

# An Export Control Determination Decision Tree

**Export Control Coordinators Organization  
Annual Training Meeting  
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# What is the scope for today?

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- **U.S. Department of State (DOS)**
  - International Traffic in Arms Regulations (ITAR)



- **U.S. Department of Commerce (DOC)**
  - Export Administration Regulations (EAR)



- **U.S. Nuclear Regulatory Commission (NRC)**
  - 10 CFR Part 110: Export and Import of Nuclear Equipment and Material



- **U.S. Department of Energy (DOE)**
  - 10 CFR Part 810: Assistance to Foreign Atomic Energy Activities

# What is the question?

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- Is it export controlled?

# Is this the question?

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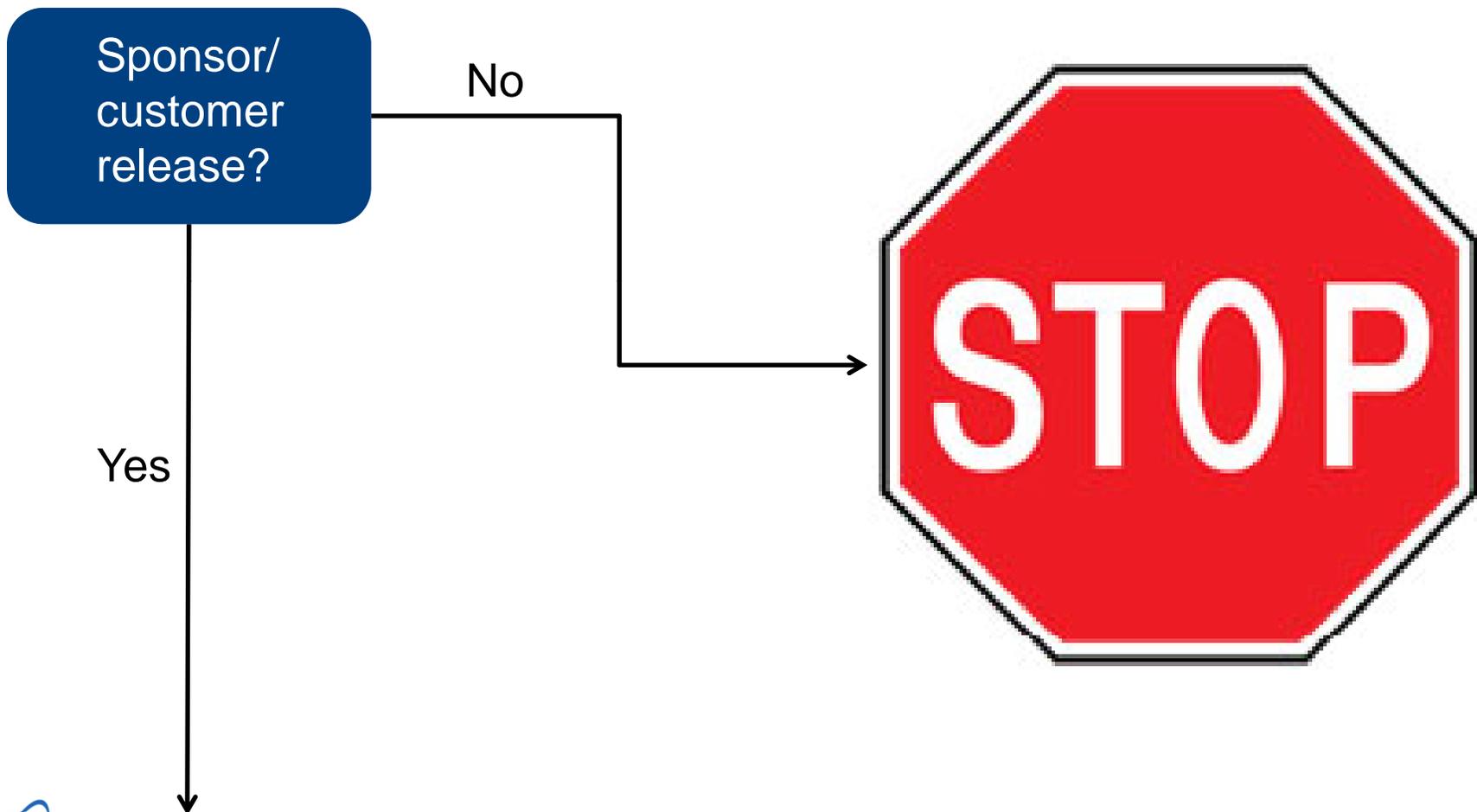
- ~~Is it export controlled?~~
- **Do I need an export license?**

## This is the question.

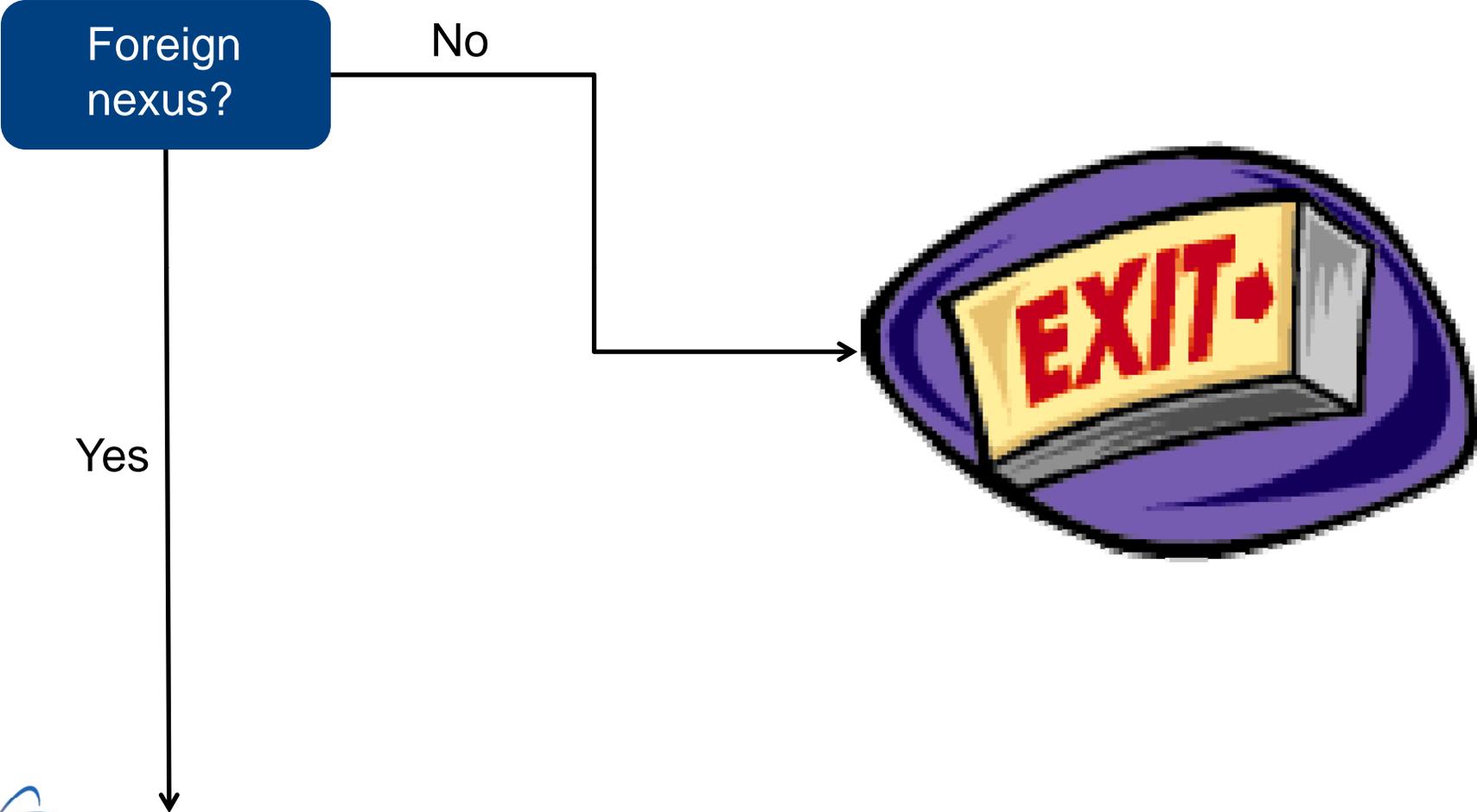
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- ~~Is it export controlled?~~
- ~~Do I need an export license?~~
- **May I share it with the foreign entity?**

# Does the sponsor/customer want it released to anyone?



# Is there a foreign nexus?



## Is the foreign entity embargoed or a denied party?

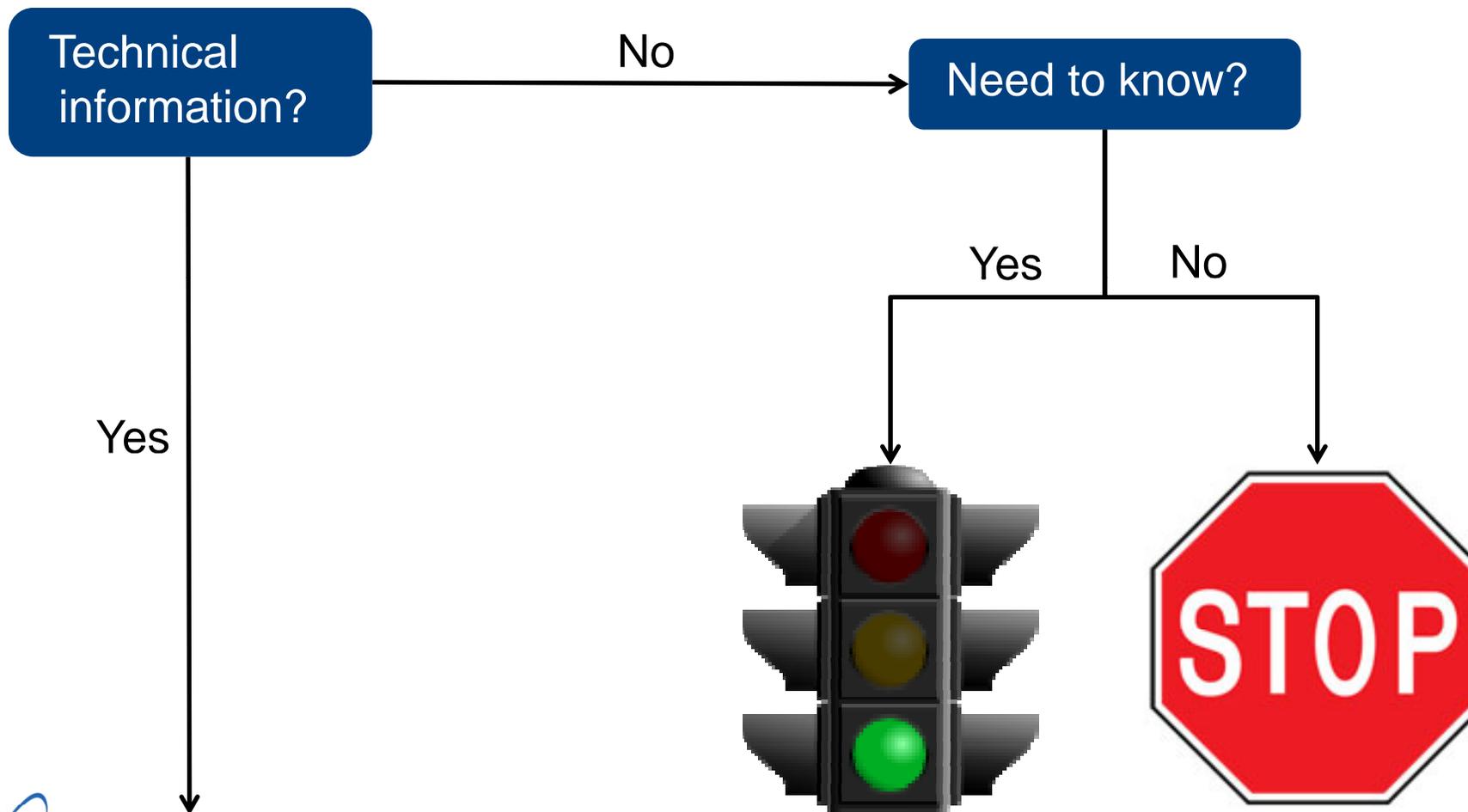
Embargoed  
country/denied  
party?

Yes

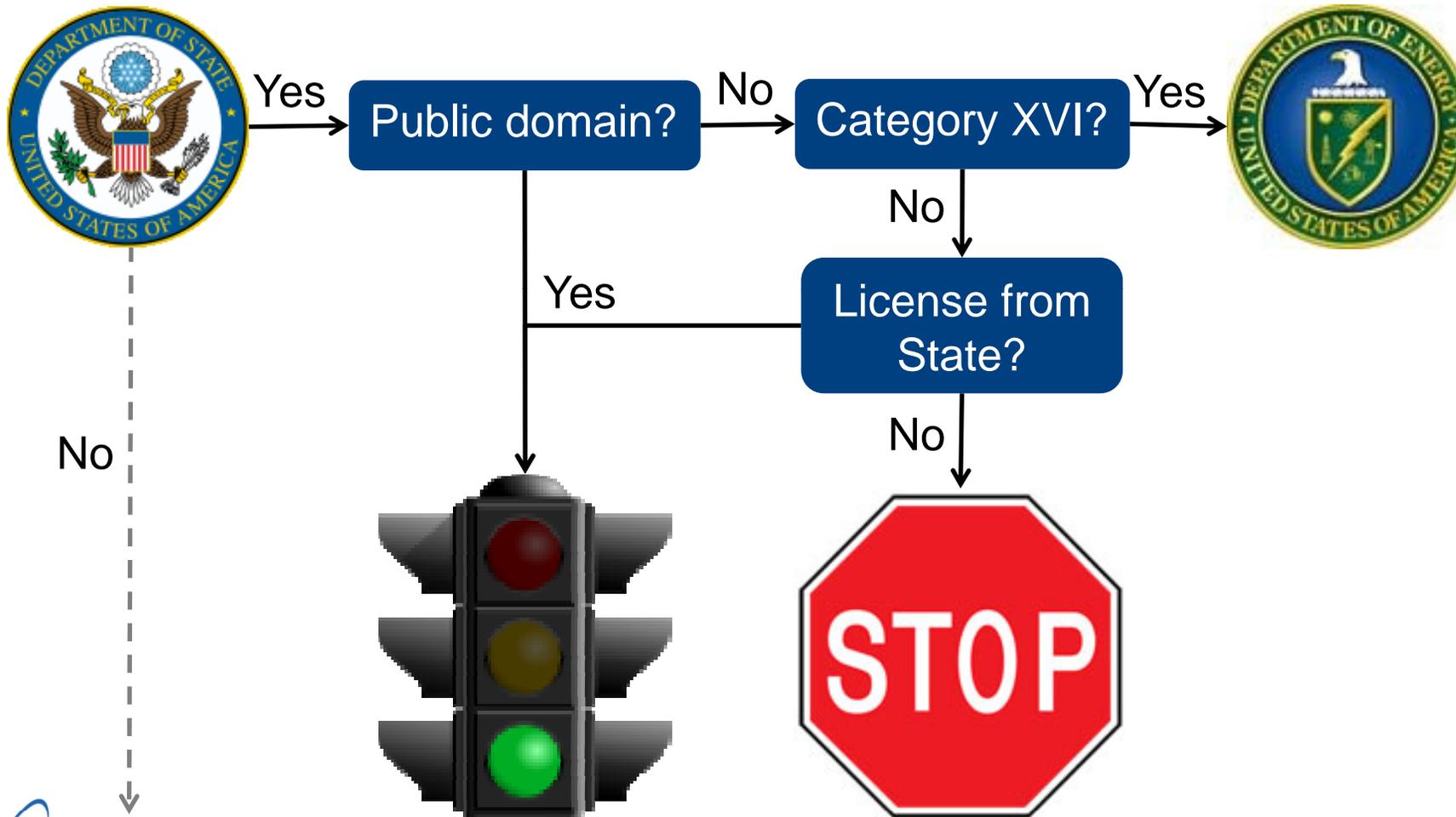


No

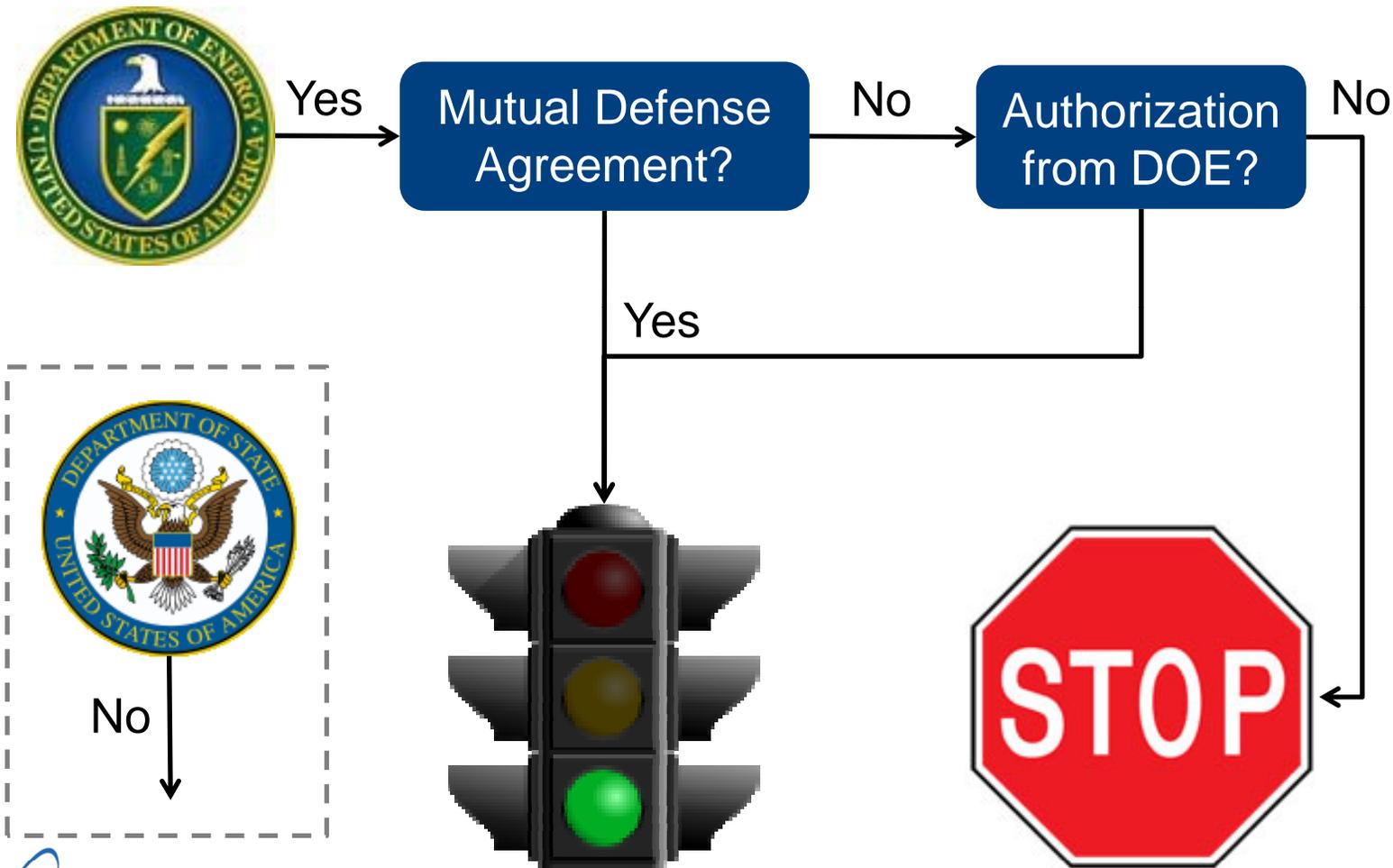
# Is it technical information?



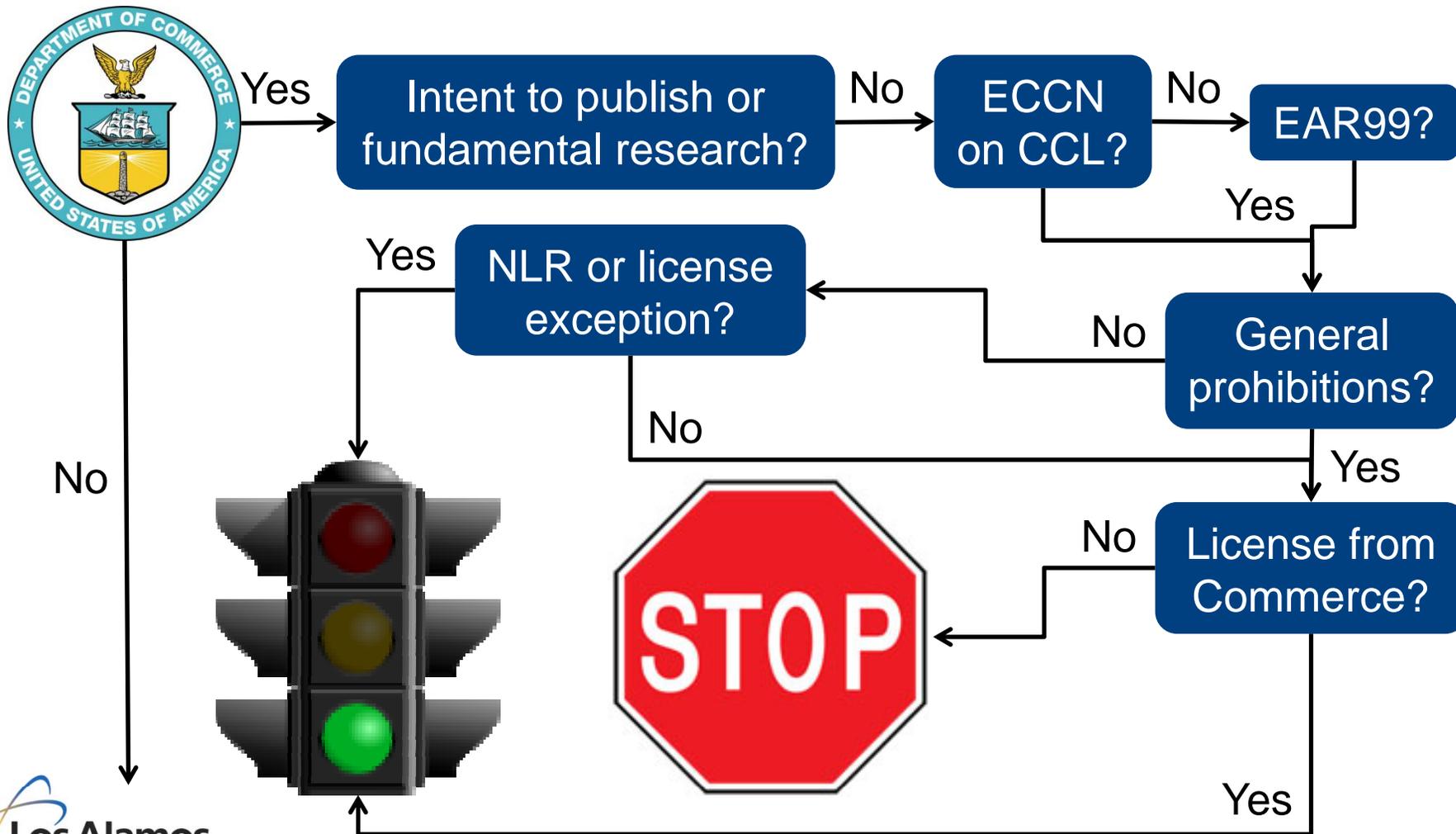
# Is it under the International Traffic in Arms Regulations?



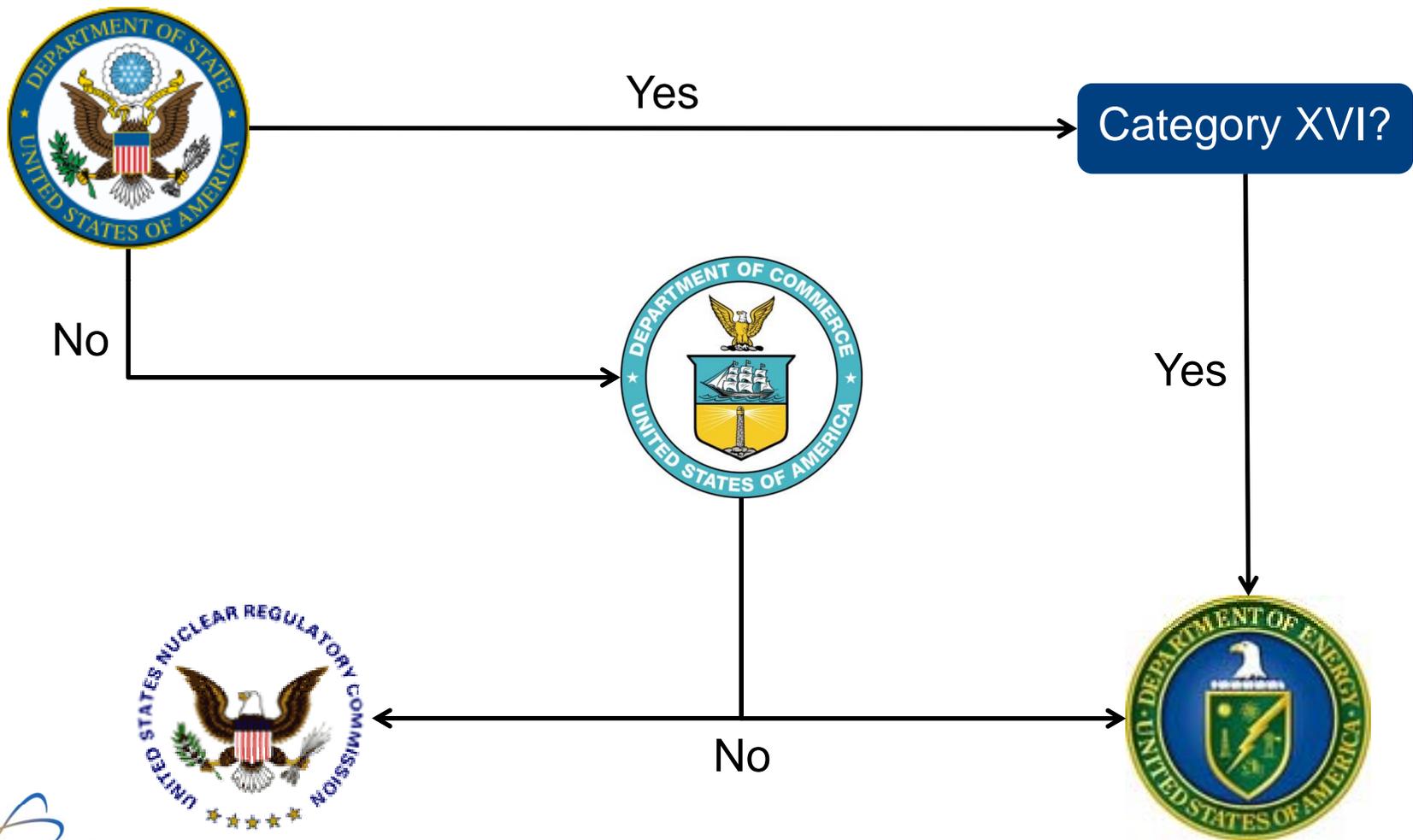
# Is it under ITAR Category XVI for Nuclear Weapons?



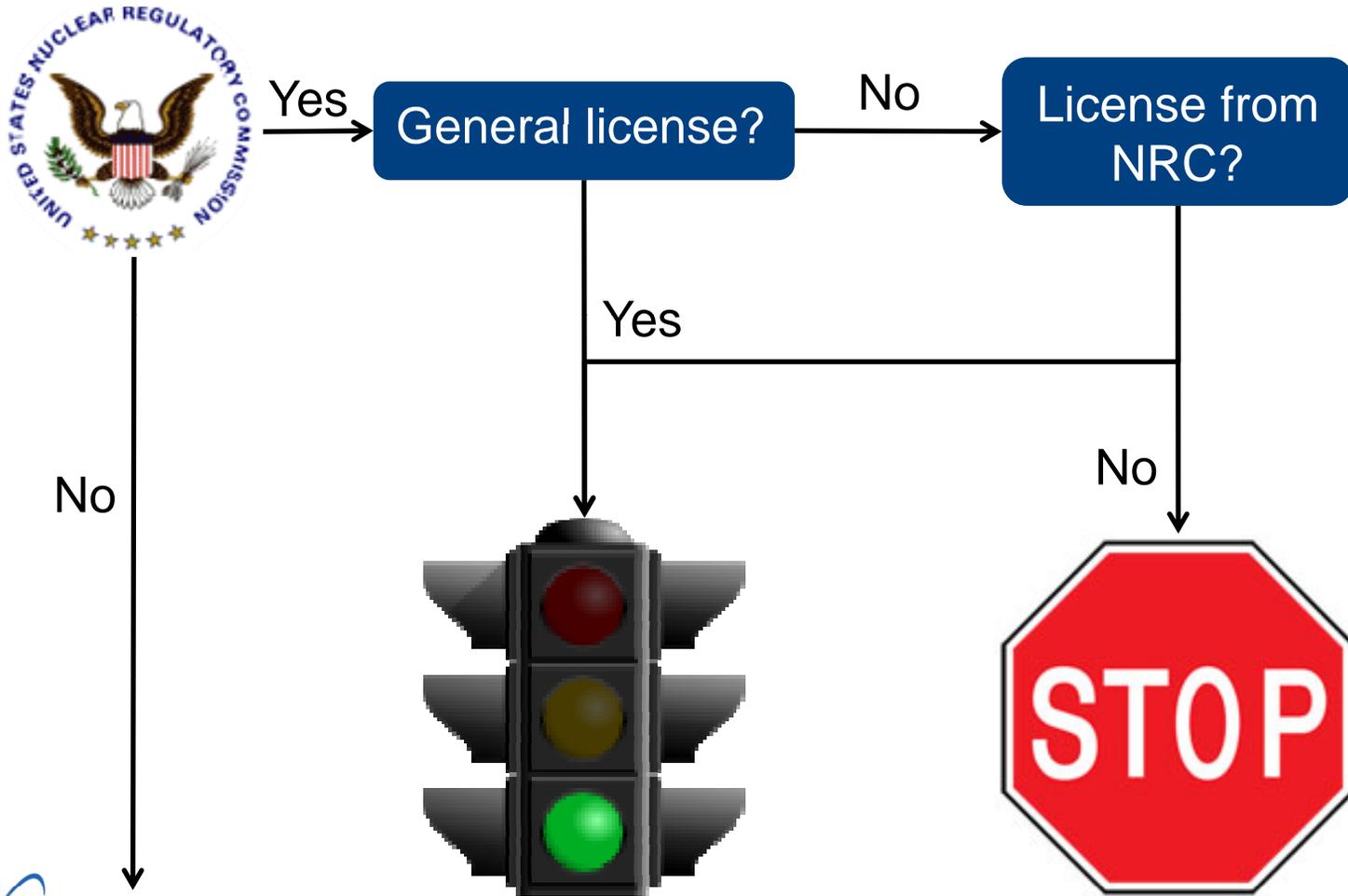
# Is it under the Export Administration Regulations?



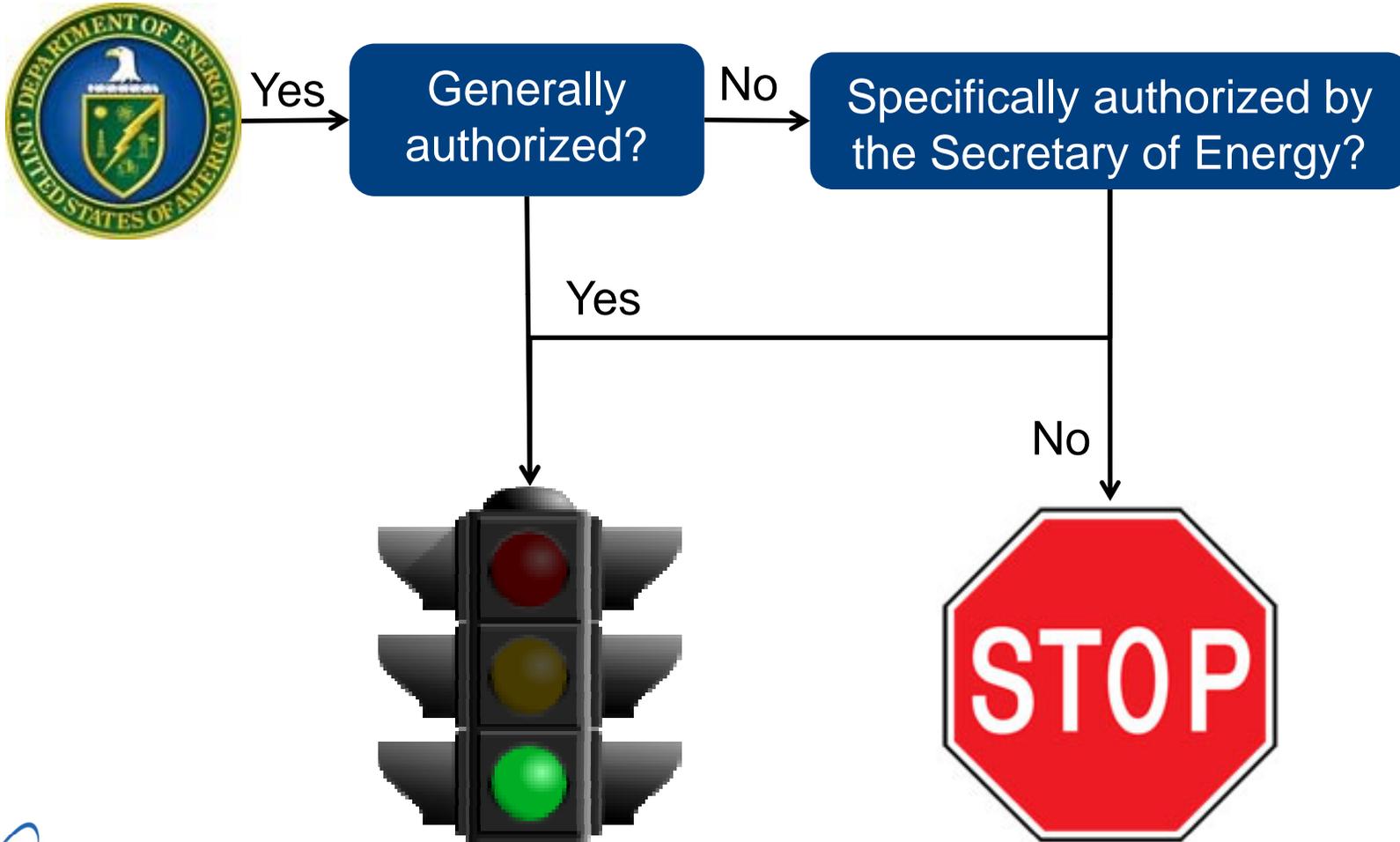
# What is the flow?



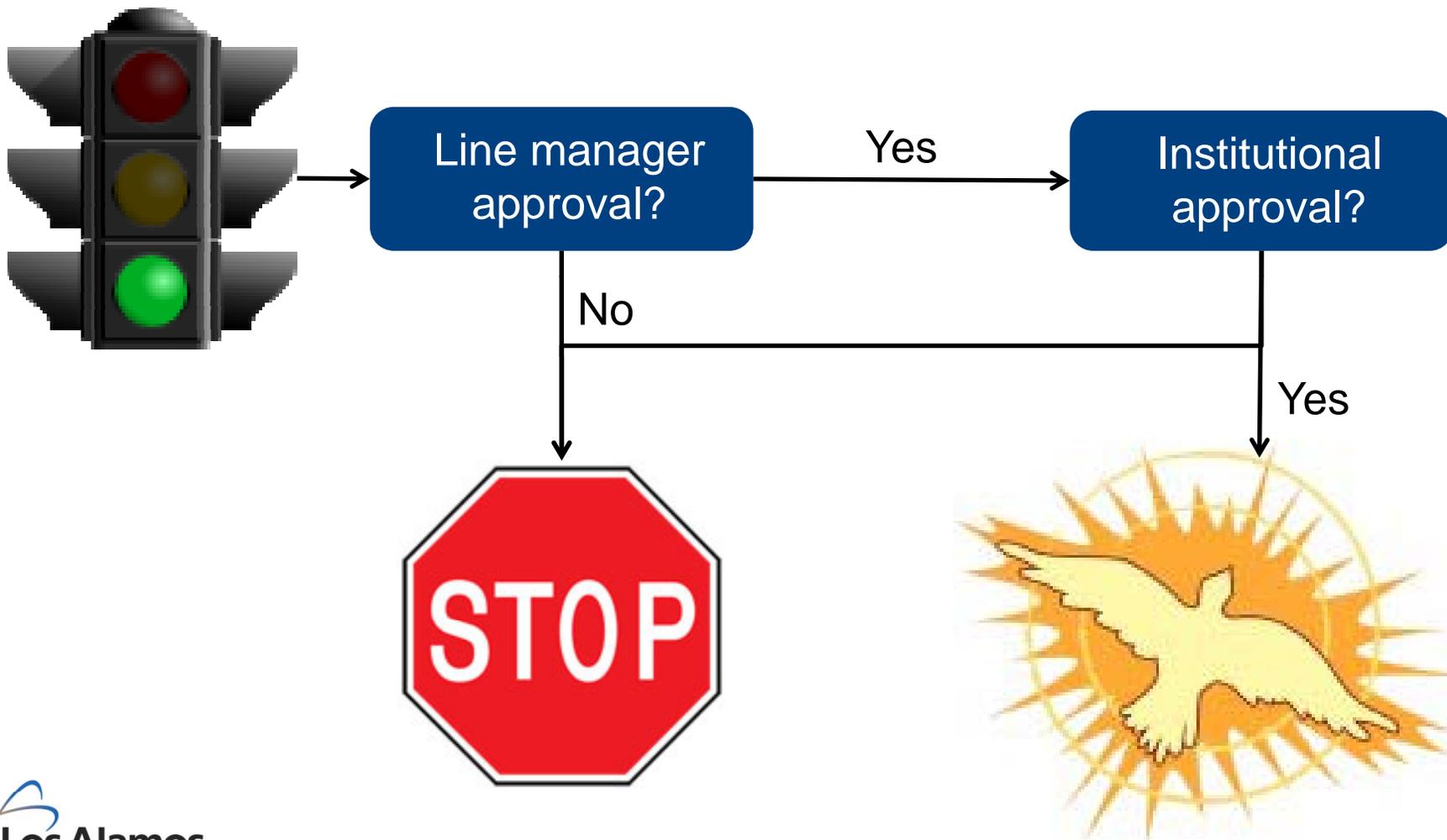
# Is it under 10 CFR Part 110 -- Export and Import of Nuclear Equipment and Material?



# Is it under 10 CFR Part 810 -- Assistance to Foreign Atomic Energy Activities?



# May I share it with the foreign entity?



## Backup slides

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# Commercial Off the Shelf (COTS)

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- **Defined on the basis of the ‘Federal Acquisition Regulations’.**
- **Something that one can buy, ready-made, from a manufacturer's virtual store shelf (e.g., through a catalogue or from a price list).**
- **Carries with it a sense of getting, at a reasonable cost, something that already does the job:**
  - It exists a priori.
  - It is available to the general public.
  - It can be bought (or leased/licensed).
  - Is not to be developed by the user.

# Fundamental research

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- **Basic research undertaken to acquire new knowledge of the fundamental principles of phenomena or observable facts and not directed toward a specific practical aim or objective.**

# Training

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- On-line training shortened
- Moved to the green

<http://int.lanl.gov/training/b-courses/52144/splash-in.asp>

- Roadshow

# NRC references

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- Intent of the NRC General License, 110.20: <http://www.nrc.gov/reading-rm/doc-collections/cfr/part110/part110-0020.html>
- By product is covered under 110.23: <http://www.nrc.gov/reading-rm/doc-collections/cfr/part110/part110-0023.html>
- Source material is covered under 110.22: <http://www.nrc.gov/reading-rm/doc-collections/cfr/part110/part110-0022.html>
- Special source material is covered under 110.21: <http://www.nrc.gov/reading-rm/doc-collections/cfr/part110/part110-0021.html>
- Deuterium is covered under 110.24: <http://www.nrc.gov/reading-rm/doc-collections/cfr/part110/part110-0024.html>
- Appendix L sets forth the type of byproduct allowed under 110.23, note that it's illustrative, not comprehensive: <http://www.nrc.gov/reading-rm/doc-collections/cfr/part110/part110-appl.html>
- Appendix P sets forth the amounts: <http://www.nrc.gov/reading-rm/doc-collections/cfr/part110/part110-appp.html>
- Country restrictions: NSG countries have no export restrictions, we may export the allowed material/amount to those countries, no issues; see: <http://www.nrc.gov/reading-rm/doc-collections/cfr/part110/part110-0030.html>. Then there are the restricted countries, which we (this office) have never exported to, I believe it would require an NRC Specific License (we would apply for a license, the approved license is called a Specific License), found here: <http://www.nrc.gov/reading-rm/doc-collections/cfr/part110/part110-0029.html>. Lastly, there are the embargoed destinations, which we have never applied for a specific license to, found here: <http://www.nrc.gov/reading-rm/doc-collections/cfr/part110/part110-0028.html>
- NRC 10 CFR, you have to scroll down to get to the export/import section, part 110: <http://www.nrc.gov/reading-rm/doc-collections/cfr/part110/>