DOE Part 810
Development in Export Nuclear Control

Katie Strangis
Senior Policy Advisor
Inimicality determination is key

Covers Special Nuclear Material (SNM) activities for either weapons or commercial purpose

- **Prohibits:**
  - **ALL foreign assistance, direct or indirect,** in production or development of SNM

- **Exceptions:**
  - **Unless authorized** by the Secretary of Energy...
  - Upon a determination that such activity **WILL NOT BE INIMICAL** to the interest of the United States
How Part 810 Implements Sec. 57b

Part 810’s TWO Pathways to Nuclear Trade

**General Authorization**
- Broad categories of assistance that are not inimical and require reporting only, no specific approval
  - Authorization request
  - DOE and Interagency review of application
  - Nonproliferation compliance
  - Secretary inimicality determination

**Specific Authorization**

Most assistance is exempt or generally authorized.
Implementing suggestions from Industry and GAO 2010 audit, the new rule:

- Goes from a negative to positive list of destinations
- Expands general authorizations to persons meeting NRC access requirements or with permanent residence in US or protected under Immigration law
- Maintains “fast track” for operational safety and emergencies with clearer definitions
- Clarifies relationship with IAEA in cooperative activities
- Clarifies technical scope and reporting requirements
- Generally authorizes Ukraine (with specific requirements)
Deemed Exports and Re-exports Concerns

Driver:

• Clarifications Needed on Deemed Exports

Solutions:

• Define requirements in the Regulation
• Clarify Application of Rule at Universities and U.S. Companies
• Further Clarify Role of a “Person” Under Rule
Country Classification Concerns

Drivers:

• Perceived Lost Business Opportunity
• Potential Loss of Low-cost Workforces

Solutions:

• Process Improvement Plan
• Guidance Document
• Website
• Expansion of Transition Period to 180 days
SNM Nexus Concerns

Drivers:

• Vague Terminology
• Misalignment of Global Language

Solutions:

• Clear definition and scope description of light water reactor technology within scope
• Alignment of domestic and international export control regime language
• Discussion of U.S. content and rules guiding decisions
Operational Safety Concerns

Drivers:

• Clarity
• Intent
• Timeliness

Solutions:

• Definitions of Operational Safety and General Authorization Expanded
• Communicated Intent to Protect Public and Prevent Proliferation
• PIP Addresses Appropriate Expedition of Large Project Requests, SA Destinations
Process Concerns

Driver:

• Specific authorization process is considered slow, opaque and unpredictable

Solutions:

• Standardize application of rule
• Increase transparency on technical and implementation questions
Managing the Change

- Streamlined Processes
  - General Authorization
  - Specific Authorization
  - Deemed Exports
  - Operational Safety

- Enhanced Staffing
- Process Improvement Team
Process Improvement Plan

• Analyze authorization case database and determine causes of processing time variation and undue delay
• Conduct benchmark study to identify best practices and methods to improve efficiency
• Work with DOS to find ways to fast track foreign assurances
• Make internal DOE and inter-agency reviews more efficient

Implement feasible, cost-effective improvements
810 e-Licensing

- Streamlines Review Process
- Increases Transparency
- Easier Applications to Complete
- Provides Archive of Past Decisions
• **9/7/2011**  Initial Notice of Proposed Rulemaking (NOPR)
  – >40 submitted comments

• **8/2/2013**  Supplemental Notice of Proposed Rulemaking (SNOPR)
  – 26 submitted comments & two public meetings
  – DOE has completed the review
  – A majority of the comments fell into a few categories:
    • Country Classification, SNM Nexus requirements, Commercial Nuclear Power Activities, Deemed exports and re-exports, Operational Safety

• **Present**  Draft of preamble and Final Rule with OMB for review
Meeting Global Nuclear Power Demands While Maintaining Nuclear Security Interests
Outreach

- Guidance document
- FAQs
- Advisory Opinions
- Process Maps
- International Conferences

Questions or concerns, please email comments@nnsa.doe.gov