

# Export Compliance Fundamental Research Decision Tree

Will you **use**, have **access** to, or **create** materials or information that have restrictions such as:

- Confidential or Proprietary?
- Nondisclosure Agreements or other agreements with restrictions?
- Unpublished inventions or technology that is not patented?
- Official Use Only?
- Foreign national restrictions?
- Closed sourced software source code?

(Ref. EAR 734.10, 734.8 Note 1, Note 2, 734.3.b.3.v, 10-CFR-810.2.c.2)

Yes

No

Does the technology execute cryptography, encryption, or information security functions?

(Ref. EAR 742.15.b)

Yes

No

Is the technology related to nuclear explosive devices, chemical or biological weapons, or missiles?

(Ref. EAR 734.5a)

Yes

No

Is the technology for the design, construction, fabrication, operation or maintenance related to uranium enrichment, nuclear fuel reprocessing, or heavy water production?

(Ref. "Sensitive Nuclear Technology", NNPA of 1978 Section 4.a.6, 10-CFR-810.7)

Yes

No

Is the technology described in [10-CFR-810.2](#)?

(Ref. NNSA NNPA training, "Continuing Obligations Under 10 CFR Part 810: Awareness Training ...", 10-CFR-810.2)

No

Yes

Is the technology being funded by:

- U.S. Department of Defense?
- other military or intelligence agency?
- defense contractor company?

(Ref. ITAR 120.2, 120.3, 120.41)

No

Has the Department of Energy placed any restrictions on the access or release of the technology?

Yes

Yes

No

Is the technology related to the production, development or any other use of an item specially designed for a defense or military application? Some examples include:

- Military spacecraft, launch vehicles, or rockets?
- Military grade explosives, energetic materials, or propellants?
- Equipment or vehicles modified for military use?
- Technology or electronics specially designed for a military application?
- National Security intelligence collection and analysis?

(Ref. ITAR 121.1, 120.2, 120.3, 120.41)

Yes

Has the Department of State placed any restrictions on the access or release of the technology?

(Ref ITAR 120.11.7)

Yes

No

No

Is the technology **currently** published or **intended** to be published in the public domain without restriction from any applicable sponsors, authors, inventors and any U.S. Government Agency?

(Ref EAR 734.7 & 734.8, ITAR 120.11, 10-CFR-810.3 & 810.2.c.2)

Yes

No

Not subject to Export Controls

Contact the Export Compliance Office

Contact Export Control Office @ [exportcontrol@ibl.gov](mailto:exportcontrol@ibl.gov)