

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

March 26, 2013

The Honorable Steven Chu
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Secretary Chu:

Pursuant to Rules X and XI of the Rules of the U.S. House of Representatives, the Committee on Energy and Commerce is commencing oversight of U.S. implementation of nuclear export control policies. We seek to examine how current policies and Administration efforts affect opportunities for enhancing or expanding U.S. manufacturing and competitiveness, both for strengthening domestic job growth and for the benefit of U.S. influence over international nuclear safety and nuclear security.

We understand that, for the first time in 25 years, the Department of Energy (DOE) is revising the Federal regulations that apply to civilian nuclear exports, *10 C.F.R. 810* (Part 810). These revisions may substantially change the scope and requirements for approval of exports of nuclear technology and services, with direct implications for U.S. nuclear-related commerce. To assist us in evaluating the impact of new U.S. nuclear export control regulations and DOE's implementation of these regulations, we request information relating to the regulatory process, reviews, and decision-making concerning nuclear export licenses, as implemented through the National Nuclear Security Agency (NNSA).

Accordingly, we request a briefing for Committee staff on the Part 810 review process and decision-making by April 12, 2013. During this briefing, we ask that DOE officials be prepared to describe in detail how DOE is implementing each of the requirements of section 57b of the Atomic Energy Act of 1954 and 10 CFR 810. In addition, we ask that you provide the requested documents and written responses to the following questions by April 12, 2013:

1. Please provide a list of the 25 most recent Part 810 export license decisions. For each license request, please identify the date the license request was filed; the dates each Federal agency reviewing the license request began and completed its review; the date

the license request was either approved or denied; and the date the license applicant was informed of this decision.

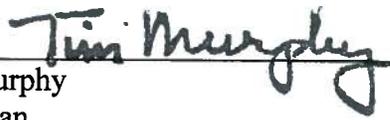
2. Please describe how DOE evaluates Part 810 export license requests, including the criteria used to determine acceptability; how DOE works with other Federal agencies, including the Departments of Commerce, Defense, and State and the Nuclear Regulatory Commission, to complete their portions of the review; and how and when DOE apprises Part 810 export license applicants about the status of their applications.
3. Does DOE measure and track its performance in reviewing Part 810 license requests? If so, please provide the results of all performance assessments conducted over the past five years.
 - a. Has DOE benchmarked its process and performance against other countries involved with nuclear technology exports, such as France or Russia? If so, please provide copies of all such assessments.
 - b. Has DOE benchmarked its process and performance against Nuclear Regulatory Commission (NRC) export license reviews pursuant to 10 CFR Part 110? If so, please provide copies of any such assessments.
4. Describe any overlaps that may exist between the DOE Part 810 review process and the NRC Part 110 process and whether the agencies undertake measures to avoid overlapping or duplicative processes.
5. DOE's September 7, 2011 proposed revisions to Part 810 list the countries eligible for general authorization.
 - a. Please describe the basis for creating a general authorization list and the criteria for inclusion of specific countries on this list.
 - b. Did the State Department provide guidance on the inclusion of countries on this list? If yes, please provide copies of all such guidance.
 - c. Has there been any analysis of the potential impact on future exports of nuclear technologies and services to countries that are not on this proposed general authorization list? If yes, please provide such analyses.
6. Please provide a copy of the economic impact analysis(es) prepared for DOE's September 7, 2011 proposed revision of Part 810.
7. Describe any changes being considered to the current DOE process that are focused on enhancing the U.S. role to compete for international commercial opportunities.
8. As commercial nuclear power continues to increase globally and with the United States currently having the largest operating fleet of nuclear power reactors, there may be circumstances in which nuclear operations and safety practices outside the United States may be advanced through foreign visits to U.S. nuclear facilities. Please explain whether there are procedures in place to facilitate such foreign visits.

If you have any questions regarding this request, please contact Peter Spencer with the Majority Committee staff at (202) 225-2927.

Sincerely,



Fred Upton
Chairman



Tim Murphy
Chairman
Subcommittee on Oversight and Investigations



Joe Barton
Chairman Emeritus



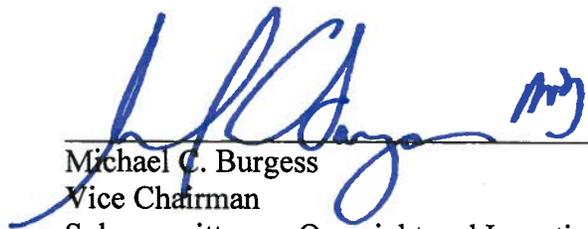
Ed Whitfield
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Subcommittee on Energy and Power



Marsha Blackburn
Vice Chairman



John Shimkus
Chairman
Subcommittee on Environment and the Economy



Michael C. Burgess
Vice 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