

MEMORANDUM OF EX PARTE COMMUNICATION WITH THE DEPARTMENT OF ENERGY

Date: Tuesday, September 10, 2013

Attendees: Dean Childs (DOE/NNSA), Donna Moore (DOE/NNSA), Marcella Boudi (DOE/NNSA), Catherine Mendelsohn (DOE/NNSA), Richard Goorevich (DOE/NNSA), Katie Strangis (DOE/NNSA), Anatoli Welihozkiy (DOE/NNSA), John Wengle (DOE/NNSA), Gretchen Smith (DOE/NNSA), Madeleine Foley (DOE/NNSA), Janice Rivera (DOE/NNSA), Xavier Asconio (DOE/NNSA), Glen Levis (GAO), Alisa Beyninson (GAO), Jeff Phillips (GAO)

Summary of what was discussed: The September 10, 2013, meeting between the U.S. Government Accountability Office (GAO) and the U.S. Department of Energy/National Nuclear Security Administration (DOE/NNSA) served as a first meeting between the GAO and DOE/NNSA program staff related to an upcoming GAO audit on Part 810 regulations. As part of this discussion, the 2013 Supplemental Notification of Public Rulemaking (SNOPR) was briefly discussed.

In their overview of the topics that would be addressed in the study, GAO expressed their interest in learning more about the Part 810 authorization process, especially any changes that may be undertaken as a result of the process improvement efforts that are currently underway; the proposed e-licensing system; and changes that are being proposed in the 2013 SNOPR.

With respect to the 2013 SNOPR, DOE/NNSA noted that in developing this version it reflected on the recommendations put forth in the 2010 GAO study entitled, "Governmentwide Strategy Could Help Increase Commercial Benefits from U.S. Nuclear Cooperation Agreements with Other Countries". In this study, GAO suggested that DOE review the current Part 810 authorization process with an eye towards ensuring greater efficiency. After providing a brief overview of the current Part 810 process, DOE/NNSA noted that it is conducting a critical review of the process and hopes to soon introduce a new streamlined process. It noted further that the process review is being conducted in parallel to the review of Part 810 regulations; so, the progress of one review is not necessarily tied to that of the other.

With respect to the 2013 SNOPR, the GAO asked for clarification on the concept introduced here that pertains to "deemed exports". DOE/NNSA noted that in the current rule companies must apply for a Part 810 authorization to provide foreign nationals access to U.S. nuclear technology. DOE/NNSA stated that, in response to comments received during the NOPR, in the SNOPR it proposes to remove this requirement for foreign persons that have already been granted access to U.S. nuclear facilities by the Nuclear Regulatory Commission.