

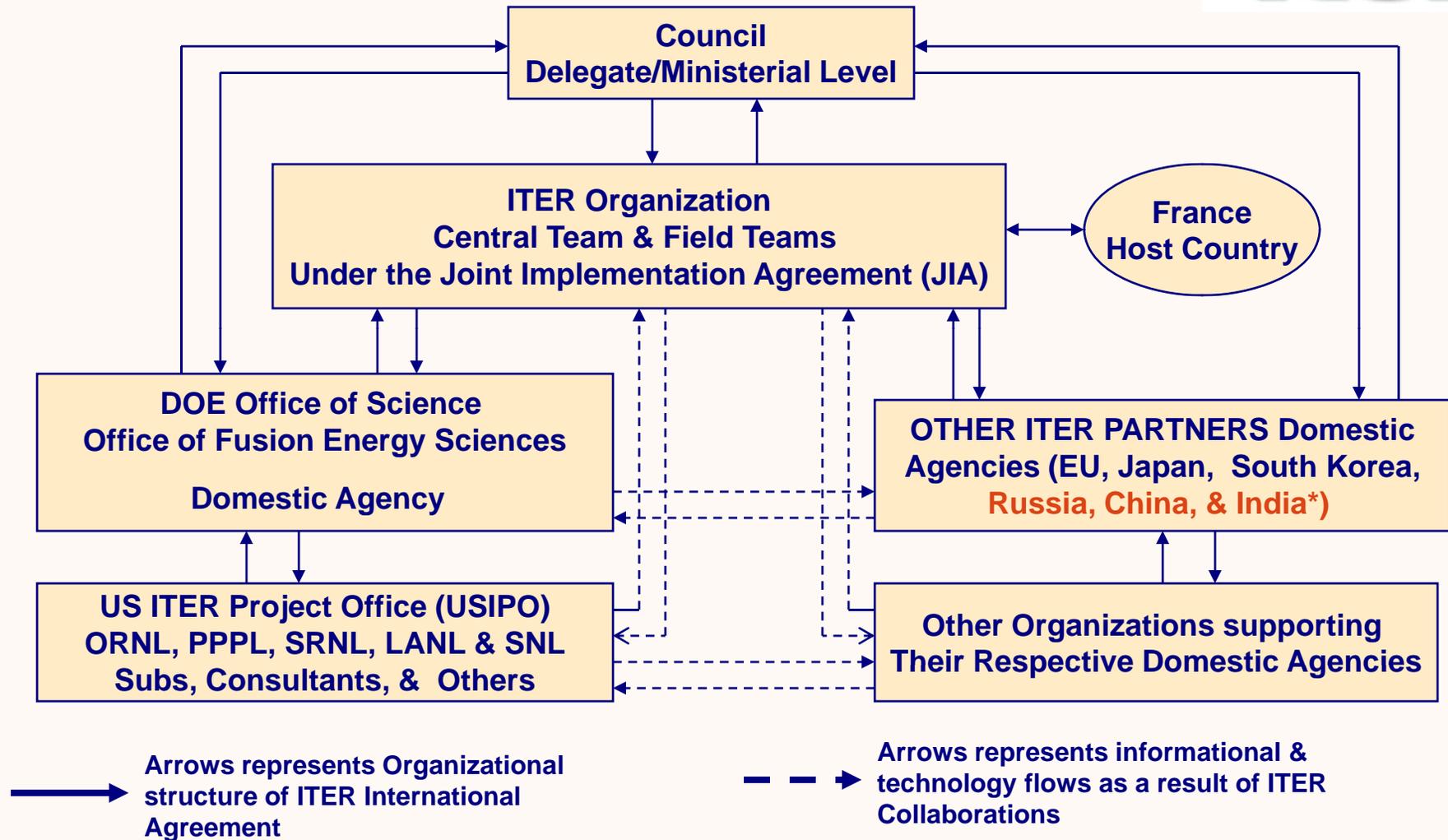


## **USIPO Export Control Project Status**

***Rolf Migun***  
***ORNL EC Manager***

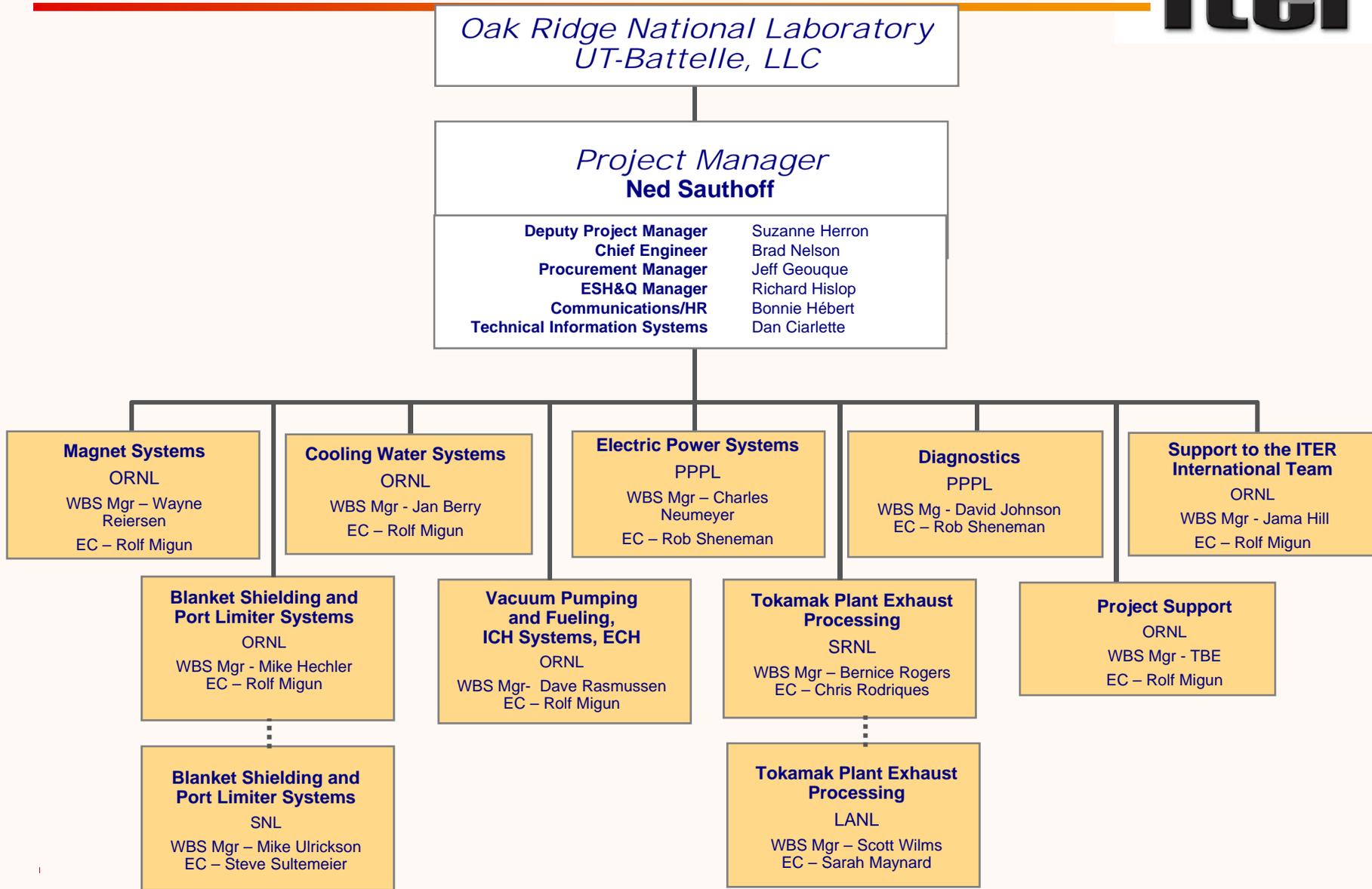
**April, 2010**

# High Level Organizational Structure



\* Represents Sensitive Countries

# U.S. ITER Project Export Control





# **USIPO Export Control Background**

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- **USIPO Commerce Guidance**

- Two Commodity Classifications submitted to Department of Commerce (DOC) to cover the USIPO scope
- Essentially the USIPO Technology Scope is considered EAR99 with some exceptions

- **Descriptions of the Commodity Classifications**

- Tokamak Device – Commercial Power Generation
- Specially Designed Components/Equipment for Tokamak Device
- Mtls & Equipment associated with Tokamak Off-Gas Exhaust Processing System
- Associated Technology for the above categories



## USIPO License Details

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- **License Duration** – the USIPO Laboratory Licenses are for ten years and represents a unique IVL granted to the DOE Labs only
- **License Scope** – Is defined in the license submission and excludes other ITER Scope NOT IN the USIPO Scope
- **USIPO Licenses are for Technology EAR 99 only** – Not for systems, subsystems, equipment, materials, non-open source software, materials, or any other tangible items
- **Annual Reporting and Bi-Annual Presentations** are required to the DOC and specifically the Subgroup on Nuclear Export Committee (SNEC)

# USIPO License Conditions

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- **License Conditions (abbreviated)**

- Not for use in Missiles, Space Launch Vehicles, Unmanned Air Vehicles, R&D, Production or Any Missile Related End Uses
- Dept. of Commerce EAR99 only
- Transfer to Duly ratified members only and Their Technical Representatives
- State End Use only – Tokamak, Specially Design Components & Systems for Tokamak and the associated production, development and use TECHNOLOGY
- Paper Report Annually & Presentation to SNEC Bi-Annually

- **No Sensitive Nuclear Technology** - Sensitive Nuclear Technology is define in 10 CFR 810 as technology associated with Enrichment, Reprocessing and/or Heavy Water Production. **A more detailed description can be found at:**

[http://law.justia.com/us/cfr/title10/10cfr810\\_main\\_02.html](http://law.justia.com/us/cfr/title10/10cfr810_main_02.html).

- **No Military End Users and End Uses**

# USIPO License Conditions Nuances



License intent is to allow applied research among the ITER Partners and their Technical Representatives for the design and procurement phase of this project.

<u>ITER US Scope Only</u>	<u>Commodity Classification</u>	<u>Example</u>	
Entire Tokamak Facility (U.S. Scope Only)	EAR 99	Containment Blanket Shield	
Supporting facilities ITER Tokamak (U.S. Scope Only)	EAR 99	Off Gas System	
Systems for ITER Tokamak (U.S. Scope Only)	EAR 99	Tokamak Cooling Water	
Subsystems for ITER Tokamak (U.S. Scope Only)	EAR 99	Modules (Control System)	
Equipment (U.S. Scope Only)	EAR 99?	Or	Multi-lateral Regimes e.g. NSG, AG, MTCR, Wassenaar or US unilateral controls*
Components (U.S. Scope Only)	EAR 99?	Or	Multi-lateral Regimes e.g. NSG, AG, MTCR, Wassenaar or US unilateral controls*
Materials (U.S. Scope Only)	EAR 99?	Or	Multi-lateral Regimes e.g. NSG, AG, MTCR, Wassenaar or US unilateral controls*

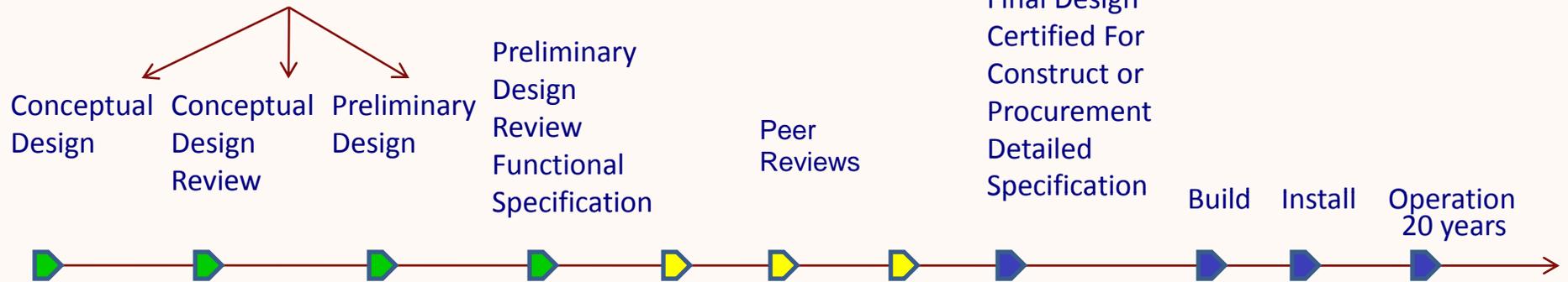
*\*Basically the question is, "Are these items on any of the following lists (Nuclear Suppliers Group, Australian Group, Missile Tech Control Regime, Wassenaar Agreement, etc.) that would have applications other than Fusion that would warrant control by the Regimes?*

*Additionally, are there any unilateral controls being imposed on certain equipment, components and/or materials?*

# DRAFT - Identification of U.S. Controlled Technology Under Licenses “EAR99 Only” at the Appropriate WBS Level



2004 Design Status Openly Released via Web Site at one of levels below



## PRIMARY METHODS from the ICP

- Identify specific point in development process (**THIS GRAPH**)
- Internal Identified specific areas to be held out as Export Controlled
- External Identified specific areas to be held out as Export Controlled by subcontractor, consultant, Other Partners, ITER IO, etc.

**TYPES:** A - Use Technology  
 B - Production Technology  
 C - Development Technology

**Note:** We are dealing with entities.

# License Implementation and Reporting

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- A formal relationship between the WBS Managers and EC Representatives has been established as the focal point for the identification and reporting of EC Technology. EC Staff will work together with both DOE and DOC to resolve any EC compliance questions which may arise.
- Annually the USIPO Laboratories are required to submit a report to the Commerce
- Bi-annually the USIPO EC Representatives must make a presentation to the SNEC committee at the DOC
- A list of authorized individuals from the USIPO will be issued to authorize technology exports to ITER Organization. The ITER Organization has an authorize an individual who can receive such export control technology
- All Shipments and Mailings that include EC Technology must go through Shipping & be marked Dept. of Commerce; EAR99 and EC Technology License D404052, etc.



## License Status

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- Met with the SNEC Committee in December 2009 to discuss licensing approach
- Presently submitting the annual report to the Department of Commerce
- Have obtained additional licenses that were outside the USIPO scope e.g. Princeton, Oak Ridge, etc.
- Anticipate adding and clarifying additional scope within the USIPO scope Licenses
- Supporting industry in the licensing process
- Anticipating holding periodic meetings (conference calls) to address new or emerging changes to the project