SUMMARY:

ACTION:

AGENCY:

Secretary of Energy Advisory Board

DEPARTMENT OF ENERGY

DEPARTMENT OF STATE

DEPARTMENT OF COMMERCE

Amendment to Procedures Established Pursuant to the Nuclear Non-Proliferation Act of 1978

AGENCY: National Nuclear Security Administration, Department of Energy.

ACTION: Notice.

SUMMARY: Section 3136 of the National Defense Authorization Act for Fiscal Year 2016 (NDAA) mandates that the Office of the Director of National Intelligence (ODNI) also be consulted with respect to each authorization under section 57b.(2) of the Atomic Energy Act of 1954, as amended (AEA), to a covered foreign country as defined in section 3136(i)(2) of the NDAA. This amendment addresses only Section 12 of Part D of the Procedures to implement the new requirements of Section 3136 of the NDAA, which mandates that the Director, ODNI, also be consulted with respect to each authorization under section 57b. of the AEA to a covered foreign country as defined in section 3136(i)(2) of the NDAA.

Amended Procedure

To provide for consultation with the ODNI on applications for specific authorization under section 57b.(2) of the AEA, as implemented by DOE/NNSA regulations under Title 10 of the Code of Federal Regulations (CFR) Part 810, governing exports of unclassified nuclear technology and assistance.

DEPARTMENT OF ENERGY

National Nuclear Security Administration

DEPARTMENT OF COMMERCE

SUPPLEMENTARY INFORMATION:

Background

Section 57b.(2) of the Atomic Energy Act of 1954, as amended (AEA), is implemented through the DOE/NNSA regulations under Title 10 of the Code of Federal Regulations (CFR) Part 810 governing exports of unclassified nuclear technology and assistance.

DOE/NNSA is required to consult with the Nuclear Regulatory Commission (NRC), the Department of Commerce (DOC), and the Department of Defense (DoD), and obtain the concurrence of the Department of State (DOS). These reviews are accomplished in a manner consistent with Part D of the Procedures Established Pursuant to the Nuclear Non-Proliferation Act of 1978 (the “Procedures”), as published in the Federal Register on June 7, 1978 (43 FR 25326), and amended by publication in the Federal Register on May 16, 1984 (49 FR 20780), and February 19, 1991 (56 FR 6701). This amendment addresses only Section 12 of Part D of the Procedures to implement the new requirements of Section 3136 of the NDAA, which mandates that the Director, ODNI, also be consulted with respect to each authorization under section 57b. of the AEA to a covered foreign country as defined in section 3136(i)(2) of the NDAA.

Amended Procedure

To provide for consultation with the ODNI on applications for specific authorization for a transfer of technology controlled under 10 CFR Part 810, DOE/NNSA conducts a technical review of the application to determine whether the application is properly submitted and falls within the scope of the regulation.

1. Concurrent with the internal DOE/NNSA technical review, for