

New Nuclear Nonproliferation Controls on China and Macau

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On Monday, August 14, 2023, the Commerce Department will impose [new nuclear nonproliferation \(“NP”\) controls](#) on China and Macau. The new controls are meant to address ongoing U.S. Government concerns regarding U.S. nuclear technology and material being diverted to China for military use.

Specifically, these new controls add China and Macau to NP Column 2 (“NP2”) on the Commerce Country Chart as requiring a BIS export license, which is applicable to the below materials processing equipment and “technology” found in Category 2 of the Commerce Control List.

- **2A290:** Generators and other equipment “specially designed,” prepared, or intended for use with nuclear plants (and corresponding “technology” under 2E001, 2E002, and 2E290)
- **2A291:** Equipment, except items controlled by 2A290, related to nuclear material handling and processing and to nuclear reactors, and “parts” and “components” and “accessories” therefor (and corresponding “technology” under 2E001, 2E002, and 2E290)
- **2D290:** “Software” “specially designed” or modified for the “development,” “production,” or “use” of items controlled by 2A290 or 2A291 (and corresponding “technology” under 2E001)

For purposes of the EAR, these controls do not change the status of Macau; it will continue to be treated as a separate destination from China. As a conforming change, the final rule adds China and Macau to § 742.3(a)(2) to impose licensing requirements on the NP2 controlled items. The NRC [has published a separate notice](#) issuing an order affecting general licenses for exports of special nuclear material, source material, and deuterium for nuclear end use to China issued under 10 CFR 110.21, 110.22, and 110.24, respectively.