

ONE HUNDRED THIRTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

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WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

July 11, 2013

The Honorable Gene L. Dodaro  
Comptroller General of the United States  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, D.C. 20548

Dear Mr. Dodaro:

The Committee on Energy and Commerce is reviewing U.S. implementation of nuclear export control policies. In particular, we are examining how current policies and Administration efforts affect opportunities for enhancing and expanding U.S. manufacturing and competitiveness, both for strengthening domestic economic growth and for the benefit of U.S. influence over international nuclear safety and nuclear security. As part of this oversight, we are examining how the Department of Energy (DOE) authorizes exports of nuclear technology and services, and otherwise implements its *10 C.F.R. 810* (Part 810) regulations pertaining to requirements of section 57b of the Atomic Energy Act of 1954. In light of this work, we write to seek Government Accountability Office (GAO) assistance with regard to DOE Part 810 authorizations.

With 63 new reactors under construction and 322 operating world-wide, there is substantial economic opportunity for U.S. companies and workers. The Commerce Department estimates that every \$1 billion of exports by U.S. companies represents 5,000 to 10,000 jobs. The ability of U.S. companies to supply materials, engineering services, components and technical data for the construction, operation, and servicing of nuclear power plants outside the United States depends on a number of criteria, including the timely issuance of U.S. export licenses and Part 810 authorizations.

In light of GAO's November 2010 work on nuclear commerce<sup>1</sup> and its related work examining trade of nuclear material, equipment, and components under U.S. bilateral agreements for nuclear cooperation, we request that GAO assist the Committee's oversight by examining how Part 810 authorizations are granted and monitored. Specifically, we would like GAO to address the following questions:

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<sup>1</sup>GAO, *Nuclear Commerce: Governmentwide Strategy Could Help Increase Commercial Benefits from U.S. Nuclear Cooperation Agreements with Other Countries*, [GAO-11-36](#) (Washington, D.C.: Nov. 4, 2010).

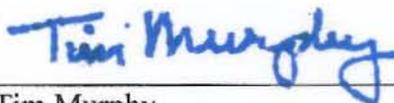
1. How does current implementation of the Part 810 meet the obligations and achieve the goals of the Atomic Energy Act of 1954?
2. What criteria are used to determine whether to grant a Part 810 authorization, and how are those criteria different from the security review mandated under the Atomic Energy Act Section 123, authorizing a nuclear cooperation agreement?
3. How responsive have U.S. agencies been to companies seeking Part 810 authorizations for technology exports?
4. What is the scope of technology, know-how, and technical skills transferred under the Part 810 authorization process?
5. To what extent have DOE and U.S. agencies rejected applications for Part 810 authorizations due to security, proliferation, or other concerns?
6. What controls are in place with regard to the re-transfer of U.S.-origin nuclear technology after it has been exported under a Part 810 authorization? To what extent has DOE allowed or refused the re-transfer of U.S.-origin nuclear technology?
7. How do other major nuclear exporting nations license and track the export of sensitive technologies, "know-how," and personnel?
8. To what extent has DOE implemented GAO's recommendations from its November 2010 report?

Please have your staff work with Peter Spencer of the Majority Committee's staff, at (202) 225-2927, on the scope and details of your work.

Sincerely,



Fred Upton  
Chairman



Tim Murphy  
Chairman  
Subcommittee on Oversight and Investigations

cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable Diana DeGette, Ranking Member  
Subcommittee on Oversight and Investigations