



Office of Classification
and Export Control

UNCLASSIFIED

WELCOME ECCO PARTICIPANTS!



FOREIGN NATIONAL PROCESSES & PROCEDURES

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Export Controls at Lawrence Livermore National Laboratory

UNCLASSIFIED





The Purpose of This Presentation is Three-Fold...

- 1) Define briefly, and provide an overview of, Export Control responsibilities with Foreign National visitors.
- 2) Outline how LLNL's Visitor Tracking System is structured to address those responsibilities.
- 3) Discuss the roles of individuals in effectively meeting those responsibilities.

**The Laboratory's Goal: A Proper Balance of Scientific
Openness vs. Sensitivity**





What is an Export?

The transfer or transmission...

- **To any non - U.S. person or entity inside or outside of the U.S. by any means**
- **To a person or entity with the knowledge or intent that the item will be further transferred to a non - U.S. entity**

of any...

- ✓ **Commodity (equipment or hardware)**
- ✓ **Technology (technical data or information)**
- ✓ **Software (commercial or custom - made)**





How is an Export Made?

Through the direct hand-over, shipment, verbal or visual transfer of items or technical information.

Verbal and visual transfers are often referred to as **Deemed Exports**

“Any transfer of export controlled technology to a non - U.S. person ...regardless of where that transfer occurs, is deemed by the U.S. Government to be an export to that person’s country.”

e.g. Allowing a foreign visitor access to a sensitive technology work area.





Export Controls Are One Facet of Unclassified Controlled Information (UCI) Limitations on Information

They are applied for a variety of overlapping reasons by a variety of Government Agencies...

- ◆ Economic Protection (Department of Commerce)
- ◆ Military Technologies (Department of Defense/State)
- ◆ Proliferation Sensitivities (Department of Energy)





What Information or Technology is Exempt from Export Control?

- **Items in the Public Domain open to public access**

- e.g. published literature

- **Fundamental Scientific Research**

National Security Decision Directive 189 definition...

“...basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community”





Keeping in Mind That “Classified is Classified”...

The Export Control challenge is to balance openness against legally mandated sensitivities -- i.e. Unclassified Controlled Information -- when working with Foreign Nationals and/or disseminating technical information.

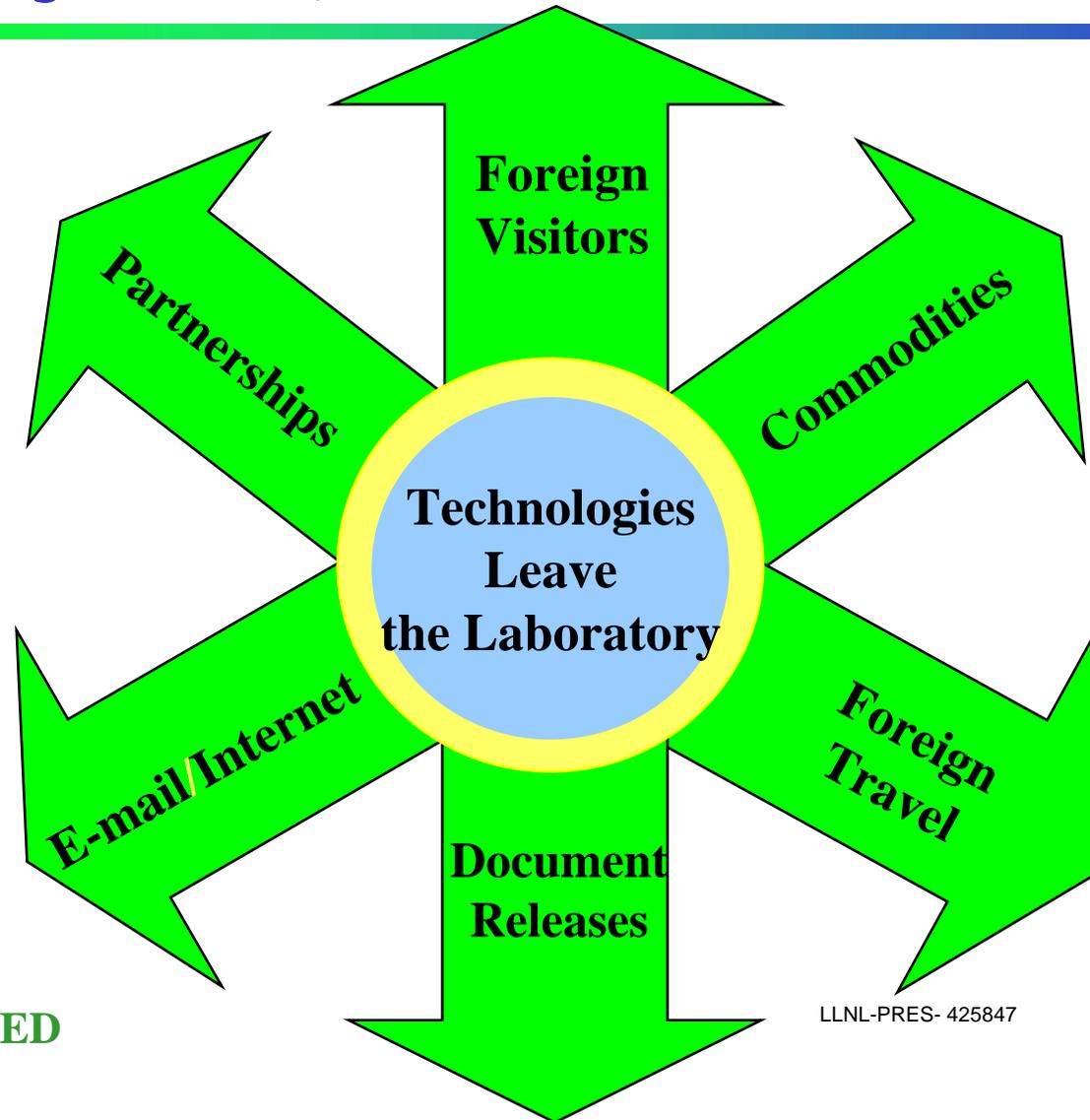
Projects at LLNL may involve Foreign Nationals such as:

- ✓ **Contractors or Service Representatives**
- ✓ **Visiting Researchers/Employees**
- ✓ **Scientists or Students from Academia**





Technologies and information may be transferred through various, identifiable Avenues of Risk...





In Addition... DOE has Controls for Sensitive Subjects

The Department of Energy (DOE) also generates a topical list that is used to identify sensitive areas that Laboratory developed technologies may fall under.

At LLNL, designated Programmatic and Directorate Sensitive Subjects Points of Contact (SS-POC's) determine the need for controlling items on the Sensitive Subjects List, then ensure that the information is properly handled using established LLNL document, visitor or assignment review procedures.

Unlike Classification, Export Control is a Matrix Subject To Rapid Change!!!





Export Control at LLNL

<https://www-export.llnl.gov/>

Privacy & Legal Notice



Policy

Key Topics & Definitions

Exports in the Workplace

Roles & Responsibilities

Guidance

Resources

Sensitive Subjects

Sensitive Subject Contacts

Bulletins

Search




Lawrence Livermore National Laboratory

Export Control

Office of Classification and Export Control (925) 422-4401

Export controls are designed to protect items and information important to maintaining the technical lead of industries in the United States. They are based on government rules and regulations that govern the transfer of commodities, technologies, and software/codes to non-U.S. entities or individuals.

The purpose of this Web site is to provide you with the information that you will need to comply with export controls. What they are. Why they are important. And, how they apply to you as LLNL employees, and the Laboratory as a whole.

As LLNL employees, you are **not** expected to become experts on export controls. But you are expected to be aware of their existence, to know when a work situation poses export control considerations, and—most importantly—when and where to get guidance and assistance on export control matters.

This Web site is intended to raise awareness about export controls and contains reference material primarily for the use of LLNL employees and Laboratory programs. It is designed to answer questions and provide information and resources at Lawrence Livermore National Laboratory.

This Web site is **not** intended to serve as guidance for outside organizations. For information regarding

- **Classification issues**, see the [Office of Classification and Export Control](#) (Internal Laboratory use only)
- **Unclassified controlled information**, see [Unclassified Controlled Information, LLNL/LANL](#) (Internal Laboratory use only)
- **Sensitive countries**, see the [DOE List of Sensitive Countries, SAFE](#) (Internal Laboratory use only).

[Policy](#) || [Key Topics & Definitions](#) || [Exports in the Workplace](#) || [Roles & Responsibilities](#)
[Guidance](#) || [Resources](#) || [Sensitive Subjects](#) || [Sensitive Subject Contacts](#) || [Bulletins](#) || [Search](#)



For further information, contact:
Office of Classification & Export Control
(925) 422-4401





LLNL Visitor Tracking System (VTS)

Centralized Mechanism

- **Two forms** used to record FNs:
 1. IA-473 (Used for Sensitive or Non-Sensitive Countries/visits)
 2. LLNL-6333 (Used only for Non-Sensitive Countries/visits)
- **Electronic Routing** for input, review, & approval signatures:
 1. FN Host
 2. Program/Directorate
 3. OPSEC/OISSO
 4. OCEC
 5. FVAO
- **Sensitive Subjects Review** (SSR) form generation





Our VTS Review Relies on Accurate Information Entered on the IA-473 Form “Request for FN Unclassified Visit or Assignment”

The Office of Classification and Export Control (OCEC) has two major areas of concern:

1. VTS Data Field ... *“Contains Sensitive Information?”* Y/N?
 2. VTS Data Field ... *“Purpose and Justification of Work/Assignment”*
- ◆ Other information areas serve as “flags” and may be used to cross-check or supplement our review as necessary (e.g. additional citizenship, buildings to be visited, visa type)





What is the OCEC Review Looking For, Exactly...???

The Office of Classification and Export Control (OCEC) Review is conducted to ensure that *if an item*, or “...the technical information necessary to design, use, or manufacture a product...” is being transferred:

- An adequate Sensitive Subjects Review was properly completed.
- The “Purpose and Justification of Work/Assignment” statement is complete and the work described not export controlled by license or embargoed to the country (i.e. visitor) in question.
- All parties are made aware, when necessary, of unusual or current areas of concern requiring caution (e.g. India, Libya, Iraq).





Sensitive Information

This Data Field indicates whether or not the FN Visitor will have access to DOE Sensitive Information... as based on a Sensitive Subjects Review (SSR) done by the responsible Host and their Directorate's Sensitive Subjects Point of Contact (SS-POC).

- **Directions and detailed information for the SSR are on a pull-down menu found within the IA-473 Form process.**
- **Y/N is determined by each AD during their final approval based on answers to questions relating the visit to the DOE Sensitive Subjects List.**
- **If "Yes" our review more closely examines the SSR Form's information against the IA-473 "Purpose and Justification" statement and other factors.**





Purpose and Justification of Work/Assignment

Much of our review (and a timely approval, without additional questions etc.) centers around this statement's accuracy.

- Needs to be a detailed statement succinctly describing all anticipated activities of the visit.
- Must answer the questions asked in the title... i.e. the purpose of visit (what?) and the justification (why?)
- Please spell-out acronyms -- remember we are mortal.





What Every Lab FN “Host” Should Know...

... about Export Control and Sensitive Subject Reviews, at least.

- Always refer to the VTS Number (e.g. VTS 40317) not the visitor’s name (...each new year we stop memorizing names after the first 900 reviews)
- Bob Haessly (ext. 3-1363) currently performs VTS Sensitive Subject Reviews. He’s not available? In Crisis?? Call Ext. 2-4402 and we will cheerfully handle your call.
- Remember, you’re not expected to be an expert on this ... it’s confusing. Our website <<https://www-export.llnl.gov>> can help.
- We love to answer questions.... No, really!!





FN Host Compliance Review

- **ALL approved FN Visits & Assignments are subject to random & periodic compliance reviews:**



- Purpose: to validate ongoing work scope & SSR alignment.
 - Also verifies potential for deemed export exposure in the work environment.
 - Pre-arranged questionnaire is discussed with FN host. ***
 - Written report is prepared and sent to FN Host, LLNL Export Control Officer and FVAO.
- **In 2010, ~ 5% of all FN Visits have undergone compliance reviews.**





In Summary --- Well Defined Export Control Policy, Procedures, Review Mechanisms and Support are in Place

- **LLNL has existing procedures in place that review documents and web site technology for classification, export control, and sensitive subject content.**
- **Education and tailored briefings are available regarding Exports, Technology Concerns and Foreign Nationals.**
- **Foreign National concerns with “Deemed Export” are addressed by reviews through the Visitor Tracking System and the document review and release process along with EC Compliance Reviews**
- **In-process FN Host compliance reviews of FN Visits and Assignments are conducted to validate continued adherence to initial scope of work.**





Resources Review



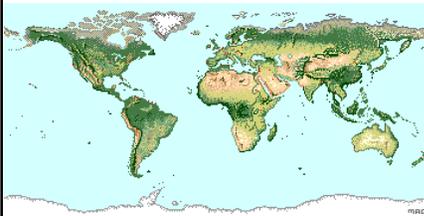
Export Control

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Web Site

<https://www-export.llnl.gov/>

Export Control
at LLNL



Export Control Booklet

Office of Classification and Export Control





Wrap-Up

QUESTIONS?

