



BERKELEY LAB
LAWRENCE BERKELEY NATIONAL LABORATORY



U.S. Export Control Classifications

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What is an Export?

Physical, visual, verbal, electronic, virtual transfer, release or access of items subject to U.S. jurisdiction to a foreign destination, foreign national or foreign entity

Such items include: commodities, software, information (know-how), technology and services

All Tangible Items are subject to export controls

Deemed Export

Re-Export

In-Country Transfer

Why do we need an Export Classification?

Export Classification:

- Identifies the regulatory agency that controls the item and the reason for control
- Enables export licensing determination
- Allows for implementation of necessary controls
- Expedites property transfer and shipping reviews
- Identifies items that require physical security controls

Agencies Involved



U.S. Department of Commerce
Bureau of Industry and Security (BIS)



Nuclear Regulatory Commission



U.S. Department of State
Directorate of Defense Trade Controls (DDTC)



U.S. Department of Energy
National Nuclear Security Administration (NNSA)

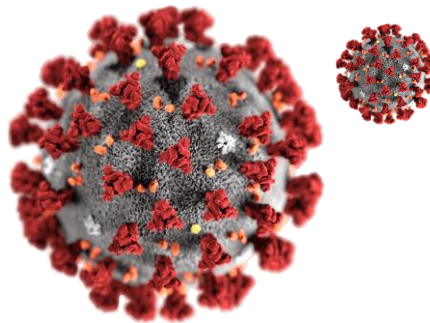


U.S. Department of Treasury
Office of Foreign Asset Control (OFAC)



The Bureau of Industry and Security (“BIS”)

- Jurisdiction: Commercial or “Dual-Use” Items
- Export Administration Regulations (“EAR”)
- Commerce Control List (“CCL”)
- Ex: 3A001 or EAR99





The Directorate of Defense Trade Controls (“DDTC”)

- Jurisdiction: Military Items
- International Traffic in Arms Regulations (“ITAR”)
- U.S. Munitions List (“USML”): Ex: Category XI
- Arms Embargo Country List
- Ex: Category XII (e)



When should you contact the ECO?

- When purchasing a 500/600 (ex: 3A611) series item, technology with a E (6E991) designation, ITAR, NRC and NNSA controlled items (part of current FMS implementation)
- If any red flag indicators are present and the export classification is unavailable
- If an end use statement is requested
- If you have any questions needing our attention

Red Flag Indicators

- Night vision or infrared camera
- The word “ITAR” is listed
- Navigation, defense or avionics equipment
- USML category
- Radar equipment
- Export restricted
- Unmanned aerial vehicles
- U.S. Only
- Lasers
- No Foreign Nationals
- Biological agents
- Nuclear or radioactive devices or material

Why does the Export Compliance Office want this Information?

- To effectively and efficiently comply with Export Control Regulations
- To properly identify, locate and control export controlled items on site
- To build an export control classification database to expedite review of export control requests

Export Record Retention

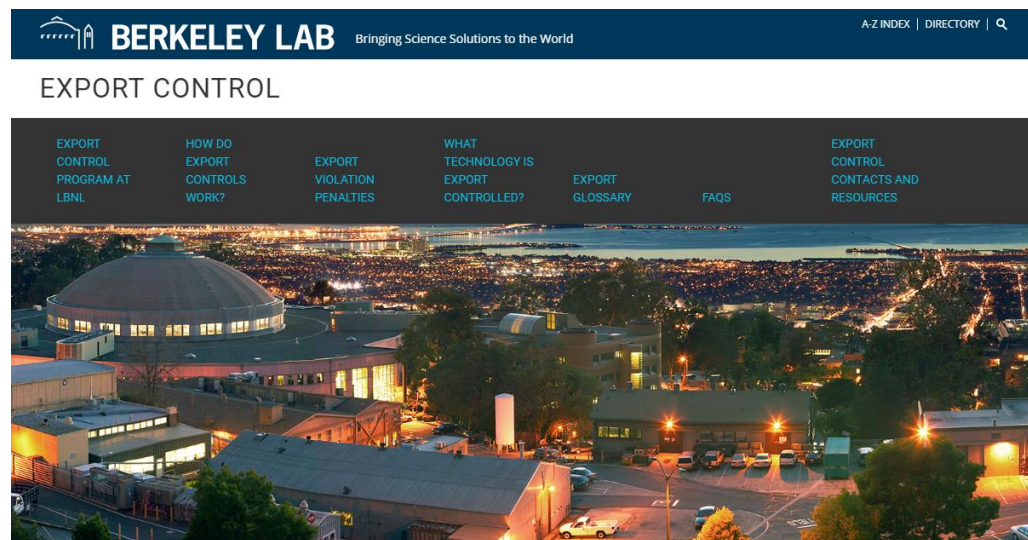
Every Division/Functional Area is responsible for maintaining their own comprehensive records of export activities for appropriate time periods

Subcontract Administrators (SA) should make a valued attempt to obtain the classification of items. If attempts are unsuccessful the SA should note the file with the due diligence performed



U.S. Export Controls Resources

- [Exportcontrols.lbl.gov](https://exportcontrols.lbl.gov)
- Divisional Export Control Liaisons (Contact list available on the export controls website)
- Export Compliance Office: Exportcontrol@lbl.gov



Questions?