



High Risk Property at Los Alamos National Laboratory

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Presentation Outline

- Categories
- Policy
- Procedures at LANL
- High Risk Review at LANL
- Disposition at LANL



Categories

- 41 CFR 109-1.5300
- Especially designed or prepared property.
- Export controlled property.
- Nuclear weapon components or weapon-like components
- Proliferation sensitive property.



Categories

- “Export controlled property” problematic - Export controlled property means property the export of which is subject to licensing by the U.S. Department of Commerce, the U.S. Department of State, the U.S. Nuclear Regulatory Commission, or authorized by the U.S. Department of Energy.
- Cat. XVI of the U.S. Munitions List covers “Nuclear Weapons, Design and Testing Related Items”



Policy

- 41 CFR 109-1.5302
- Applies to DOE organizations and designated contractors
- High Risk Review must be done before transfer or disposal.
- To eliminate/mitigate risks to the national security and nuclear nonproliferation objectives of the Government.



LANL Procedures

- LANL had an approved tail-end process. Deviation in accordance with 41 CFR 109-1.5304 was revoked on 1/10/08.
- 41 CFR 109-1.5303(a1) – Newly acquired high risk personal property shall be identified, tracked and marked.
 - Transfers come in through our Disposition Team and all official incoming transfers receive a high risk review
 - Procurement is to alert us for purchases of high risk property and they require management approval
- High Risk Property is identified in the property management database (if it meets control criteria) but is not marked until disposal.
- Marking can show a potential proliferant what to steal.



Excess/Salvage Form

1. Is this item routinely sold to the general public through a store like Wal-Mart, Radio Shack, or Office Depot where your nationality would not be questioned at time of Purchase? *Note: Do not answer yes if this item was modified or enhanced.*
2. Is this item found on the U.S. Munitions List (22 CFR 121)? Examples include firearms, ammunition, explosives, propellants, tanks, protective personnel equipment, military electronics, and nuclear weapons design and test equipment. *Note: If yes, list category _____.*
3. Is this item found on the Nuclear Supplier's Group Trigger List (IAEA Infcirc/254/Part 1)? Examples of items on the Trigger List include: reactor equipment and parts, nuclear grade graphite, reprocessing equipment and parts, uranium isotope separation equipment and parts, heavy water production equipment and parts, uranium conversion equipment and parts. *Note: If yes, list category _____.*
4. Is there any reason why this item should not be released to the general public? Could the release of this item result in bad publicity for the Laboratory?



High Risk Review

- 41 CFR 109-1.5304(b) – (1(i)) High Risk Review
- At LANL, custodians must fill out the Excess/Salvage form answering the high risk questions. For transfers, custodians may be asked to fill out a High Risk Property Form
- Everything is entered into the excess system by a Property Administrator.
- The Customs Team checks the excess system every morning and either approves or disapproves the item for release to the public, or puts the item into a “wait” status pending further research.



10/06/2005 (SNFLWR_PROXY@eipa7.lanl.gov)

Action Edit Query Block Record Field Lookup Help Window

Pre-Excess Requests Review - ext0030 (Page 2 of 4)

Pre-Excess Requests

Bypass

A/D/W	Swap?	EPIS No	Barcode	Official Name
<input type="checkbox"/>	<input type="checkbox"/>	120661	958195	COMPUTER DESKTOP
Manufacturer		GATEWAY 2000		Model E5400
Comments :		Reviewer		PA
<input type="checkbox"/>	<input type="checkbox"/>	123609	436145	COMPUTER WIN CE TERMINAL
Manufacturer		WYSE TECHNOLOGY INC		Model 3350SE
Comments :		Reviewer		PA
<input type="checkbox"/>	<input type="checkbox"/>	125070	963924	COMPUTER DESKTOP
Manufacturer		APPLE COMPUTER INC		Model G4
Comments :		Reviewer		PA

Save Expand History

N
Record: 1/34



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Pre-Excess Request Details - ext0030 (Page 3 of 4)

Pre-Excess Request

EPIS No	Barcode	Official Name
120661	958195	COMPUTER DESKTOP
Manufacturer	GATEWAY 2000	Model E5400
Created By	193334 ANTONIO GRIEGO	Serial No 20345331
Creation Date & Time	07/05/2005 08:52:01	Cost Center 8M2500 - ESA EXP DEVICE ENGINEERING

Answers

Review Type High Risk

Questions	Yes	No
1 Is this item routinely sold to the general public through a store like Wal-Mart, Radio Shack, or Office Max where your nationality would not be questioned at time of purchase? Note: Do not answer yes if	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 Is this item found on the U.S. Munitions List (22 CFR 121)? Examples of items on the munitions List includes: firearms, ammunitions, explosives, propellants, tanks, protective personnel equipment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 Is this item found on the Nuclear Supplier's Group Trigger List (IAEA Infirc/254/Part 1)? Examples of items on the Trigger List include: reactor equipment and parts, nuclear grade graphite, reprocessing	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4 Is there any reason why this item should not be released to the general public? Could the release of this item result in bad publicity for the Laboratory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

Record: 1/4



High Risk Review

- Look at database where we record previous reviews.
- Call manufacturers and ask for their Export Control Classification Number.
- Request copy of Excess/Salvage Form (signed by custodian) for record.
- Query LANL experts.
- If at all in doubt, Customs Team disapproves the item for release to the public.
- If item is on NSG Trigger or US Munitions List, item is flagged with an “H” in the property database.



Export Control Classification Number (ECCN)

- Commerce Control List (15 CFR 774)
- Could direct you to another regulatory agency
 - 0A001 = NRC controls
 - 6A108 = related DOS controls
- Contains detailed specifications of item
 - 6A007 = Gravity Meters
- EAR99 = Not on any list (furniture)
- Manufacturer may state a category on the USML



0A001 "Nuclear reactors", i.e. reactors capable of operation so as to maintain a controlled, self-sustaining fission chain reaction, and equipment and components *specially designed or prepared* for use in connection with a "nuclear reactor", including (see List of Items Controlled).

License Requirements

Reason for Control:
Control's)

Items described in 0A001 are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).



6A108 Radar systems and tracking systems, other than those controlled by 6A008, as follows (see List of Items Controlled).

Related Controls: 1.) This entry does not control airborne civil weather radar conforming to international standards for civil weather radars provided that they do not incorporate any of the following: (a) Phased array antennas; (b) Frequency agility; (c) Spread spectrum; or (d) Signal processing specially designed for the tracking of vehicles. 2.) **Items in 6A108.a that are specially designed or modified for "missiles" or for items on the U.S. Munitions List are subject to the export licensing authority of the U.S. Department of State, Defense Trade Controls (see 22 CFR part 121).**



6A007 Gravity Meters (gravimeters) and Gravity Gradiometers

List of Items Controlled:

- a. Gravity meters designed or modified for ground use having a static accuracy of less (better) than 10 μgal ; Note: 6A007.a does not control ground gravity meters of the quartz element (Worden) type.
- b. Gravity meters designed for mobile platforms for ground, marine, submersible, space or airborne use, having all of the following:
 - b.1. A static accuracy of less (better) than 0.7 mgal; and
 - b.2. An in-service (operational) accuracy of less (better) than 0.7 mgal having a time-to-steady-state registration of less than 2 minutes under any combination of attendant corrective compensations and motional influences;
- c. Gravity gradiometers.



USML Cat. XII(d)

*(d) Inertial platforms and sensors for weapons or weapon systems; guidance, control and stabilization systems except for those systems covered in Category VIII; astro-compasses and star trackers and military accelerometers and gyros. For Aircraft inertial reference systems and related components refer to Category VIII.



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Disposition - Excess

- Approved – Goes to public auction. Bidders sign a form that contains the Export Restriction Notice.
- Disapproved –
 - Customs Team sends an e-mail to the salvage and to the Property Administrator.
 - Property Administrator tags the item and coordinates pick-up with salvage.
 - Salvage picks up the item and locks it up until disposal.
 - Salvage removes government markings and hauls item to scrap dealer for destruction. Affidavit of destruction is provided.



DoD Demilitarization Manual

DoD 4160.21-M-1

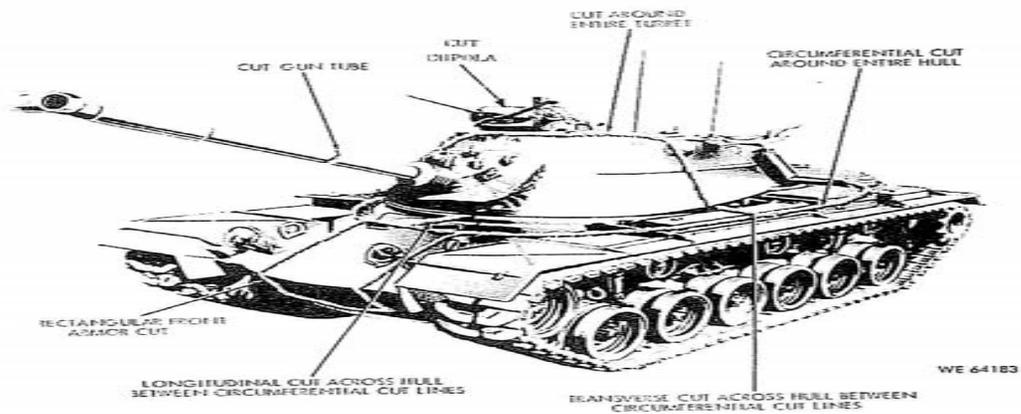


FIGURE 17. DEMILITARIZATION OF TANKS BY CUTTING

A7-18



Disposition Con't

- 41 CFR 109-1.5304(5) – Trigger List Items - Destruction
 - Exception can be made by NA-20
- 41 CFR 109-1.5304(3) & 41 CFR 101-42.1102-8 – USML Items - Demilitarization
- 41 CFR 109-1.5303(6) – Dual Use Items - Export Restriction Notice
 - The cite for the Export Administration Act is incorrect and should be **50** USC 2401.
 - We put this on all Shipping Requests, SF-122 Transfer Forms, Loan Agreements, etc., for everything so we don't miss something.



Export Restriction Notice

- The use, disposition, export and reexport of this property are subject to all applicable U.S. laws and regulations, including the Atomic Energy Act of 1954, as amended; the Arms Export Control Act (22 U.S.C. 2751 et seq.); the Export Administration Act of 1979 (50 U.S.C. Append 2401 et seq.); Assistance to Foreign Atomic Energy Activities (10 CFR part 810); Export and Import of Nuclear Equipment and Material (10 CFR part 110); International Traffic in Arms Regulations (22 CFR parts 120 et seq.); Export Administration Regulations (15 CFR part 730 et seq.); Foreign Assets Control Regulations (31 CFR parts 500 et seq.); and the Espionage Act (37 U.S.C. 791 et seq.) which among other things, prohibit:
- The making of false statements and concealment of any material information regarding the use or disposition, export or reexport of the property; and
- Any use or disposition, export or reexport of the property which is not authorized in accordance with the provisions of this agreement.

This statement must accompany any transfer of these commodities.