

## Information Collection Requirements under the Supplemental Notice of Proposed Rulemaking Part 810

§ 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 individual, corporation, partnership, firm, association, trust, estate, public or private institution or government agency;
  - (2) The country or entity 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 or whom 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 as specified in §§ 810.9(b)(7), (8), and (9); and
  - (4) The designation of any information that if publicly disclosed would cause substantial harm to the competitive position of the applicant.
- (b) Except as provided in § 810.6(b), an applicant seeking to employ a citizen or national of a country not listed in the Appendix in a position that could result in the transfer of technology subject to § 810.2, or seeking to employ any foreign national in the United States or in a foreign country that could result in the export of assistance or transfer of technology subject to § 810.7 must request a specific authorization. The applicant must provide, with respect to each foreign national to whom access to technology will be granted, the following:
- (1) A description of the technology that would be made available to the foreign national;
  - (2) The purpose of the proposed transfer, a description of the applicant's technology control program, and any Nuclear Regulatory Commission standards applicable to the employer's grant of access to the technology;
  - (3) A copy of any confidentiality agreement to safeguard the technology from unauthorized use or disclosure between the applicant and the foreign national;
  - (4) Background information about the foreign national, including the individual's citizenship, all countries 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 any current immigration or visa status in the United States; and

- (5) A statement signed 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.
- (c) 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 to ensure the safe installation and operation of a resulting enrichment facility, without divulging enabling technology.

#### § 810.12 Reports.

- (a) Each person who has received a specific authorization shall, within 30 calendar 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 calendar days, 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 calendar days, when it is known that the proposed activity will not be undertaken and the granted authorization will not be used.
- (d) 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.
- (e) Each person, within 30 calendar days after beginning any generally authorized activity under § 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) A written assurance that the applicant has an agreement with the recipient ensuring that any subsequent transfer of materials, equipment, or technology transferred under general authorization under circumstances in which the

conditions in § 810.6 would not be met will take place only if the applicant obtains DOE's prior written approval.

- (f) Individuals engaging in generally authorized activities as employees of persons required to report are not themselves required to submit the reports described in paragraph (e) of this section.
- (g) Persons engaging in generally authorized activities under § 810.6(b) are required to notify DOE that a citizen or national of a country not listed in the Appendix to this part has been granted access to information subject to § 810.2 in accordance with Nuclear Regulatory Commission access requirements. The report should contain the information required in § 810.11(b).
- (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).

#### § 810.13 Additional information.

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

#### § 810.14 Special provisions regarding Ukraine.

- (a) Pre-activity Reporting Requirements - Any person beginning any generally authorized activity involving Ukraine shall provide to DOE at least ten days prior to beginning that activity a 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 which the activity is to be performed;
  - (3) A description of the activity, the date it is proposed to begin, its location, status, and anticipated date of completion; and
  - (4) A written assurance that the person that is to perform the activity has an agreement with the recipient that any subsequent transfer of material, equipment, or technology transferred under general authorization will not be transferred to a country that is not listed in the Appendix to this part without the prior written approval of DOE.
- (b) Post-activity Reporting Requirements – Every person completing a generally authorized activity in Ukraine shall provide to DOE within ten days following the original transfer of material, equipment or technology written confirmation that such transfer was completed in accordance with the description of the activity provided as required by subsection (a) above.