

Ames Laboratory
Office Directors' Office
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Plan 10100.001
Revision 2
Effective Date 07/01/07
Review Date 10/01/09

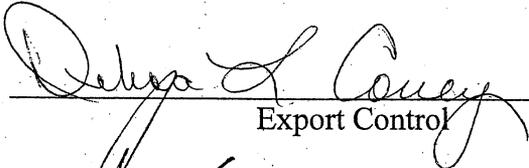
Export Control Plan

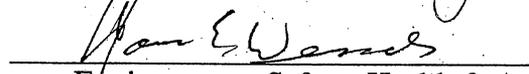
This Plan is designed to document the Export Control Policy and Procedures inherent in the operations of Ames Laboratory, as required under federal law.

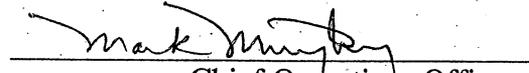
Comments and questions regarding this plan should be directed to the contact person listed below:

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Sign-off Record:

Approved by:  Date: 7/12/07
Export Control

Reviewed by:  Date: 7/17/07
Environment, Safety, Health & Assurance

Approved by:  Date: 7/17/07
Chief Operations Officer

Approved by:  Date: 7/21/07
Deputy Director

1.0 Revision/Review Log

This document will be reviewed once every year as a minimum.

<u>Revision Number</u>	<u>Effective Date</u>	<u>Contact Person</u>	<u>Pages Affected</u>	<u>Description of Revision</u>
0	9/1/03	D. Covey	0	New Plan
1	6/15/04	D. Covey	5	Revised policy statement to include international shipments
2	7/01/07	D. Covey	all	Revised plan to reflect use of new ECustoms web-based system for EC reviews; changes in Order/Reg numbers

2.0 Purpose and Scope

Ames Laboratory is a government owned, contractor-operated national research laboratory which conducts basic and applied research for the U.S. Department of Energy. In addition to its main mission, the Laboratory performs work for others, on a limited basis, for other federal agencies and private entities. The Laboratory's Materials Preparation Center provides high purity and unique research materials for others worldwide.

As a national laboratory and residing on the campus of Iowa State University, the Laboratory hires, collaborates and interacts with foreign nationals and nations worldwide. Ames Laboratory does not conduct classified research, has no classified documents and does not sponsor any security clearances. While the Laboratory's major thrust is fundamental research conducted to advance general knowledge, practical applications can or may develop from this research. These applications may be sensitive and subject to export control.

The EC review of proposed and on-going work is the responsibility of the Manager, Office of Sponsored Research Administration. This position is the subject matter expert at the Laboratory for export control issues, review of projects that might fall under the export administration regulations of DOC, DOE and ITAR, including the DOE Sensitive Subjects list and as they relate to foreign visits and assignments, foreign travel, licensing of Ames technologies, and CRADA and WFO agreements.

3.0 Responsibility

Successful implementation of the Export Control regulations is ensured through staff and line management responsibilities as defined below. Personnel may delegate authority to others under their management to assist with these responsibilities.

3.1 Director and Deputy Director

Both the Director and Deputy Director are responsible for the implementation and oversight of all matters related to safeguards and security. The Safeguards and Security Program Director and Manager report directly to the Deputy Director

3.2 Safeguards and Security Program Director and Manager

The Laboratory's Safeguards and Security Program Director and Manager have responsibility for S&S related budgetary issues, development of the Site Security Plan, and overview and coordination of S&S functional areas.

3.3 Associate Director

The Laboratory Associate Director is the Export Control Officer for Ames Laboratory. The Export Control Officer is a member of the Export Control Coordinators' Organization (ECCO) whose membership is comprised of employees of DOE, a DOE contractor, subcontractor or a company operating a DOE contractor or subcontractor and a member of the Laboratory's Safeguards and Security Committee. She is responsible for:

- Review of all research proposals for export control implications; notifies Budget Officer of any proposals requiring an EC review prior to commencing work.
- Review of foreign visits and assignments and foreign travel forms for export control implications.
- Performing export control reviews on funded, non-fundamental research, for materials requests through the MPC from foreign entities, and for foreign visitors potentially falling under export administration regulations (EAR).
- Preparing and submitting export control licenses to the Department of Commerce for approval, when needed.
- Educating and reminding staff as to their responsibilities under Export Control Regulations.

3.4 Chief Operations Officer

The Chief Operations Officer is responsible for:

- Serving as a backup to the Export Control Officer in her/his absences.
- Performs initial review of form AL 473, Foreign Visits & Assignments Request Form, for possible export control issues and notifies the Export Control Officer when sensitive technologies may be involved.
- Performs initial review of form F551.1, Request for Foreign Travel Authorization Form, for possible export control issues and notifies the Export Control Officer when sensitive technologies may be involved.

3.5 Manager, Purchasing and Property Services Office

The Manager, Purchasing and Property Services is responsible for monitoring oversea shipments and preparing equipment for transfer or sale.

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3.6 Manger, Budget Office (Budget Officer)

The Budget Officer is responsible for notifying the Export Control Officer of any newly funded projects that require an Export Control review before work may begin. The Budget Officer will not initiate an account for the project until the EC Officer notifies her/him that the review was complete and no license is required, or that a license will be required for certain individuals before work may begin.

3.7 Principal Investigator

The Principal Investigator is responsible for participating in an Export Control review for any of their research that will not fall under "fundamental research". They are also responsible for initiating a follow-on review of any new foreign hires on any project under their purview that is not "fundamental research."

4.0 Prerequisite Actions and Requirements

4.1 Definitions or Vocabulary.

The Department of Commerce Bureau of Industry and Security. Charged with the development, implementation and interpretation of U.S. export control policy for dual-use commodities, software, and technology. www.bis.doc.gov

Export Administration Regulations. The EAR is codified at 15 Code of Federal Regulations, Chapter 7. The Government Printing Office's Export Administration Regulation Web site contains an up-to-date database of the entire Export Administration Regulations (EAR), including the Commerce Control List, the Commerce Country Chart, and a link to the Denied Persons List.

Fundamental Research. Basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community.

Deemed Export. An export of technology or source code (except encryption source code) is "deemed" to take place when it is released to a foreign national within the United States. See §734.2(b)(3) of the EAR

International Traffic in Arms Regulations (ITAR). 22 CFR Parts 120-130. Administered by the Department of State Directorate of Defense Trade Controls relate to defense articles and defense services on the U.S. Munitions List. Section 38 of the Arms Export Control Act (22 U.S.C. 2778). (www.pmdtcc.state.gov/)

Dual-use Items. Items subject to BIS regulatory jurisdiction have predominantly commercial uses, but also have military applications.

DOE Sensitive Subjects List. A compilation of technical subject matter or technologies that is intended to aid the Department of Energy (DOE)-complex in

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identifying "sensitive" information. The list identifies subjects related to the development and production of weapons of mass destruction (nuclear, chemical, and biological) and their delivery systems (including missiles), conventional weapons, and other technologies deemed significant to the national security of the United States. The SSL is an internal DOE document that is not used outside of the DOE-complex. It does NOT replace or supersede U.S. export control regulations.

Ames Laboratory's Sensitive Technology List. A compilation of technical subject matter or technologies at AMES that may have export control implications or that are sensitive in nature.

5.0 Policy Statement

As required of all U.S. entities, Ames Laboratory complies with U.S. Export Control regulations. While the majority of work performed at Ames Laboratory is "fundamental research", all research that is not fundamental in nature, as well as any foreign national who is not a permanent resident alien nor an asylee who will be working on non-fundamental research, will require an Export Control review. Most international shipments will require an export control review as well (see exceptions under 6.5).

6.0 Procedure Performance Section

6.1 Research Projects

6.1.1 Out of cycle submissions

When a researcher proposes a new research project for funding to DOE, another Federal Agency, or a non-federal partner, s/he initiates a Preliminary Proposal Form (PPF) (AL Form 10100.001) to begin the Laboratory's review process for new or ongoing work. This form provides areas for signature of appropriate Laboratory officials to make sure pertinent issues have been addressed and approved. One of these areas is Export Control. The Export Control Officer reviews the proposal for potential export control implications; if any exist (i.e. the proposed work will not be "fundamental research"), a notation is made on the PPF, and a memo is sent informing the Budget Officer that when funded an Export Control Review will need to take place.

6.1.2 In-cycle Proposals

All proposals that are included in the Laboratory's Annual Budget Submission in the Work Authorization System are reviewed by the EC Manager. If there are EC requirements, this is noted on the WAS Checklist form that goes to the Budget Office. If required, an EC review is performed and documented and a license is processed for approval by DOC.

6.1.3 Funded Research

If a proposal has EC implications, when the Laboratory receives funding for that the work, the Budget Officer notifies the Export Control Officer. The

Principal Investigator is then asked to meet with the EC Officer to perform an export control review of the project to determine if any part of the project would be subject to the EAR. The review is documented using ECustoms by Visual Compliance Export Control Review web-based system and signed by both the PI and EC Officer.

If the research falls under the EAR, then the researcher is asked additional questions, including:

- Will foreign nationals work on the project? If so, are they presently working at Ames Laboratory? What nationality are they? Is their country of origin classified as a sensitive or terrorist country?
- What controls exist for each ECCN that the research falls under?
- Do any of the foreign nationals, currently employed by the Laboratory, who will work on the project, country of origin fall under the controls?
- Do you plan to hire any new researchers to work on the project? Will they be foreign nationals?

Dependent upon the answer to these types of questions, a determination is made as to whether a License will be required, or if a License could be required dependent upon the nationality of any new hires. The PI is also informed that if s/he would want to have foreign nationals work on the project at a future date, another EC Review would need to be completed before hiring such personnel. If a License application is required, either the License will be prepared and submitted for approval, or the PI may decide to find alternate employees that are not subject to the EAR. If some or all of the research falls under the EAR, the PI is also informed that discussing the research with foreign nationals could be a deemed export, and a License would have to be requested before discussing the project with certain foreign nationals.

If a License is requested, or if the research falls under a category on the DOE Sensitive Subject list, the research is added to Ames' Sensitive Technology List for monitoring. This list is provided to the COO for his use in FV&A and Foreign Travel. If the research does not fall under the EAR, the form is filed for documentation that such review occurred.

After the completion of the Review or after obtaining a License(s) (if required), the Budget Officer is notified that all EC requirements have been addressed. The Budget Officer will then allow work to commence.

6.2 Cooperative Research and Development Agreement (CRADA) and Work for Others Agreement (WFO)

For business proprietary information contained in research agreements, the process

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listed under funded research is followed. In addition, once the CRADA is signed, the researchers are reminded that if/when there is "protected CRADA data" that an EC review must occur if there are foreign nationals working on the project, or if the potential for foreign nationals to work on the project exists.

6.3 Foreign Visits and Assignments

An EC review of the visit or assignment is initiated when the Chief Operating Officer upon review of the FVA form feels that there may be EC involved. Upon notification by the Chief Operating Officer, the Export Control Officer will call the PI requestor to get further clarification on what exactly the visit/assignment entails. If the research falls under EAR, a license would be requested from DOC before allowing the individual(s) access to controlled information. If the PI affirms that the individual(s) will only have access to "fundamental research", but the PI has past or ongoing research that falls under the EAR, and the individual(s) are from a country that the technology/information is subject to EAR, then a letter is sent to the PI reminding him/her of their responsibilities not to share any controlled information with them.

When a security plan is required for a foreign visitor, an additional EC review/approval is obtained. Typically these plans are limited to 1) all visitors from terrorist supporting countries, 2) situations where the host has a clearance and his/her visitor is accessing sensitive information or is from a sensitive country, and 3) where the visitor is from a sensitive country and needs to access sensitive information.

6.4 Foreign Travel

An EC review of the foreign travel is initiated when the Chief Operating Officer upon review of the foreign travel form feels that there may be EC involved. Upon Notification by the Chief Operating Officer, the Export Control Officer will call the PI requestor to get further clarification on what exactly the foreign travel entails, specifically if the PI will be presenting or discussing information that might fall under the EAR. If the PI affirms that s/he will only be presenting or discussing "fundamental research", but the PI has past or ongoing research that falls under the EAR, a letter is sent to the PI reminding him/her of their responsibility not to share this information with any foreign nationals from controlled countries.

6.5 Procurement

The Purchasing and Property Services is responsible for Export Control through Chapter 4, Special Considerations, Paragraph 4.14 Export Control of the Procurement Operating Practices Manual (583000.001) and through Section 8. High Risk (HR) Property of the Property Services Manual (58301.001). The Materials Handling department is responsible for reviewing all Shipping Orders to identify requests for foreign shipments and obtain the proper ECCN, license exception or completed license application from the Export Control Officer, for inclusion on export documents, prior to shipment (paper documents are exempted from this procedure).

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7.0 Post Performance Activity

7.1 Export Control License

7.1.1 If required, an export control license will be requested. Once approved, the person(s) will have access to the research being conducted, or the item(s) shipped to the recipient. If disapproved, the PI or Program Director will be informed of this and alternative personnel will be sought, or the item(s) will not be shipped.

8.0 Additional Information

Export Administration Regulations. 15 Code of Federal Regulations, Chapter 7.

International Traffic in Arms Regulations (ITAR). 22 CFR Parts 120-130.

U.S. Munitions List. Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

DOE Sensitive Subjects, Sensitive Countries and Terrorist Countries Lists dated June, 2001.

ECustoms web based system by Visual Compliance (www.visualcompliance.com)

Cooperative Research and Development Agreements Order and Manual -DOE O 483.1-1 and DOE M 483-1-1

Work for Others Program and Process Manual – DEAR 970.5217-1 and DOE M 481.1-1