The licensee's authorization to export Canadian-obligated material to the U.K. is suspended, and such exports are prohibited, until the licensee receives notice from the NRC that the United States Government has obtained Canada's approval, pursuant to the U.S./Canada 123 Agreement, to retransfer Canadian-obligated material to the U.K. When the licensee receives such notice from the NRC, this provision of the Order will expire without any further action by the NRC.

The NRC finds that this action is required by operation of law and the common defense and security of the United States. Therefore, in accordance with 10 CFR § 110.52(c), the licensee need not be afforded an opportunity to reply and be heard prior to issuance of this Order.

FOR THE NUCLEAR REGULATORY COMMISSION

Nader L. Mamish

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Nader L. Mamish, Director
Office of International Programs

Dated at Rockville, Maryland
this 16th day of December 2020