

The Office of the Secretary of Energy has approved the publication of this proposed rule.

List of Subjects in 10 CFR Part 810

Foreign relations, Nuclear energy, Reporting and recordkeeping requirements.

Issued in Washington, DC, on August 17, 2011.
Steven Chu,
Secretary of Energy.

For the reasons stated in the preamble, DOE proposes to amend title 10 of the Code of Federal Regulations by revising part 810 to read as follows:

PART 810--ASSISTANCE TO FOREIGN ATOMIC ENERGY ACTIVITIES

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Authority: Secs. 57, 127, 128, 129, 161, and 223, Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978, Pub. L. 95-242, 68 Stat. 932, 948, 950, 958, 92 Stat. 126, 136, 137, 138 (42 U.S.C. 2077, 2156, 2157, 2158, 2201, 2273); sec. 104 of the Energy Reorganization Act of 1974, Pub. L. 93-438; sec. 301, Department of Energy Organization Act, Pub. L. 95-91; National Nuclear Security Administration Act, Pub. L. 106-65, 50 U.S.C. 2401 et seq., as amended.

Sec. 810.1 Purpose.

These regulations implement section 57 b. of the Atomic Energy Act, which empowers the Secretary, with the concurrence of the Department of State and after consultation with the Nuclear Regulatory Commission (NRC), the Department of Commerce, and the Department of Defense, to authorize persons subject to the jurisdiction of the United States to engage directly or indirectly in the production of special nuclear material outside the United States. The purpose of the regulations in this part is to:

(a) Identify activities that are generally authorized by the

Secretary and thus require no other authorization under this part;

(b) Identify activities that require specific authorization by the Secretary and explain how to request authorization; and

(c) Specify reporting requirements for activities subject to this part.

Sec. 810.2 Scope.

(a) This part applies to:

(1) All persons subject to the jurisdiction of the United States (hereinafter ``U.S. persons'') who or that engage directly or indirectly in the production of special nuclear material outside the United States, by transferring to foreign persons technology that is related to the production of special nuclear material; and

(2) Assistance and the transfer of technology by U.S. persons to foreign persons, conducted either in the United States or abroad by U.S. persons or by licensees, contractors or subsidiaries under their direction, supervision, responsibility, or control.

(b) The activities referred to in paragraph (a) of this section involve the following:

(1) Chemical conversion and purification of uranium and thorium from milling plant concentrates and in all subsequent steps in the nuclear fuel cycle;

(2) Chemical conversion and purification of plutonium and neptunium;

(3) Nuclear fuel fabrication, including preparation of fuel elements, fuel assemblies and cladding thereof;

(4) Uranium isotope separation (uranium enrichment), plutonium isotope separation, and isotope separation of any other elements (including stable isotope separation) when the technology or process can be applied directly or indirectly to uranium or plutonium;

(5) Nuclear reactors;

(6) Accelerator-driven subcritical assembly systems, specially designed or intended for plutonium or uranium-233 production;

(7) Hydrogen isotope separation and heavy water production;

(8) Reprocessing of irradiated nuclear materials or targets containing special nuclear material;

(9) Changes in form or content of irradiated nuclear materials containing special nuclear material, and hot cell facilities;

(10) Storage of irradiated nuclear materials;

(11) Processing of high level radioactive waste;

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(12) Movement of irradiated nuclear materials, including specially designed containers therefor;

(13) The transfer of technology for the development, production, or use of equipment or material specially designed or prepared for any of the above listed activities. (See NRC regulations under 10 CFR part 110, Appendix A through Appendix K) for an illustrative list of items considered to be specially designed or prepared for certain listed nuclear activities.); and

(14) Other activities related to the production of special nuclear material outside the United States as the Secretary may determine, notice of which shall be published in the Federal Register.

(c) This part does not apply to:

- (1) Exports licensed by the NRC;
- (2) Public information or basic scientific research;
- (3) Uranium and thorium mining and milling; and
- (4) Nuclear fusion reactors per se, except for supporting systems involving hydrogen isotope separation.

Sec. 810.3 Definitions.

As used in this part 810:

Agreement for cooperation means an agreement with another nation or group of nations concluded under sections 123 or 124 of the Atomic Energy Act.

Atomic Energy Act means the Atomic Energy Act of 1954, as amended.

Basic scientific research means experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena and observable facts, not primarily directed towards a specific practical aim or objective.

Classified information means national security information classified under Executive Order 13526 or any predecessor or superseding order, or Restricted Data classified under the Atomic Energy Act.

Cooperative enrichment enterprise means a multi-country or multi-company (where at least two of the companies are incorporated in different countries) joint development or production effort. The term includes a consortium of countries or companies or a multi-national corporation.

DOE means the U.S. Department of Energy.

Enrichment means isotope separation of uranium or isotope separation of plutonium, regardless of the type of process or separation mechanism used.

Fissile material means isotopes that readily fission after absorbing a neutron of any energy, either fast or slow. Fissile materials are uranium-235, uranium-233, plutonium-239, and plutonium-241.

Foreign national means an individual who is not a citizen or national of the United States.

Foreign person means a person other than a U.S. person.

General authorization means an authorization granted by the Secretary under section 57 b.(2) of the Atomic Energy Act to provide assistance to foreign atomic energy activities subject to this part 810 and which does not require a request for, or the Secretary's issuance of, a specific authorization.

IAEA means the International Atomic Energy Agency.

NNPA means the Nuclear Non-Proliferation Act of 1978, Pub. L. 95-242, 22 U.S.C. 3201 et seq.

NPT means the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968.

Nuclear reactor means an apparatus, other than a nuclear explosive device, designed or used to sustain nuclear fission in a self-supporting chain reaction.

Open meeting means a conference, seminar, trade show, or other gathering that all technically qualified members of the public may attend and at which they may make written or other personal record of the proceedings, notwithstanding that--

- (1) A reasonable registration fee may be charged; or
- (2) A reasonable numerical limit exists on actual attendance.

Person means--

(1)(i) Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than DOE, or any State or political entity within a State; and

(ii) Any legal successor, representative, agent, or agency of the foregoing.

(2) Persons under U.S. jurisdiction are responsible for their foreign licensees, contractors, or subsidiaries to the extent that the former have control over the activities of the latter.

Production accelerator means a particle accelerator specially designed, used, or intended for use with a production subcritical assembly.

Production accelerator-driven subcritical assembly system means a system comprised of a production subcritical assembly and a production accelerator and which is specially designed, used, or intended for the production of plutonium or uranium-233. In such a system, the production accelerator target provides a source of neutrons used to effect special nuclear material production in the production subcritical assembly.

Production reactor means a nuclear reactor specially designed or used primarily for the production of plutonium or uranium-233.

Production subcritical assembly means an apparatus that contains source material or special nuclear material to produce a nuclear fission chain reaction that is not self-sustaining and that is specially designed, used, or intended for the production of plutonium or uranium-233.

Public information means:

(1)(i) Information available in periodicals, books, or other print or electronic media for distribution to any member of the public, or to a community of persons such as those in a scientific, engineering, or educational discipline or in a particular commercial activity who are interested in a subject matter;

(ii) Information available in public libraries, public reading rooms, public document rooms, public archives, or public data banks, or in university courses;

(iii) Information that has been presented at an open meeting (see definition of ``open meeting``);

(iv) Information that has been made available internationally without restriction on its further dissemination; or

(v) Information contained in an application that has been filed with the U.S. Patent Office and eligible for foreign filing under 35 U.S.C. 184 or that has been made available under 5 U.S.C. 552, the Freedom of Information Act.

(2) Public information must be available to the public prior to, or at the same time as, it is transmitted to a foreign recipient. It does not include any technical embellishment, enhancement, explanation or interpretation that in itself is not public information, or information subject to sections 147 and 148 of the Atomic Energy Act.

Reprocessing means a process or operation, the purpose of which is to extract radioactive isotopes from irradiated source and special nuclear materials for further use.

Restricted Data means all data concerning:

(1) Design, manufacture, or utilization of atomic weapons;

(2) The production of special nuclear material; or

(3) The use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the Atomic Energy

Act.

Secretary means the Secretary of Energy.

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Sensitive nuclear technology means any information (including information incorporated in a production or utilization facility or important component part thereof) that is not available to the public (see definition of ``public information'') which is important to the design, construction, fabrication, operation, or maintenance of a uranium enrichment or nuclear fuel reprocessing facility or a facility for the production of heavy water, but shall not include Restricted Data controlled pursuant to chapter 12 of the Atomic Energy Act. The information may take a tangible form such as a model, prototype, blueprint, or operation manual or an intangible form such as technical services.

Source material means:

- (1) Uranium or thorium, other than special nuclear material; or
- (2) Ores that contain by weight 0.05 percent or more of uranium or thorium, or any combination of these materials.

Special nuclear material means:

- (1) Plutonium;
- (2) Uranium-233; or
- (3) Uranium enriched above 0.711 percent by weight in the isotope uranium-235.

Specific authorization means an authorization granted by the Secretary under section 57 b.(2) of the Atomic Energy Act, in response to an application filed under this part, to engage in specifically authorized nuclear activities subject to this part.

Specifically authorized nuclear activities means the provision of assistance, including the transfer of technology, to foreign persons related to:

- (1) Uranium isotope separation (uranium enrichment), plutonium isotope separation, or isotope separation of any other elements (including stable isotope separation) when the technology or process can be applied directly or indirectly to uranium or plutonium;
- (2) Fabrication of nuclear fuel containing plutonium, including preparation of fuel elements, fuel assemblies, and cladding thereof;
- (3) Hydrogen isotope separation and heavy water production;
- (4) Production accelerator-driven subcritical assembly systems;
- (5) Production reactors; and
- (6) Reprocessing of irradiated nuclear fuel or targets containing special nuclear material.

Technology means specific information required for the development, production, or use of any facility or activity listed in Sec. 810.2(c). This information may take the form of technical data or technical assistance.

(1) Development is related to all phases before production such as:

- (i) Design;
- (ii) Design research;
- (iii) Design analysis;
- (iv) Design concepts;
- (v) Assembly and testing of prototypes;
- (vi) Pilot production schemes;
- (vii) Design data;
- (viii) Process of transforming design data into a product;
- (ix) Configuration design;

- (x) Integration design; and
- (xi) Layouts.
- (2) Production means all production phases such as:
 - (i) Construction;
 - (ii) Production engineering;
 - (iii) Manufacture;
 - (iv) Integration;
 - (v) Assembly or mounting;
 - (vi) Inspection;
 - (vii) Testing; and
 - (viii) Quality assurance.

Technical assistance means assistance in such forms as instruction, skills, training, working knowledge, consulting services, or any other assistance as determined by the Secretary. Technical assistance may involve transfer of technical data.

Technical data means data in such forms as blueprints, plans, diagrams, models, formulae, engineering designs, specifications, manuals, and instructions written or recorded on other media or devices such as disks, tapes, read-only memories, and computational methodologies, algorithms, and computer codes that can directly or indirectly affect the production of special nuclear material.

Use means operation, installation (including on-site installation), and maintenance (checking), repair, overhaul, and refurbishing.

United States, when used in a geographical sense, includes all territories and possessions of the United States.

Sec. 810.4 Communications.

(a) All communications concerning the regulations in this part should be addressed to: U.S. Department of Energy, Washington, DC 20585. Attention: Senior Policy Advisor, National Nuclear Security Administration/Office of Nonproliferation and International Security (NA 24), Telephone (202) 586-0589.

(b) Communications also may be delivered to DOE's headquarters at 1000 Independence Avenue, SW., Washington, DC. All clearly marked proprietary information will be given the maximum protection allowed by law.

Sec. 810.5 Interpretations.

(a) The advice of the DOE Office of Nonproliferation and International Security may be requested on whether a proposed activity falls outside the scope of this part, is generally authorized under Sec. 810.6, or requires specific authorization under Sec. 810.7. However, unless authorized by the Secretary in writing, no interpretation of the regulations in this part other than a written interpretation by the DOE General Counsel is binding upon DOE.

(b) When advice is requested from the DOE Office of Nonproliferation and International Security, or a binding, written determination is requested from the DOE General Counsel, a response normally will be made within 30 days and, if this is not feasible, an interim response will explain the reason for the delay.

Sec. 810.6 Generally authorized activities.

(a) In accordance with section 57 b.(2) of the Atomic Energy Act, the Secretary has determined that activities by U.S. persons that involve engaging directly or indirectly in the production of nuclear material outside the United States, including by providing assistance or transferring technology in ways that do not involve specifically authorized nuclear activities, are generally authorized to be undertaken with respect to the IAEA and the countries and territories, and facilities therein, identified in paragraphs (b)(1) through (5) of this section, provided that no sensitive nuclear technology is transferred.

(b) The activities described in paragraph (a) of this section are generally authorized with respect to the IAEA and:

(1) The following countries and territories, and the facilities in such countries or territories:

Argentina,
Australia,
Austria,
Bangladesh,
Belgium,
Brazil,
Bulgaria,
Canada,
Colombia,
Cyprus,
Czech Republic,
Denmark,
Egypt,
Estonia,
Finland,
France,
Germany,
Greece,
Hungary,
Indonesia,
Ireland,
Italy,
Japan,
Kazakhstan,
Latvia,
Lithuania,
Luxembourg,
Malta,
Morocco,
Netherlands,
Norway,
Peru,
Poland,
Portugal,
Korea, Republic of
Romania,
Slovakia,
Slovenia,
South Africa,
Spain,
Sweden,

Switzerland,
Taiwan,
Thailand,
Turkey,
Ukraine,
United Arab Emirates,
United Kingdom.

(2) Any safeguarded facility in order to prevent or correct a current or imminent radiological emergency posing a significant danger to the health and safety of the off-site population and that cannot be met by other means, provided DOE is notified in writing in advance and does not object;

(3) Any country or territory, if carried out in the course of implementation of the Agreement between the United States of America and the IAEA for the Application of Safeguards in the United States;

(4) Any country or territory, if carried out in the course of participation in exchange programs approved by the Department of State in consultation with DOE;

(5) Any country or territory, if carried out by persons, other than experts and consultants who are full-time employees of the IAEA, whose employment is sponsored by the U.S. Government.

Sec. 810.7 Activities requiring specific authorization.

Unless generally authorized by Sec. 810.6, a U.S. person requires specific authorization by the Secretary before engaging directly or indirectly in the production of special nuclear material outside the United States.

Sec. 810.8 Restrictions on general and specific authorization.

A general or specific authorization granted by the Secretary under this part:

(a) Is limited to activities involving only unclassified information and does not permit furnishing Restricted Data or other classified information;

(b) Does not relieve a person from complying with relevant laws or the regulations of other Government agencies applicable to exports;

(c) Does not authorize a person to engage in any activity when the person knows or has reason to know that the activity is intended to provide assistance in designing, developing, fabricating, or testing a nuclear explosive device.

Sec. 810.9 Grant of specific authorization.

(a) An application for authorization to provide assistance or transfer technology for which specific authorization is required under Sec. 810.7 should be made to the U.S. Department of Energy, National Nuclear Security Administration, Washington, DC 20585, Attention: Senior Policy Advisor, Office of Nonproliferation and International Security (NA 24).

(b) The Secretary will approve an application for specific authorization if it is determined, with the concurrence of the

Department of State and after consultation with the Nuclear Regulatory Commission, the Department of Commerce, and the Department of Defense, that the activity will not be inimical to the interest of the United States. Each application approved for specific authorization generally will be for a period up to five years. In making an authorization determination, the Secretary will take into account the following factors:

(1) Whether the United States has an agreement for peaceful nuclear cooperation in force covering exports to the country, territory, or international organization involved;

(2) Whether the country or the authorities of the territory involved is/are a party to, or has/have otherwise adhered to, the NPT;

(3) Whether the country or the authorities of the territory involved is/are in good standing with its/their acknowledged nonproliferation commitments;

(4) Whether the country or the authorities of the territory involved has/have accepted IAEA safeguards obligations on all nuclear materials used for peaceful purposes and has/have them in force;

(5) Whether there exist other nonproliferation controls or conditions on the proposed activity, including that the recipient is duly authorized by the country's government or the authorities of the territory involved to receive and operate the technology sought to be transferred;

(6) Significance of the assistance or technology transfer relative to the existing nuclear capabilities of the recipient country or territory;

(7) Whether the transfer is part of an existing cooperative enrichment enterprise or the supply chain of such an enterprise;

(8) The availability of comparable assistance or technology from other sources; and

(9) Any other factors that may bear upon the political, economic, or security interests of the United States, including the obligations of the United States under treaties or other international agreements, and the obligations of the recipient country or the authorities of the territory involved under treaties or other international agreements.

(c) If the proposed assistance or technology transfer involves the export of sensitive nuclear technology as defined in Sec. 810.3, the requirements of sections 127 and 128 of the Atomic Energy Act and of any applicable United States international commitments must also be met. For the export of sensitive nuclear technology, in addition to the factors in subparagraph (b), the Secretary will take into account:

(1) Whether the recipient country or the authorities of the recipient territory is/are a party to, or has/have adhered to, the NPT and is/are in full compliance with its/their obligations under the NPT;

(2) Whether the recipient country has signed, ratified, and is implementing a comprehensive safeguards agreement with the IAEA and has in force an Additional Protocol based on the model Additional Protocol, or, pending this, in the case of a regional accounting and control arrangement for nuclear materials, is implementing, in cooperation with the IAEA, a safeguards agreement approved by the IAEA Board of Governors prior to the publication of INFCIRC/540 (September 1997); or alternatively whether comprehensive safeguards, including the measures of the Model Additional Protocol are being applied in the recipient country or territory;

(3) Whether the recipient country or the authorities of the territory has/have not been identified in a report by the IAEA Secretariat that is under consideration by the IAEA Board of Governors,

as being in breach of obligations to comply with the applicable safeguards agreement, nor continues/continue to be the subject of Board of Governors decisions calling upon it/them to take additional steps to comply with its/their safeguards obligations or to build confidence in the peaceful nature of its/their nuclear program, nor as to which the IAEA Secretariat has reported that it is unable to implement the applicable safeguards agreement. This criterion would not apply in cases where the IAEA Board of Governors or the United Nations

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Security Council subsequently decides that adequate assurances exist as to the peaceful purposes of the recipient's nuclear program and its compliance with the applicable safeguards agreements. For the purposes of this paragraph, ``breach'' refers only to serious breaches of proliferation concern;

(4) Whether the recipient country or territory is adhering to the Nuclear Suppliers Group Guidelines and, where applicable, has reported to the Security Council of the United Nations that it is implementing effective export controls as identified by Security Council Resolution 1540; and

(5) Whether the recipient country or territory adheres to international safety conventions relating to nuclear or other radioactive materials or facilities.

(d) Unless otherwise prohibited by U.S. law, the Secretary may grant an application for specific authorization for activities related to the enrichment of source material and special nuclear material, provided that: the United States Government has received written assurances from the government of the country or the authorities of the territory involved--

(1) That it/they accepts/accept the sensitive enrichment equipment and enabling technologies, or an operable enrichment facility under conditions that do not permit or enable replication of the facilities;

(2) That the subject enrichment activity will not result in the production of uranium enriched to greater than 20% in the isotope uranium-235; and

(3) That there are in place appropriate security arrangements to protect the activity from use or transfer inconsistent with the country's national laws or the law applicable in the territory involved.

(e) Approximately 30 days after the Secretary's grant of a specific authorization, a copy of the Secretary's determination may be provided to any person requesting it at the Department's Public Reading Room, unless the applicant submits information demonstrating that public disclosure will cause substantial harm to its competitive position. This provision does not affect any other authority provided by law for the non-disclosure of information.

Sec. 810.10 Revocation, suspension, or modification of authorization.

The Secretary may revoke, suspend, or modify a general or specific authorization:

(a) For any material false statement in an application for specific authorization or in any additional information submitted in its support;

(b) For failing to provide a report or for any material false

statement in a report submitted pursuant to Sec. 810.12;

(c) If any authorized assistance or technology transfer is subsequently determined to be inimical to the interest of the United States or otherwise no longer meets the legal criteria for approval; or

(d) Pursuant to section 129 of the Atomic Energy Act.

Sec. 810.11 Information required in an application for specific authorization.

(a) An application letter must include the following information:

(1) The name, address, and citizenship of the applicant, and complete disclosure of all real parties in interest; if the applicant is a corporation or other legal entity, where it is incorporated or organized, the location of its principal office, and the degree of any control or ownership by any foreign person;

(2) The country or territory, or the international organization, to receive the assistance or technology; the name and location of any facility or project involved; and the name and address of the person for which the activity is to be performed;

(3) A description of the assistance or technology to be provided, including a complete description of the proposed activity, its approximate monetary value, and a detailed description of any specific project to which the activity relates; and

(4) The designation of any information that if publicly disclosed would cause substantial harm to the competitive position of the applicant.

(b) The applicant should also include, as an attachment to the application letter, any information the applicant wishes to provide concerning the factors listed in Sec. 810.9(b) and (c).

(c) U.S. persons seeking to employ a foreign national of a country not listed in Sec. 810.6(b) in a position that could result in the transfer or technology subject to Sec. 810.6(a), or seeking to employ any foreign national in a position that could result in the transfer of technology subject to Sec. 810.7, must request a specific authorization. No application for specific authorization is required if the foreign national is lawfully admitted for permanent residence in the United States, or is a protected individual under the Immigration and Naturalization Act (8 U.S.C. 1324b(a)(3)). The applicant must provide, with respect to each foreign national to whom the applicant seeks to release technology subject to this part:

(1) A description of the technology that will be made available to the foreign national;

(2) The purpose of the proposed release, and a description of the applicant's technology control program;

(3) A copy of any confidentiality agreement between the applicant and the foreign national;

(4) Background information about the foreign national, including the individual's citizenship, all countries or territories where the individual has resided for more than six months, the training or educational background of the individual, all work experience, any other known affiliations with persons engaged in activities subject to this part, and current immigration or visa status in the United States; and

(5) A signed undertaking by the foreign national that he/she will comply with the regulations under this part; will not disclose the applicant's technology without DOE's prior written authorization; and

will not, at any time during or after his/her employment with the applicant, use the applicant's technology for any nuclear explosive device, for research on or development of any nuclear explosive device, or in furtherance of any military purpose.

(d) An applicant for a specific authorization related to the enrichment of fissile material must submit information that demonstrates that the proposed transfer will avoid, so far as practicable, the transfer of enabling design or manufacturing technology associated with such items; and that the applicant will share with the recipient only information required for the regulatory purposes of the recipient country or territory or to ensure the safe installation and operation of a resulting enrichment facility, without divulging enabling technology;

Sec. 810.12 Reports.

(a) Each person who has received a specific authorization shall, within 30 days after beginning the authorized activity, provide to DOE a written report containing the following information:

(1) The name, address, and citizenship of the person submitting the report;

(2) The name, address, and citizenship of the person for whom or which the activity is being performed;

(3) A description of the activity, the date it began, its location, status, and anticipated date of completion; and

(4) A copy of the DOE letter authorizing the activity.

(b) Each person carrying out a specifically authorized activity shall inform DOE, in writing within 30 days,

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of completion of the activity or of its termination before completion.

(c) Each person granted a specific authorization shall inform DOE, in writing within 30 days, when it is known that the proposed activity will not be undertaken and the granted authorization will not be used.

(d) Each person, within 30 days after beginning any generally authorized activity under Sec. 810.6, shall provide to DOE:

(1) The name, address, and citizenship of the person submitting the report;

(2) The name, address, and citizenship of the person for whom or which the activity is being performed;

(3) A description of the activity, the date it began, its location, status, and anticipated date of completion; and

(4) An assurance that the applicant has an agreement with the recipient ensuring that any subsequent transfer of materials, equipment, or technology transferred under general authorization to a country or territory with respect to which the conditions in Sec. 810.6 are not met will take place only if the applicant obtains DOE approval.

(e) Persons engaging in generally authorized activities as employees of persons required to report are not themselves required to report.

(f) Persons engaging in activities generally authorized under Sec. 810.6(b) are not subject to reporting requirements under this section.

(g) DOE may require reports to include such additional information that may be required by applicable U.S. law, regulation, or policy with

respect to the specific nuclear activity or country for which specific authorization is required.

(h) All reports should be sent to: U.S. Department of Energy, National Nuclear Security Administration, Washington, DC 20585, Attention: Senior Policy Advisor, Office of Nonproliferation and International Security (NA 24).

Sec. 810.13 Additional information.

DOE may at any time require a person engaging in any generally or specifically authorized activity to submit additional information.

Sec. 810.14 Violations.

(a) The Atomic Energy Act provides that:

(1) Permanent or temporary injunctions or restraining orders may be granted to prevent any person from violating any provision of the Atomic Energy Act or its implementing regulations.

(2) Any person convicted of violating or conspiring or attempting to violate any provision of section 57 of the Atomic Energy Act may be fined up to \$10,000 or imprisoned up to 10 years, or both. If the offense is committed with intent to injure the United States or to aid any foreign nation, the penalty could be up to life imprisonment and a \$20,000 fine.

(b) Title 18 of the United States Code, section 1001, provides that persons convicted of willfully falsifying, concealing, or covering up a material fact or making false, fictitious or fraudulent statements or representations may be fined up to \$10,000 or imprisoned up to five years, or both.

Sec. 810.15 Effective date and savings clause.

Except for actions that may be taken by DOE pursuant to Sec. 810.10, the regulations in this part do not affect the validity or terms of any specific authorizations granted under regulations in effect before October 7, 2011 or generally authorized activities under those regulations for which the contracts, purchase orders, or licensing arrangements were already in effect. Persons engaging in activities that were generally authorized under regulations in effect before October 7, 2011, but that require specific authorization under the regulations in this part, must request specific authorization by December 6, 2011 but may continue their activities until DOE acts on the request.