

Implementation of the Nuclear Export Control at KAERI

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1. Introduction

Korea has joined multilateral export control regimes which include Wassenaar Arrangement(WA), Nuclear Suppliers Group(NSG), Missile Technology Control Regime(MTCR) and Australian Group(AG), and their guideline and control lists are reflected in domestic legislation. Also, Catch-all control entered into force on 1 January 2003 in Korea.

The frequency of the exports of product as a result of R&D and cooperation with other countries has been increased at Korea Atomic Energy Research Institute (KAERI).

Therefore, this report describes the implementation status of a nuclear export control at KAERI and points out the practical issues.

2. Procedure of nuclear export control in Korea

Korea observes NSG guidelines when nuclear-related items and technologies are exported. NSG consists of Trigger list items(NSG part 1) and dual-use items(NSG part 2) and their technology has been included since 1995. These NSG items and technologies are controlled based on Public Notice on Export and Import of Strategic Goods under the "Foreign Trade Act" and "Technology Development and Promotion Act".

For the export of nuclear-related strategic items, Ministry of Science and Technology(MOST) controls the trigger list items in NSG part 1, while the Ministry of Commerce, Industry and Energy(MOCIE) controls the dual-use items in NSG part 2. Also, MOST controls the export of strategic technologies.

2.1 Prior judgment

The exporters that desire to export goods have to perform a prior judgment by themselves as to whether their products, materials or technologies belong to the "strategic goods or technologies" listed in Public Notice on Export and Import of Strategic Goods.

In addition, unlisted items and technologies should be controlled if the exporter is aware or suspects that an importer or end user intends to use them in connection with weapons of mass destruction or missiles to deliver them, or, if an exporter has been informed that an importer or end user may intend to use them for such purposes by catch-all control.

If the exporters have a question as to whether the items or technologies belong to strategic goods or technologies, they can apply for a prior judgment to the prior judgment organization. MOST performs the prior judgment with the help of Korea Institute of Nuclear

Nonproliferation And Control(KINAC) and the Strategic Trade Information Center(STIC) performs a prior judgment of the MOCIE control items.

2.2 Export license

Strategic goods and technologies cannot be exported without a license by the government.

The items and technologies controlled by MOST should be applied for an export license before making a contract. On the other hand, the export of items controlled by MOCIE could substitute a submission of the report on export information for applying for an export license only in case of an export to member countries of the export control regimes.

2.3 Report of Export

The report should be submitted to the government after an export in case of an export of dual-use items issued export license and trigger list items. Especially, the report of an export on trigger list items is based on Notice of the MOST No. 2004-5.

3. Implementation Status of export control at KAERI

3.1 Internal procedure of export control at KAERI

The procedure of export control at KAERI is shown in Fig. 1. The Nuclear Control Management Department(NCMD) conducts the export work such as the prior judgment by itself, applying for the prior judgment to the relevant organization and applying for the export license etc.

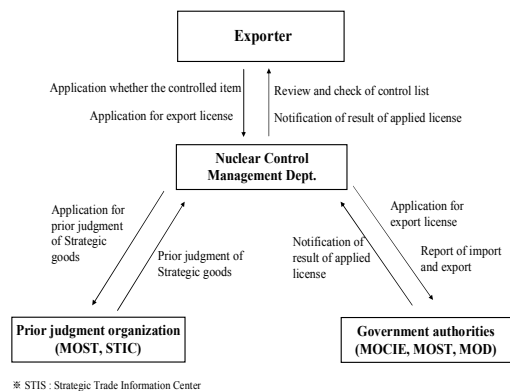


Figure1. Procedure of export control in KAERI

3.2 Implementation status of export control

The implementation status of export control at KAERI for the past three years is shown in Table 1.

Table 1. Implementation status of export control in KAERI

Year	Prior judgment by KAERI	Prior judgment by organization	Export license
2004	3	0	1
2005	12	3	2
2006	8	1	2

From January 2006 to August 2006, KAERI performed prior judgments by itself on 8 export items and technologies and concluded 4 export goods of 8 belong to strategic goods. Also, KAERI applied for a prior judgment to MOST on one technology, and MOST notified that it belonged to a strategic technology as a result of a prior judgment. KAERI applied for export licenses for two strategic goods to the government as a result of a prior judgment in 2006.

4.2 Problems of export implementation

There are some difficulties for implementation of export control.

First is an application of an export license on a technology which was not produced.

KAERI has a plan to export the experimental results after experiments using spacer grid which will be imported. The MOST concluded the result belongs to strategic technologies. The strategic technology controlled by MOST should be applied for an export license before making a contract with a relevant country based on the Public Notice on Export and Import of Strategic Goods. Therefore, KAERI applied for the export license to MOST before making a contract, although the spacer grid is not imported and the experiment is not performed.

The MOST requested to re-apply for the export license before a real export because the technology will be exported in 2007 and the contract was not concluded.

Second is the case of absence of contract or draft of a contract.

KAERI will cooperate with USA on three R&D projects, which belong to strategic technologies. The experts from KAERI will participate in three R&D projects to give an advice, review etc. after making a contract. In this case, the export of technologies means that experts participate and give an advice. To apply for the export license of a strategic technology, application of an export, specification of the technology and the draft of a contract are needed. However, KAERI cannot apply for the export license on one technology in spite of only one month left before the export, because the draft of a contract is still discussing. Therefore, KAERI

could get the export license after the date of the export. The export of strategic technology to the USA is not necessary a governmental assurance. However, the export of the strategic technology could be delayed if the technology is exported to any non-nuclear-weapon states and the governmental assurance from recipients is needed.

4. Conclusion

The implementation status and procedures on export control at KAERI were reviewed. There are some practical issues as mentioned above. In the procedure for the applying for an export license, it is necessary to make a modification of the present export procedures to remove unnecessary constraints for the export of nuclear control items.

REFERENCES

- [1] Notice of MOST and MOCIE, "Public Notice on Export and Import of Strategic Goods", 2005.
- [2] INFCIRC/254/Rev.7/Part 1 "Communications received from Certain Member States Regarding Guidelines for the Export of Nuclear Material, Equipment and Related Technology", IAEA 23 February 2005.
- [3] INFCIRC/254/Rev.6/Part 2 "Communications received from Certain Member States Regarding Guidelines for Transfers of Nuclear-related Dual-use Equipment, Materials, Software and Related Technology", IAEA, 23 Feb. 2005.
- [4] Byung Koo Kim etc, "Study on the establishment of effective nuclear export control system", KAERI/RR-1678/97.