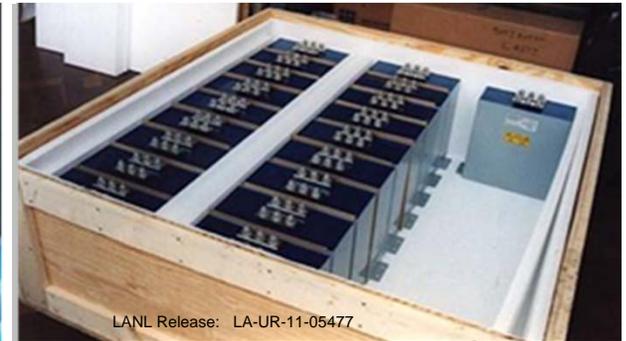
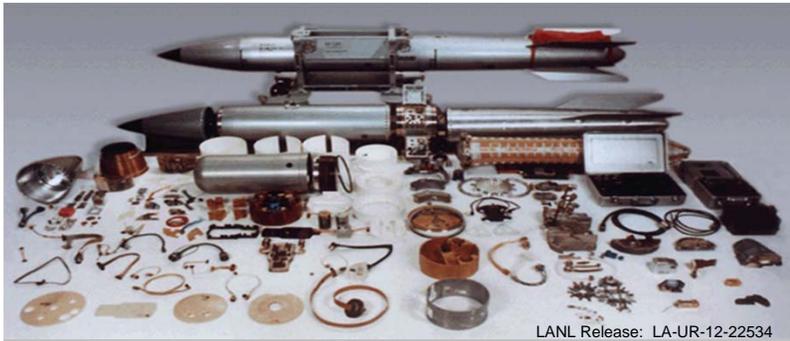


Exceptional service in the national interest



Atomic Energy Act-NAP-23 Implementation at Sandia National Laboratories

Karen Alaniz



Sandia National Laboratories is a multi-program laboratory managed and operated by Sandia Corporation, a wholly owned subsidiary of Lockheed Martin Corporation, for the U.S. Department of Energy's National Nuclear Security Administration under contract DE-AC04-94AL85000. SAND NO. 2011-XXXXP

Objectives

- What is NAP-23?
- Tier Determinations
- Marking
- Supplier Assurance
- Procurement
- Disposition



What is NAP-23?

- As part of the Obama administration's export control initiative, import and export control of nuclear weapon-related items/information was removed from the International Traffic in Arms Regulations (ITAR) Category XVI and put under the Atomic Energy Act (AEA). Most of ITAR Cat. XVI is now AEA controlled information. *
- In December 2012, NAP-23 was approved for implementation of these changes throughout the DOE nuclear weapon complex to be incorporated into each site's contract.
- The effective date for implementation is July 1, 2014.



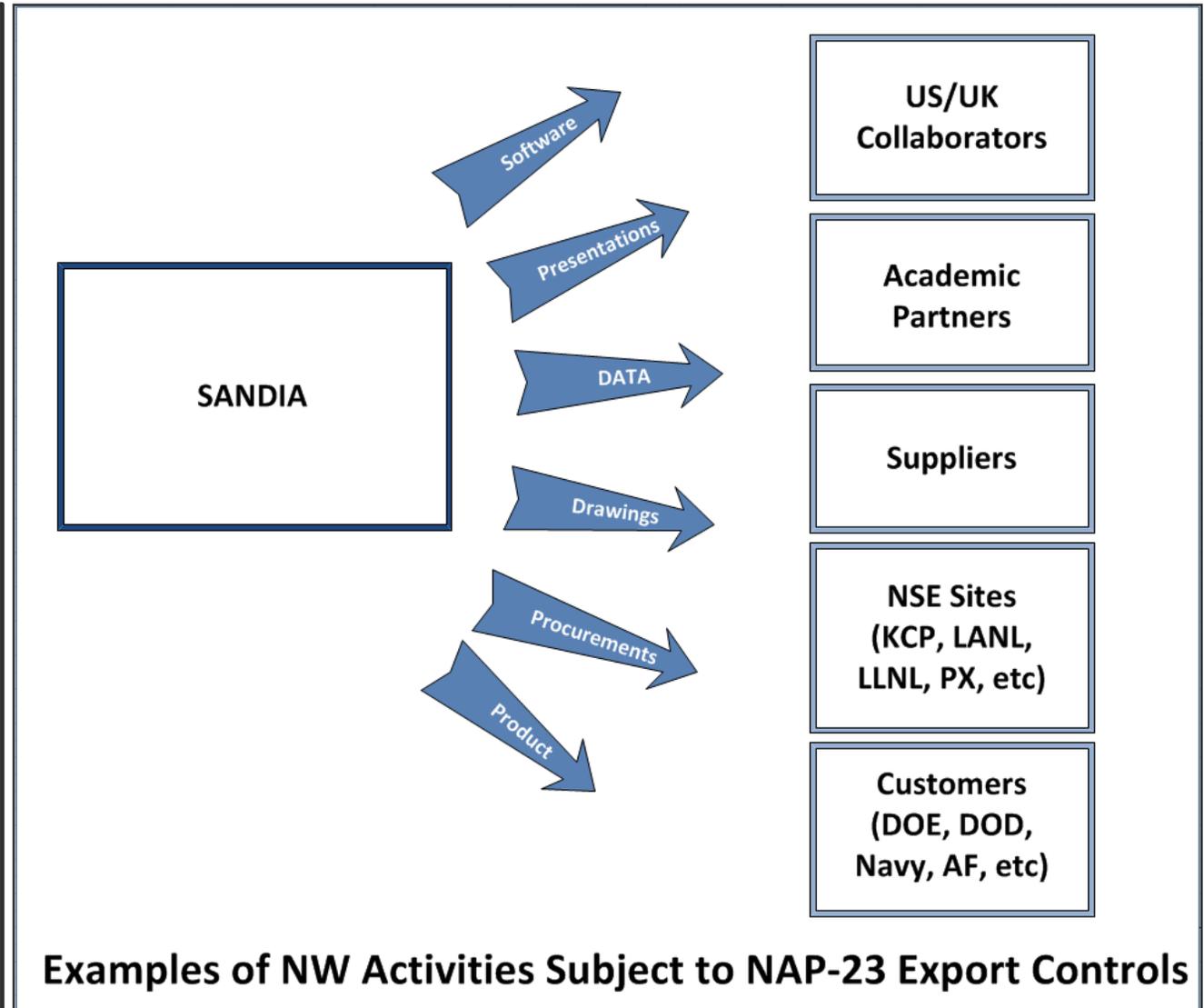
* DTRA's modeling and simulation tools remain under ITAR Category XVI

What is Atomic Energy Act controlled information?

“AEA-controlled information” includes:

- all classified or unclassified
- policies, practices
- information, technical data
- items, materials, facilities, equipment
- software, technologies
- or services

used to design, assess, detect, develop, fabricate, qualify, maintain, transport, render safe, or dispose of devices implementing a military application of atomic energy.



Tier Determinations

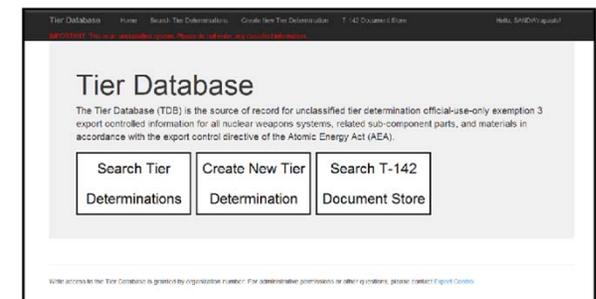
- **NAP-23 places AEA controlled information into Tiers.**
 - **TIER 1—Classified** – Restricted Data (RD) or Formerly Restricted Data (FRD) per classification guide
 - **TIER 2—Highly Controlled** – sensitive items that “reveal a nuclear weapon function or special capabilities necessary to design, develop, produce or evaluate nuclear weapons”
 - **TIER 3—Low Export Sensitivity** – information/items used in nuclear weapon-related activities that are not Tier 1 or Tier 2

- Sandia has created a tier database to help SME’s make and store the tier determination for NW parts

Tier Determination Database



- Sandia database entries based on NW **Part Numbers**
- Process includes ability for MOW to:
 1. Enter **known** tier, **no updates** to tier guidance needed
 - Level 1 manager approves
 2. Enter **known** tier, **updates** to tier guidance needed
 - Level 1 manager approves, T-142 generated to update guidance
 3. Enter request for Sandia internal resolution of **unknown** tier (SME, manager, export control, classification)
 - Sandia Formal Review Team approves, T-142 generated to update guidance
 - If unresolved, T-142 is generated to request externally resolution with NNSA
- IETC owns database
- Desire to provide visibility of database to other sites.



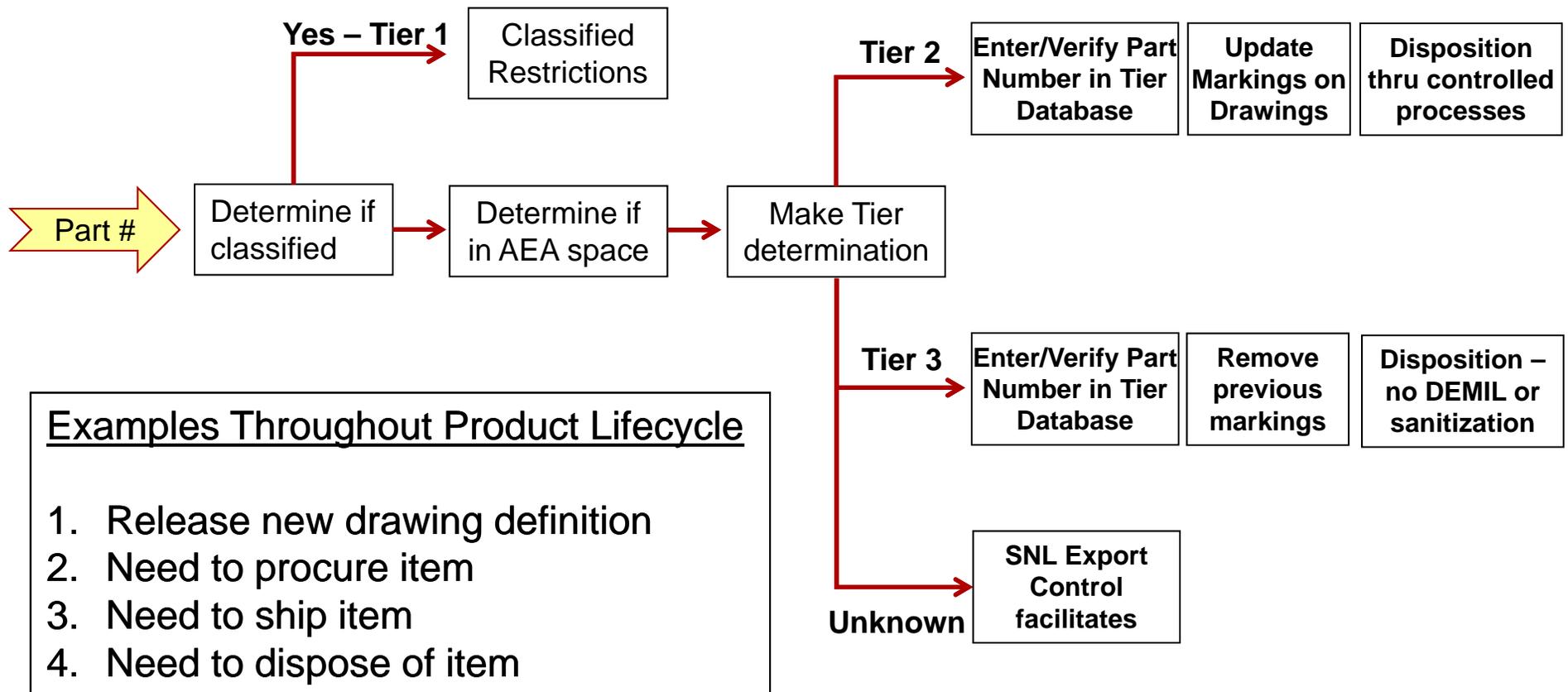
Tier Guidance

- Unclassified, Export Controlled document
- Similar to a classification guide
- Configuration managed and maintained by Sandia
 - Available to all sites
 - Hosted in IMS or equivalent system
 - Formal process to change
- Sandia will record all tier determinations for parts in a newly developed Tier Determination Database

Work Directly Associated with a Part Number

MOW Actions

Performed on “as-needed” basis to send product/product information external to Sandia



Markings

- **Tier 1**
 - Use current marking requirements for classified matter

- **Tier 3**
 - No markings required to indicate Tier 3 information is present

- **Tier 2**
 - Mark as Official Use Only (OUO) information
 - ECI admonishment will be present

Markings for Tier 2

- ECI Admonishment Philosophy
 - Sandia will mark according to the information present
 - Will NOT mark with all three legal ECI citations
 - IG audit
 - Over-marking concerns
 - All three legal citations/agencies/directives have different requirements for protection, control & marking

Markings for Tier 2

Warning—This document contains technical data whose export is restricted **by the Atomic Energy Act of 1954, as amended, 42. U.S.C. § 2011 et seq.** Violations of these export laws are subject to severe criminal penalties.

Admonishment
– this is the
only marking
change

OFFICIAL USE ONLY/ECI

OFFICIAL USE ONLY

May be exempt from public release under the Freedom of Information Act (5 U.S.C. 552), exemption number and category: Exemption #5, Statutory Exemption

Department of Energy review required before public release.

Name/Org: Joe Smith, 12347 Date: 01/01/2015

Guidance (if applicable): _____

Export Controlled Information

WARNING – This document contains technical data whose export is restricted by the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2011 et seq. Violations of these export laws are subject to severe criminal penalties.

(the above is the example for AEA, Department of Energy)

OFFICIAL USE ONLY/ECI

What about releasing Tier 3 information?

Tier 3 information may be published as Unclassified Unlimited Release (UUR) **ONLY** after it has gone through the formal Review and Approval (R&A) process.

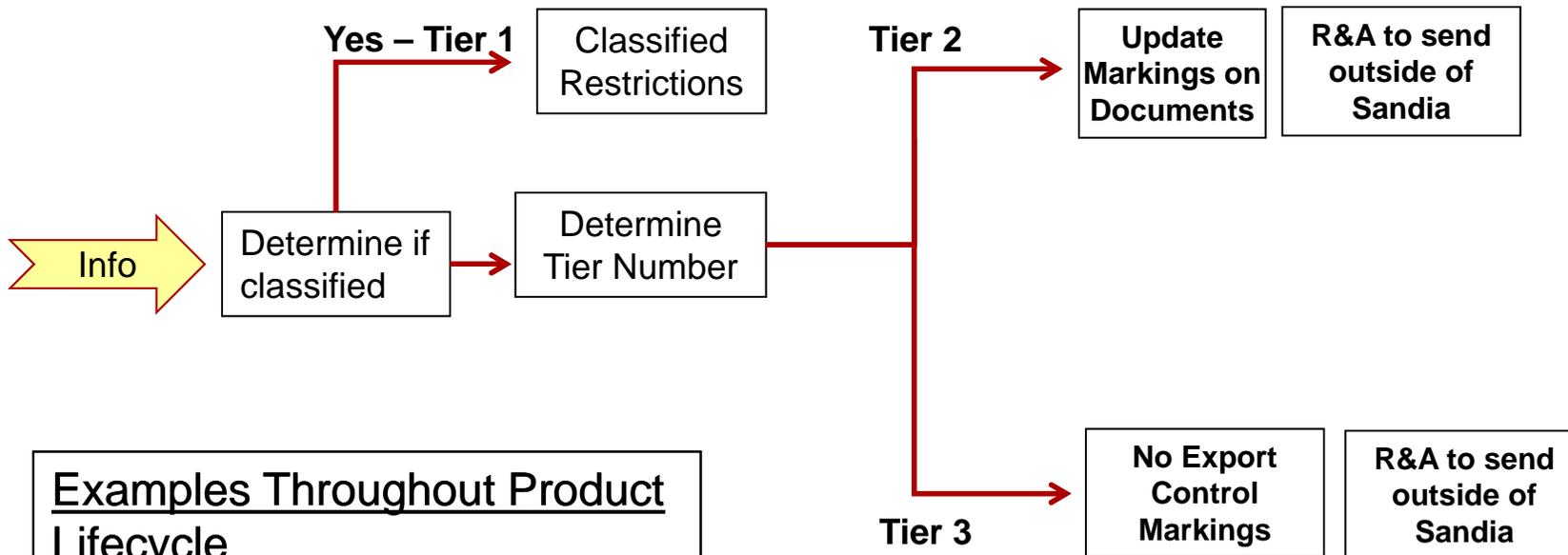
Release of Information

- Any information being released to a controlled or uncontrolled audience should be reviewed for classification sensitivities. At Sandia, we use the Review & Approval system (R&A) to accomplish this.
- During the R&A submission process, the author will declare if Tier 2 or Tier 3 information exists in the release.
- If Tier 2 information is submitted, the author will be notified that such a request must be approved by NNSA before it is exported.
- Tier 3 information may be released as UUR, however export limitations exist.
- Proper controls are in place to ensure that Tier 2 and Tier 3 information is identified by subject matter experts.

Work with no direct part number association

MOW Actions

Performed on “as-needed” basis to send information external to Sandia



Examples Throughout Product Lifecycle

1. Release presentation
2. Release report
3. Release test data

Procurement Changes

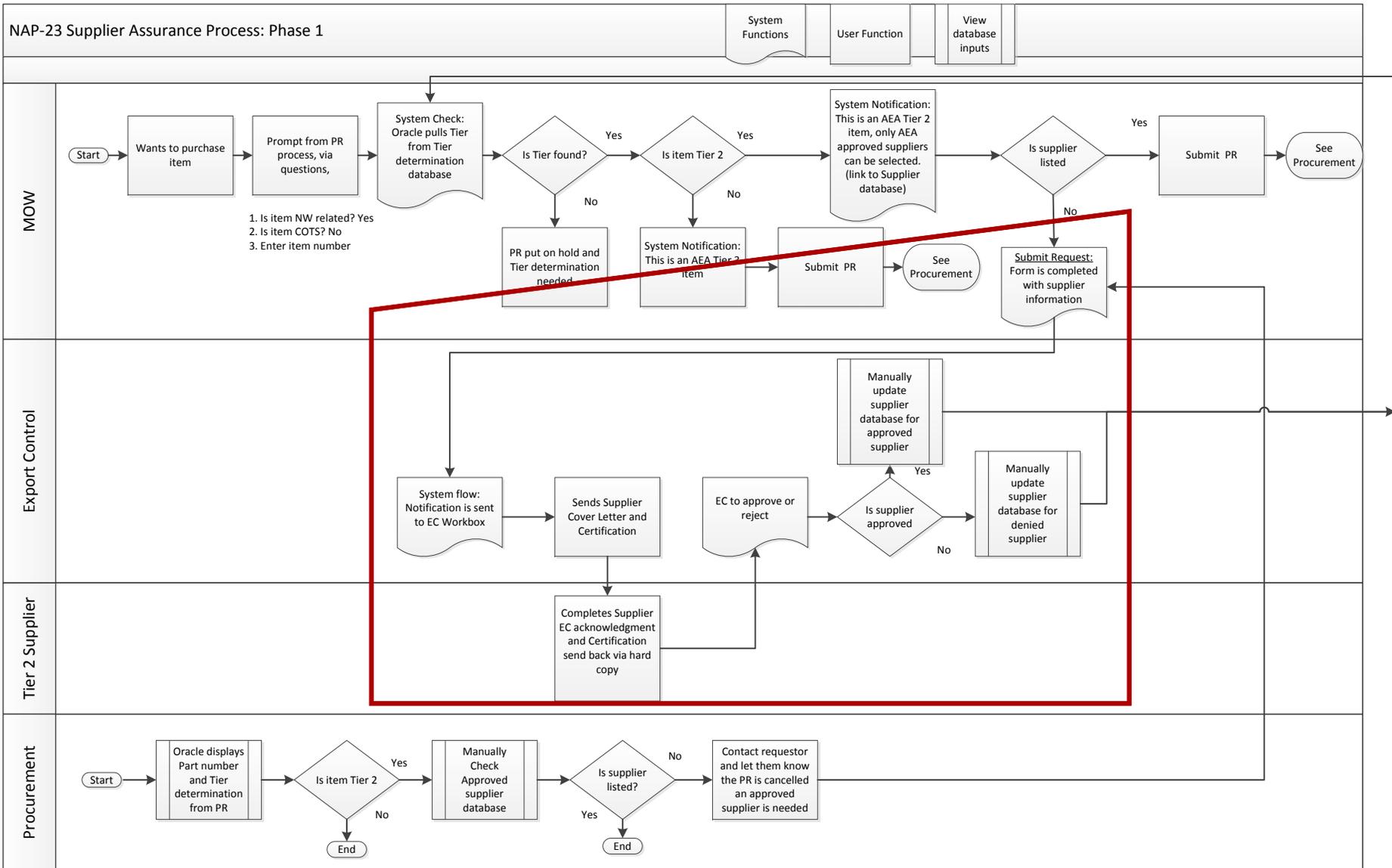
- Creating a list of suppliers approved to handle Tier 2 items
 - **Additional suppliers can be added – MOW can initiate this process**
 - Additions must go through an SNL supplier qualification process – **Export Control Office approves**
- Procurement process will change to accommodate AEA/NAP-23 procurements
 - MOW makes identification of NW or nuclear detonation detection related purchase
 - Procurement checks Tier Determination Database for Tier number
 - If Tier 2 item, verify suppliers are an approved supplier in the approved supplier database
- **Procurement contracts must include**
 - Marking, protection & handling requirements
 - Export Controlled Information statement
 - Restriction preventing foreign national access without authorization
- Tier 3 Items may be procured from foreign suppliers excluding those who are denied parties or embargoed nations.

Supplier Assurance

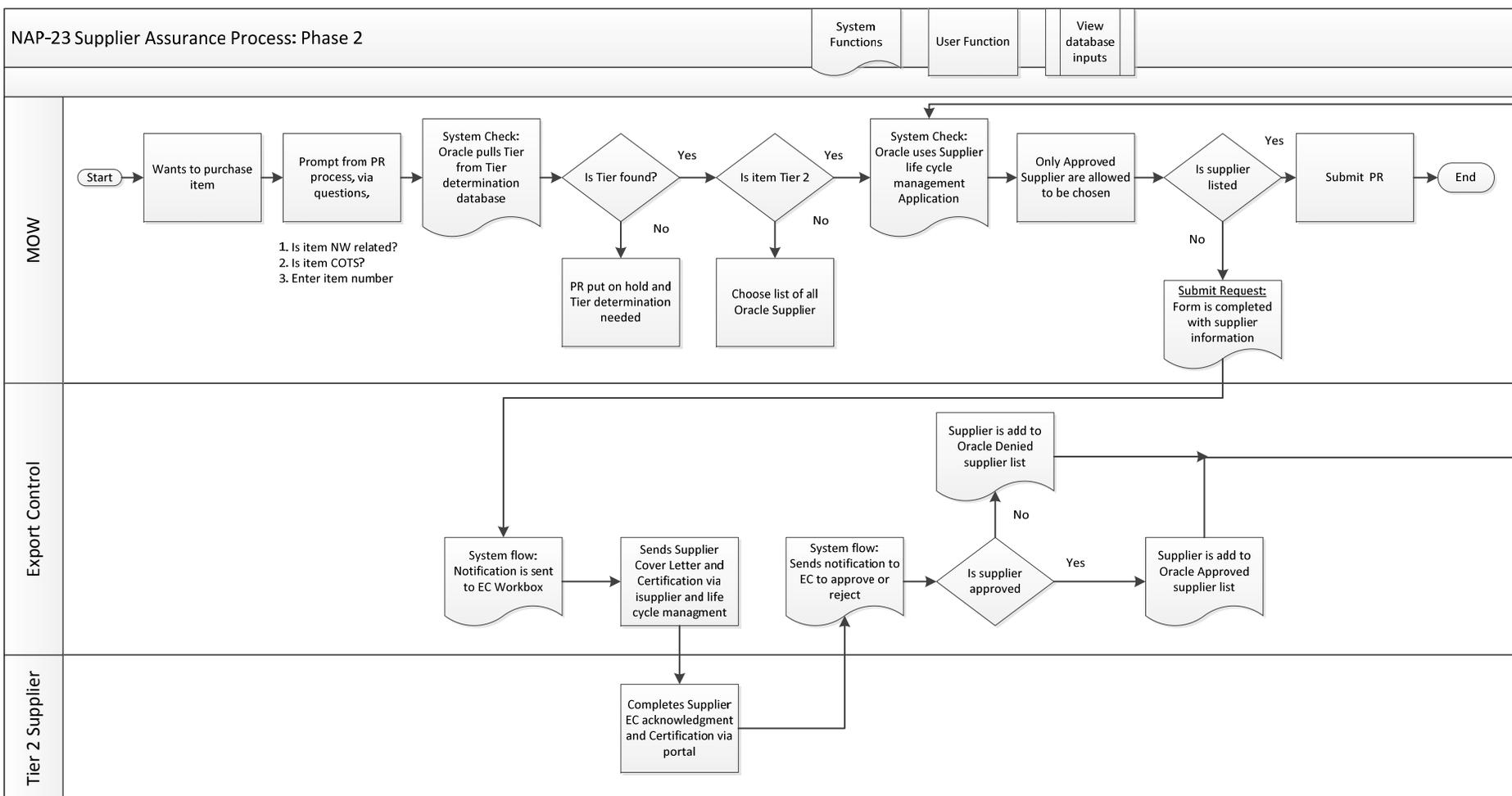


- Suppliers for AEA items are no longer required to be registered under ITAR.
- Sandia is now responsible for ensuring that its suppliers are approved to receive, handle and protect AEA information.
 - Similar to the registration process under ITAR, a Tier 2 supplier must supply the information requested in Sandia's Supplier Export Control Acknowledgement and Certification form.
 - Once Supplier is vetted and approved, the Supplier is added to the Approved Supplier Database.
 - The Supplier will "re-certify" on an annual basis
- "Protection" includes destruction of documents containing export controlled information.

Procurement & Supplier Approval Process



Supplier Approval Process: Phase 2



Disposition

- Tier 2 items can be transferred within the DOE complex with NNSA Organizational Property Management Officer (OPMO) approval
- Tier 2 items must have NA-20 approval to transfer out of the DOE Complex
- Tier 2 items must be rendered useless for their intended purpose before they can be sold as scrap
- Tier 3 items are of low concern to the NNSA and require neither sanitization or demilitarization
- Sandia has updated its ARS ticketing system to identify and disposition property based on tier level

Conclusion

- NW programs must be able to deal with AEA export controlled items/information
 - NW MOWs (some, but not all) must be able to make tier determinations
 - Purchasing must be able to execute buys for NW product under AEA export control
 - Information must be marked with AEA export control
 - Resources will be available for NW MOWs to gain clarification on a case-by-case basis

