

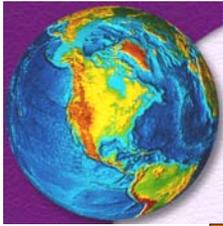


Export Control, Enforcement, and DOE Compliance

Anatoli Welihozkiy
Deputy Director

Office of International Regimes and Agreements (NA-243)
National Nuclear Security Administration

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NA-243: USG Technical Lead for Nuclear Technology

Functional Overview

Domestic Controls

International Controls

Industry

DOE Complex

USG

Multilateral

Safeguards/IAEA

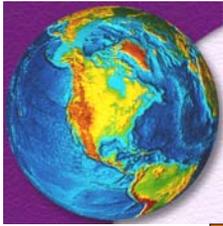
- Part 810 General & Specific Authorizations
- Dual-Use
- Munitions
- NRC Assurances
- Sanction Reviews

- Surplus Equipment
- Deemed Exports
- Pro- Sensitive Software
- 2-yr Waiver Reviews
- GIPP Reviews
- NP Seminar Series
- ECI Guidance
- RD Declassification

- WME Training & Technical Information
- Support to DHS:CBP,ICE
- FBI
- DOC/BIS/EE
- DOD and Treasury

- NSG
- Zangger Cmtee
- Wassenaar Arrgmt.
- MTCR
- AG
- NPT
- 123 Agreements
- Interdiction

- Safeguards Policy
- Additional Protocol Implementation
- IAEA Governors and General Conference
- TC Reviews



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DEFENSE NUCLEAR NONPROLIFERATION
 Deputy Administrator – William Tobey

NA-24
 ADA Adam Scheinman
 DADA Cynthia Lersten

OFFICE OF INTERNATIONAL REGIMES & AGREEMENTS NA-243
 Richard Goorevich – Director / Anatoli Welihozkiy – Deputy Director

Safeguards

- Safeguards
- Safeguards Policy
- Safeguards Technology Applications
- Safeguards Tech Base
- Fuel Cycle Issues
- Global Nuclear Energy Program (GNEP)
- GNEP Safeguards - India Civil-Military Separation
- Rad Source Code of Conduct
- US-IAEA STET Agreement
- U.S./IAEA SG Agreement
- Additional Protocol
- Committee on Safeguards and Verification (CSV)

Treaties and Agreements

- 123 Agreements
- Fissile Material Cutoff Treaty
- Nonproliferation Treaty Policy
- Reliable Fuel Supply
- Nuclear Regulatory Commission Licensing
- IAEA Technical Cooperation
- IAEA TC Meeting Request
- Administrative Arrangements
- Biological Weapons Convention

Physical Protection

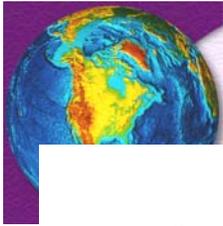
Multilateral

- INFCIRC/225
- Physical Protection Bilaterals
- Nuclear Suppliers Group Policy
- Zangger Committee Policies
- Proliferation Security Initiative (PSI)
- Interdiction
- Global Nuclear Energy Policy Technical Review
- High Enriched Uranium Guidelines
- Nuclear Security Documentation with IAEA
- Counterterrorism
- Convention on the Physical Protection of Nuclear Material Amendment

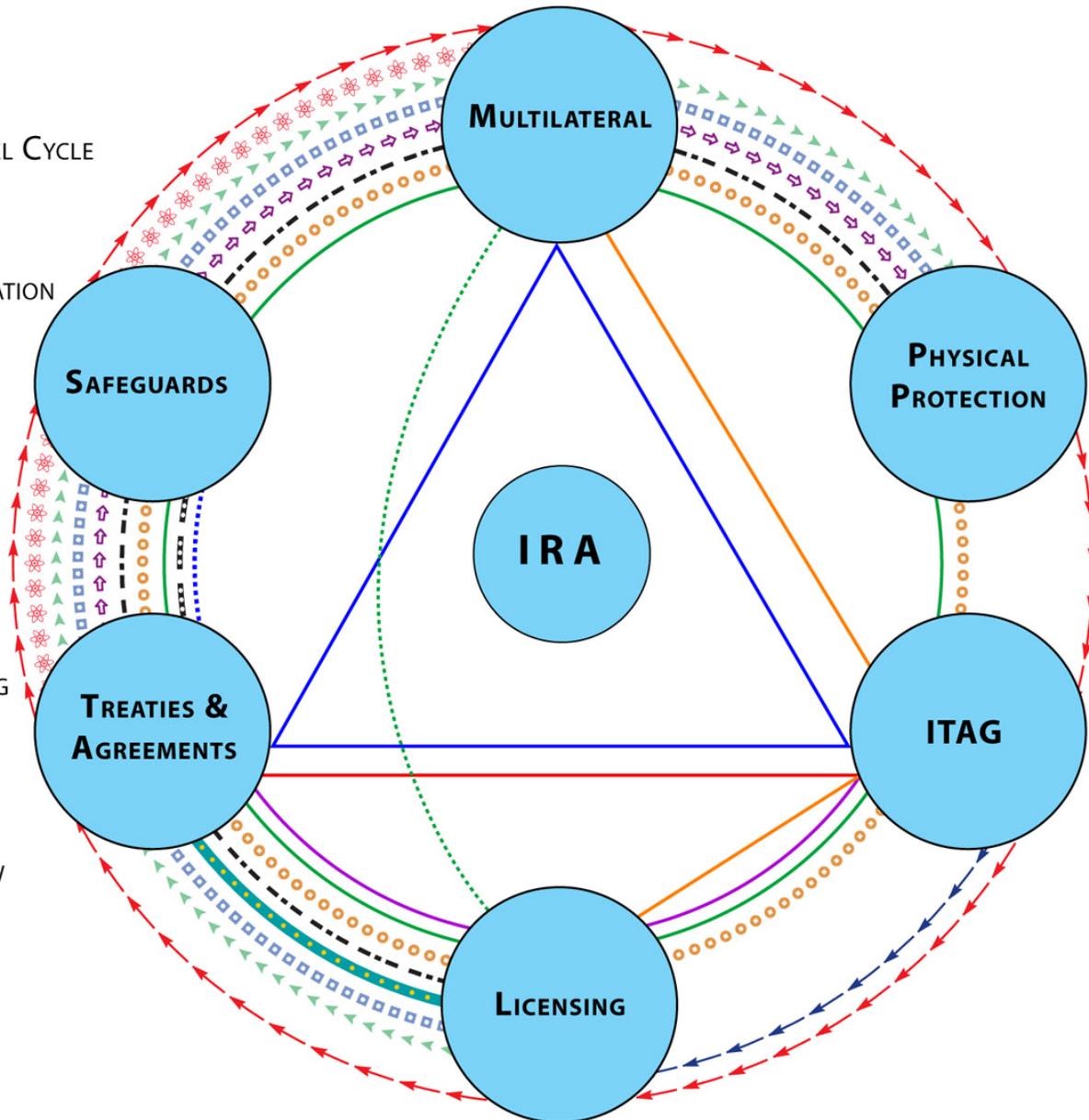
Licensing / Interdiction Tech Analysis Group

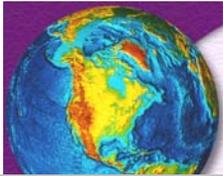
- DOC and State Nuclear License Reviews
- 10 CFR 810 Nuclear Technology Authorizations
- DOE Proliferation Sensitive Software Reviews
- Missile License Cases
- National Security Cases
- Chem/Bio License Reviews
- ACEP / Operating Committee
- MTCR
- Australia Group
- Wassenaar
- SNEC / NIAG
- MTEC / MTAG
- Shield Licensing
- Shield Interdiction
- Sanctions Issues
- Two-year Waivers
- RD Declassification
- DOE EC Assurance Program
- Property Management Course
- Nonproliferation Seminar Series
- WME Awareness Training



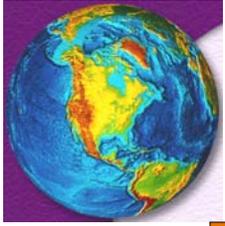


-  IRAN POLICY
-  RELIABLE FUEL SUPPLY FUEL CYCLE
-  CPPNM AND INFCIRC/225
-  AGREEMENTS FOR COOPERATION
-  INDIA 123 AGREEMENT
-  GNEP
-  NSG POLICY
-  NPT
-  FUEL RETURNS
-  FMCT
-  NRC LICENSING
-  WME AWARENESS TRAINING
-  INTERDICTION/SANCTIONS
-  CODE OF CONDUCT ON RAD SOURCES
-  DUAL-USE LICENSE REVIEW
-  BWC
-  MULTILATERAL CONTROL REGIMES (NSG, MTCR, AG, WASSENAR)



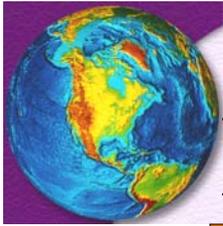


	Global Regimes	Safeguards	Licensing	Multilateral	Physical Protection	ITAG
Agreements for Cooperation	Cyan bar					
BWC	Orange bar					Orange bar
Code of Conduct on Rad Sources		Yellow bar		Yellow bar		Yellow bar
CPPNM/ INFCIRC/225	Dotted cyan bar					
Export Request Reviews			Light green bar			Yellow bar
FMCT	Purple bar					
Fuel Returns	Grey bar					
GNEP	Brown bar					
India 123 Agreement	Pink bar			Pink bar		
Interdiction			Dark green bar			
Iran Policy	Teal bar					
Multilateral Control Regimes			Red bar			Red bar
NPT	Purple bar					
NRC Licensing	Light purple bar		Light purple bar			
NSG Policy	Dotted green bar					
Reliable Fuel Supply/ Fuel Cycle	Diagonal teal bar			Diagonal teal bar		
Sanctions	Vertical green bar		Vertical green bar			Vertical green bar
WME Awareness Training			Orange bar			Orange bar



FY 2008 Accomplishments

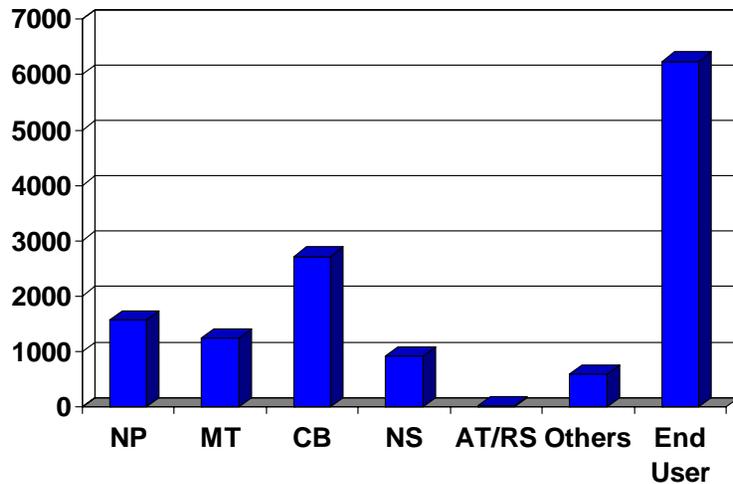
- Reviewing export requests at annual rate of 7,500 cases (FY07 reviewed 7,000) for export control and nonproliferation concerns.
- Providing WMD awareness training at annual rate of about 900 U.S. export enforcement officials (over 1,300 in FY 07), and about 160 nonproliferation policy officials in NP Seminar series (HQ, LANL/NTS, LLNL, KCP/SNL, ORNL, and SRNL).
- Proliferation Trade Control Directory - On Line with updated user interface and query capabilities.
- Revised review procedures for DOE nuclear software training requests and exports.



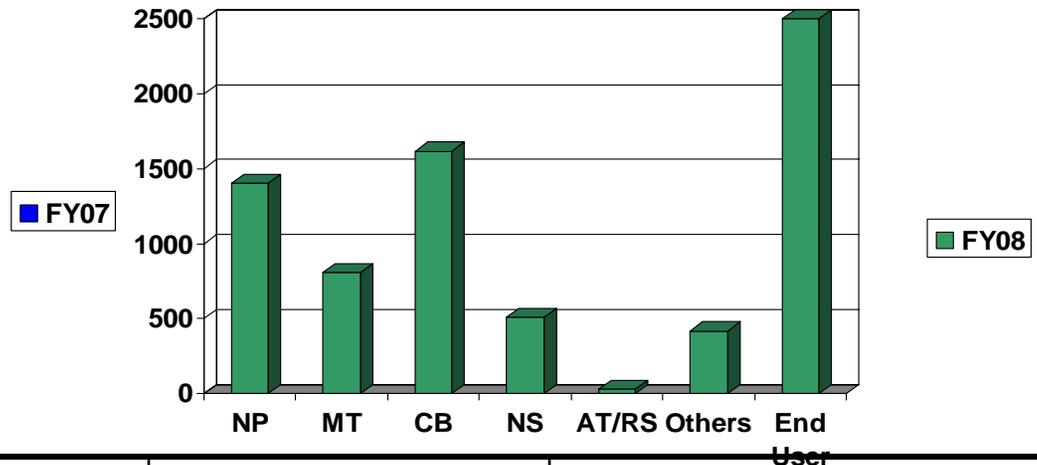
FY 2008 Summary of Projects

- Nuclear/810 Reviews, Missile, CBW and, End-User Reviews, DOE Software Reviews, Munitions, and Other

FY 2007

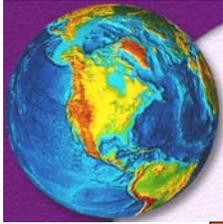


FY 2008 Estimate (Oct-May)



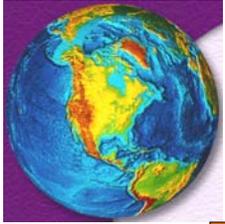
	FY 2005	FY 2006	FY 2007	FY 2008
	6,549 End User: 6,532	7,328 End User: 6,987	6,999 End User: 6,238	(4,774 as of 5/21/08) Estimate 7,500 Total requests





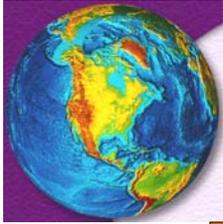
Projects

- DOE Proliferation-Sensitive Software Data Base (under development, ORNL lead lab) contains software subject to DOE 10 CFR 810 and DOC ECCN 0D999 requested for export and “deemed export” to foreign nationals.
- ECI Review Software Tool (ORNL) under development
- Proliferation Trade Control Directory, on line via ORNL, and being populated with technology descriptions, manufacturers, and export controlled WMD dual-use, and selective advanced conventional dual-use weapons related items. NRL items to be completed by end of FY 08, drafting dual-use missile and CBW related commodity descriptions.



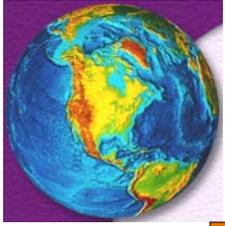
DOE Compliance with Deemed Exports

- Commerce EAR recognizes Deemed Export occurring if conditions exist as defined in 772 , and recently reviewed by the U.S. industry-academia Deemed Export Advisory Committee (DEAC), or as described in 734.2(b)(3): Definition of "release" of technology or software for export.



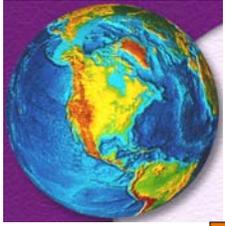
Deemed Export

- Part 772 of the EAR states "use" is defined as operation, installation, maintenance (checking), repair, overhaul and refurbishing.
- Once a Foreign National has been given access to dual-use equipment while conducting "fundamental research", and the access includes
 - 1) technology subject to the EAR; and,
 - 2) technology controlled on the CCL for the "production", "development" or "use" of that equipment then conditions for a Deemed Export exist.



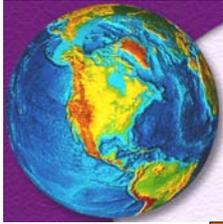
Deemed Export

- In a fundamental research environment, providing mere access to export controlled equipment does not provide technology that would enable the operator (Foreign National) of that equipment to improve the design (**development**) of similar equipment in their native country or to replicate its (**production**).
- **Development** is related to all phases before "production" such as: design , design research , design, analysis, design concepts , assembly and testing of prototypes , pilot production schemes , design data , process of transforming design data into a product , configuration design , integration design , or layouts.
- **Production** means all production phases such as: construction, production engineering , manufacture, integration , assembly (mounting) , inspection , testing , or quality assurance.



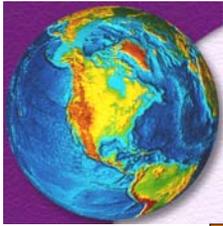
Deemed Export

- 734.2(b)(3) stipulates that the technology or software is "released" for export when anyone of the three following conditions is present since the conjunction is an "or":
 - "(i) "Visual inspection by foreign nationals of U.S.-origin equipment and facilities;
 - (ii) Oral exchanges of information in the United States or abroad; or
 - (iii) The application to situations abroad of personal knowledge or technical experience acquired in the United States."



Deemed Export

- Deemed Export implications must be addressed, if visual inspection by a Foreign National of U.S. origin equipment and facilities resulted in the transfer of:
 - 1) "technology" subject to the EAR; and,
 - 2)" "technology" that is "required" for the “development”, “production”, or “use” of items on the Commerce Control List, as "controlled according to the provisions in each Category." (General Technology Note, Supplement 2 to Part 774), the Deemed Export implications must be addressed.



Deemed Export

- Moreover, this criteria must also be met for technology or software that is "released" for export when any of the two (2) additional conditions is present since, as noted, the conjunction is an "or":
 - (ii) Oral exchanges of information in the United States or abroad; or
 - (iii) The application to situations abroad of personal knowledge or technical experience acquired in the United States."
- The release of technology to a Foreign National, and Deemed Export, has the same criteria for export license consideration, as U.S. origin technology released abroad.