



# **DOE Regulation 10 C.F.R. Part 810**

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# 10 CFR Part 810



## *Implement Section 57 b (2) of the Atomic Energy Act, which requires:*

- Secretary of Energy must authorize U.S. persons to assist in the production of Special Nuclear Material in other countries
- Authorizations must have concurrence of the Department of State and consultation with the Departments of Defense and Commerce and the Nuclear Regulatory Commission

*Most Part 810s are for technology or services*



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## *How the Part 810 process works:*



**Office of International Regimes and Agreements reviews applications, consults concerned DOE offices and laboratories, and sends analysis to other agencies.**



**Interagency review by State, Defense, Commerce, and NRC.**



**Administrator of National Nuclear Security Administration (NNSA) recommends approval to Secretary**



**Secretary determines if authorization will not be “inimical to the interest of the United States”**





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*There are three kinds of authorizations:*

- **Generally authorized assistance**
- **“Fast track” general authorization**
- **Assistance requiring specific authorization**



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- **Generally authorized assistance (810.7)**
  - (a) Public information
  - (b) Radiological emergencies after advance notice to DOE
  - (c) Enhancing operational safety
  - (d) Implementing the U.S.-IAEA Safeguards Agreement
  - (e) State Dept. approved exchanged programs
  - (f) IAEA programs
  - (g) Public meetings
  - (h) Nuclear power except for Section 810.8 list

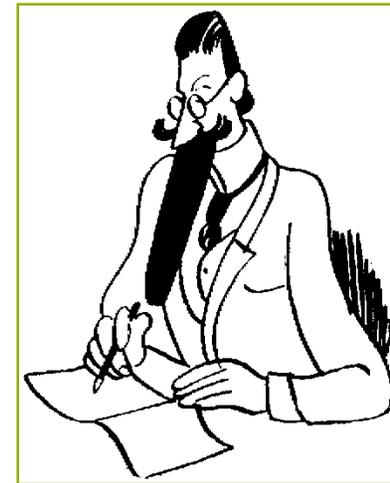
*Note: General Authorization = an authorization already exists for the type of activity.*



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- **“Fast track” general authorization - needs DOE staff permission**
  - For safety-related emergency radiological assistance to existing nuclear power reactors in section 810.8 countries





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- **Assistance requiring Secretary's specific authorization (810.8)**
  - All nuclear activities that are not generally authorized in countries on section 810.8 list
  - Activities in any country that include:
    - Enrichment;
    - Reprocessing;
    - Accelerator production of plutonium;
    - Plutonium fuel fabrication;
    - Heavy water production; or
    - Research and test reactors above five megawatts thermal in any country.



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Afghanistan	Central African	India*	Mauritania*	Sudan
Albania	Republic*	Iran	Micronesia*	Syria
Algeria	Chad*	Iraq*	Moldova*	Tajikistan
Andorra*	China, People's	Israel*	Mongolia	Tanzania
Angola*	Republic of	Kazakhstan	Mozambique*	Timore-Leste*
Armenia	Comoros*	Kenya*	Niger*	Togo*
Azerbaijan	Congo,	Kuwait	Oman*	Turkmenistan*
Bahrain*	Republic of	Korea,*	Pakistan*	Uganda*
Belarus	the*	Democratic	Palau*	Ukraine
Benin*	Cuba	People's	Qatar*	United Arab
Botswana*	Djibouti*	Republic of	Russia	Emirates
Burkina Faso	Equatorial	Kyrgyzstan	Rwanda*	Uzbekistan
Burma (Myanmar)	Guinea*	Laos	Sao Tome	Vanuatu*
Burundi*	Eritrea*	Liberia*	and	Vietnam
Cambodia	Gabon*	Libya	Principe*	Yemen
Cameroon	Georgia	Macedonia	Saudi Arabia*	Yugoslavia
Cape Verde*	Guinea*	Mali	Seychelles	
	Guinea-Bissau*	Marshall	Sierra Leone*	
	Haiti*	Islands*	Somalia*	

*\*Non-nuclear-weapon states that do not have full-scope IAEA safeguards agreements in force*



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## *Main factors considered in Part 810 review:*

- **Technical, political, economic, proliferation, and national security significance of proposed assistance**
- **Agreement for Nuclear Cooperation (123 Agreement)**
- **IAEA full scope safeguards/additional protocol (or equivalent)**
- **Other nonproliferation controls and conditions:**
  - **Government assurances**
  - **Reporting requirements**
- **Other legal requirements (for India this includes the Hyde Act)**



# The Hyde Act



- The Hyde Act contains legal requirements for implementation of the U.S.-India civil nuclear cooperation agreement.
- The 123 Agreement opens the door for transfer of nuclear material, equipment, and components to India for the first time since the early 1970's.
- Nevertheless, The Hyde Act placed additional stipulations on the Secretary of Energy beyond Part 810 for technology transfers to India.
- All cooperation with India will require a full review by the Department of Energy.



# Part 810 and India



- The Nuclear Export Accountability section has the effect that:
  - All end users are identified and approved for the scope of the 810.
  - All 810 authorizations will be limited in scope based on individual projects and end users.
  - All transfers of technology under an 810 to any subcontractors in India will require approval from the U.S. and Indian governments.
  - A review of U.S. company non-disclosure and intellectual property rights clauses will be required.



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# The End