

Request for Records Disposition Authority

Records Schedule Number DAA-0370-2013-0001
Schedule Status Approved

Agency or Establishment National Oceanic and Atmospheric Administration
Record Group / Scheduling Group Records of the National Oceanic and Atmospheric Administration
Records Schedule applies to Major Subdivision
Major Subdivision Office of the Chief Administrator Officer
Schedule Subject Deemed Export Program Records
Internal agency concurrences will be provided No

Background Information

A Deemed Export is defined as any release of technology or source code subject to the Export Administration Regulations (EAR) to a foreign national within the United States. Such a release is deemed to be an export to the home country or countries of the foreign national. The deemed export rule does not apply to persons lawfully admitted for permanent residence in the United States, or to persons who are protected individuals under the Immigration and Naturalization Act (8 U.S.C. 1324b(a)(3)).

The NOAA Office of the Chief Administrative Officer (OCAO) is responsible for collecting NOAA wide documentation of controlled technology at NOAA and foreign national "Guests" working in NOAA facilities. The OCAO shall maintain a central inventory of all controlled technology (other than EAR 99 items) within NOAA and a list of all foreign national "Guests" in NOAA facilities. The OCAO will also keep a record of any deemed export licenses granted to NOAA by the Department of Commerce Bureau of Industry and Security (BIS) or other regulatory agencies.

The NOAA Line Offices/Staff Offices (LO/SO) shall provide OCAO copies of their respective controlled technology inventories and lists of foreign national "Guests," (accessing NOAA facilities for over 3 days). NOAA LO/SOs will maintain copies of their technology Access Control Plans for their facility/lab/program describing measures and safeguards required to secure controlled technology and to prevent the unauthorized release of controlled technology to foreign nationals. LO/SOs will certify to the Chief Administrative Officer (CAO) annually that the controlled technology inventories, foreign national list of "Guests," and Access Control Plans are in place and updated. In

addition, LO/SOs will certify annually which facilities have been assessed for export controlled technology.

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
9	0	9	0

GAO Approval

Outline of Records Schedule Items for DAA-0370-2013-0001

Sequence Number	
1	Records Maintained by the Office of the Chief Administrator
1.1	Controlled Technology Inventory Disposition Authority Number: DAA-0370-2013-0001-0001
1.2	Deemed Export Licenses Disposition Authority Number: DAA-0370-2013-0001-0002
1.3	Foreign National List Disposition Authority Number: DAA-0370-2013-0001-0003
2	Records maintained in the Line Offices(LO)/Staff Offices (SO)
2.1	Access Control Plans Disposition Authority Number: DAA-0370-2013-0001-0004
2.2	Certification Statements Disposition Authority Number: DAA-0370-2013-0001-0005
3	3. NOAA Endorsement Supplement (ESF) for the Line Office (LO)/Staff Office(SO) Department Sponsor/NOAA (DSN) and the NOAA Administrative Order (NAO) 207-12, "Technology Controls and Foreign National Access," Appendix B, "Certification of Conditions and Responsibilities for the Departmental Sponsors of Foreign National Guests
3.1	Records Maintained by Office of the Chief Administrator Officer(OCAO) Disposition Authority Number: DAA-0370-2013-0001-0006
3.2	Records Maintained by Line Office (LO) or Staff Office (SO) Disposition Authority Number: DAA-0370-2013-0001-0007
4	Summary Reports of Department Administrative Order (DAO)/NOAA Administrative Order (NAO) Violations
4.1	Records Maintained by Office of the Chief Administrative Officer (OCAO) Disposition Authority Number: DAA-0370-2013-0001-0008
4.2	Records Maintained by Line Office (LO) or Staff Office (SO) Disposition Authority Number: DAA-0370-2013-0001-0009

Records Schedule Items

Sequence Number					
1	<p>Records Maintained by the Office of the Chief Administrator</p>				
1.1	<p>Controlled Technology Inventory</p> <p>Disposition Authority Number DAA-0370-2013-0001-0001</p> <p>This inventory identifies EAR-controlled or ITAR (International Traffic in Arms Regulations) controlled technology in NOAA facilities or under the responsibility of NOAA employees. This record captures data including, but not limited to, the name of the equipment/technology/item, the Export Control Classification Number (ECCN), the description and location of the equipment, and the responsible NOAA manager. This record also identifies whether or not access to the controlled technology is required by a foreign national and, if so, whether or not a license would be required for such access.</p> <p>Final Disposition Temporary</p> <p>Item Status Active</p> <p>Is this item media neutral? Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Manual Citation</th> <th style="text-align: left;">Manual Title</th> </tr> </thead> <tbody> <tr> <td>200-23.1(a)</td> <td>NOAA Records Control Manual</td> </tr> </tbody> </table> <p>Disposition Instruction</p> <p>Cutoff Instruction Cut off list at the end of the FY</p> <p>Retention Period Destroy 5 year(s) after cut off</p> <p>Additional Information</p> <p>GAO Approval Not Required</p>	Manual Citation	Manual Title	200-23.1(a)	NOAA Records Control Manual
Manual Citation	Manual Title				
200-23.1(a)	NOAA Records Control Manual				
1.2	<p>Deemed Export Licenses</p> <p>Disposition Authority Number DAA-0370-2013-0001-0002</p> <p>U.S. entities must apply for an export license under the "deemed export" rule when both of the following conditions are met: (1) they intend to transfer controlled technologies to foreign nationals in the United States; and (2) transfer of the same technology to the foreign national's home country would require an export license. NOAA would request a license from BIS after performing a cross check of their</p>				

foreign national list and the controlled technology inventory to determine if any deemed export licenses are necessary. A record must be maintained that identifies the foreign national and the controlled technology for which licenses have been obtained. A record of any licenses issued by BIS will also be maintained.

Final Disposition Temporary
Item Status Active
Is this item media neutral? Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Manual Citation	Manual Title
200-23.1(b)	NOAA Records Control Manual

Disposition Instruction

Cutoff Instruction Cutt off at the end of the FY
Retention Period Destroy 5 year(s) after cut off

Additional Information

GAO Approval Not Required

Foreign National List

Disposition Authority Number DAA-0370-2013-0001-0003

This list identifies foreign national "Guests," including contractors, working in NOAA facilities. This record captures data including, but not limited to, the name of the foreign national as well as their country of citizenship, home country, duty station, description of work, and federal employee sponsor. This record also identifies whether or not the foreign national requires access to controlled technology and whether or not a license would be required for such access.

Final Disposition Temporary
Item Status Active
Is this item media neutral? Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Manual Citation	Manual Title
200.23.1(c)	NOAA Records Control Manual

1.3

2
2.1

Disposition Instruction

Cutoff Instruction Cut off at the end of the FY
Retention Period Destroy 5 year(s) after Cut off

Additional Information

GAO Approval Not Required

Records maintained in the Line Offices(LO)/Staff Offices (SO)

Access Control Plans

Disposition Authority Number DAA-0370-2013-0001-0004

Each LO/SO responsible for technology subject to EAR/ITAR controls must ensure appropriate access controls safeguarding this controlled technology are established and documented in an Access Control Plan for each facility/lab/program within its control. Each piece of controlled equipment/technology must have an accompanying Access Control Information Sheet (ACIS) that identifies all measures and procedures implemented at that facility/lab/program to control foreign national access to the controlled technology regulated under the EAR/ITAR. Each Access Control Plan must demonstrate that the facility/lab/program has instituted sufficient measures, safeguards, and procedures to assure full compliance with the EAR and to protect against the unauthorized release of controlled technology to foreign nationals

Final Disposition Temporary
Item Status Active
Is this item media neutral? Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Manual Citation	Manual Title
200-23.2(a)	NOAA Records Control Manual

2.2

Disposition Instruction

Retention Period Destroy 5 year(s) after palnn is superceded

Additional Information

GAO Approval Not Required

Certification Statements

Disposition Authority Number DAA-0370-2013-0001-0005

Each LO/SO will provide an annual Certification statement signed by the LO Deputy Assistant Administrator (DAA) or Staff Office Director that will certify that the LO/SO has submitted a controlled technology inventory, foreign national list, Access Control Plans, list of facilities assessed for export controlled technology, and a deemed export license list. The attachments to the Certification document are as follows: 1) DAA/SO Director Certification Statement; 2) the controlled technology inventory (described above); 3) list of foreign national "Guests" (described above); 4) Access Control Plans; 5) list of deemed exports licenses (described above); and 5) list of facilities/labs/programs that completed the controlled technology assessment.

Final Disposition Temporary
Item Status Active
Is this item media neutral? Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Manual Citation	Manual Title
200-23.2(b)	NOAA Records Control Manual

Disposition Instruction

Cutoff Instruction Cut off at the end of the FY
Retention Period Destroy 5 year(s) after Cut off

Additional Information

GAO Approval Not Required

3 3. NOAA Endorsement Supplement (ESF) for the Line Office (LO)/Staff Office(SO) Department Sponsor/NOAA (DSN) and the NOAA Administrative Order (NAO) 207-12, "Technology Controls and Foreign National Access," Appendix B, "Certification of Conditions and Responsibilities for the Departmental Sponsors of Foreign National Guests

The NOAA Endorsement Supplement Form (ESF) documents that the Department Sponsor/NOAA (DSN) has balanced the need to collaborate with a foreign national with the need to protect sensitive agency assets. The LO/SO also certifies on the ESF that the facility/lab/program to be accessed by the foreign national (s) has been assessed for export controlled technology. This DSN also certifies on the ESF that he/she will take reasonable steps to ensure that foreign nationals will not have unauthorized physical, visual, or virtual access to classified, Sensitive But Unclassified (SBU), export controlled, and otherwise controlled, proprietary, or not-for-public-release data, information, or technology. This form is also signed by the LO/SO Controlled Technology Coordinator (CTC) or the DAA as Designated

Official. The CTC also certifies that the facility to be accessed has been assessed for controlled technology and that an Access Control Plan is in place at the facility/ lab/program to be accessed by the foreign national (s). Proper completion of the ESF is required before the Chief Administrative Officer (CAO) may endorse the foreign national request on the NAO 207-12, "Technology Controls and Foreign National Access," Appendix B, Certification of Conditions and Responsibilities for the Departmental Sponsors of Foreign National Guests. (OSY form – DAO 207-12, "Foreign National Visitor and Guest Access Program," Attachment 2). The ESF and Appendix B, Certification of Conditions and Responsibilities for the Departmental Sponsors of Foreign National Guests, are filed together to satisfy the program recordkeeping requirements.

3.1

Records Maintained by Office of the Chief Administrator Officer(OCAO

Disposition Authority Number **DAA-0370-2013-0001-0006**

Final Disposition **Temporary**

Item Status **Active**

Is this item media neutral? **Yes**

Do any of the records covered
by this item currently exist in
electronic format(s) other than e-
mail and word processing? **No**

Manual Citation	Manual Title
200-23.3(a)	NOAA Records Control Manual

Disposition Instruction

Cutoff Instruction **Cut off at the end of the FY**

Retention Period **Destroy 5 year(s) after cut off**

Additional Information

GAO Approval **Not Required**

3.2

Records Maintained by Line Office (LO) or Staff Office (SO)

Disposition Authority Number **DAA-0370-2013-0001-0007**

Final Disposition **Temporary**

Item Status **Active**

Is this item media neutral? **Yes**

Do any of the records covered
by this item currently exist in
electronic format(s) other than e-
mail and word processing? **No**

Manual Citation	Manual Title
200-23.3(b)	NOAA Records Control Manual

Disposition Instruction

Cutoff Instruction Cut off at the end of the FY
Retention Period Destroy 5 year(s) after cut off

Additional Information

GAO Approval Not Required

Summary Reports of Department Administrative Order (DAO)/NOAA Administrative Order (NAO) Violations
a. In the event of a violation of DAO/NAO 207-12, NOAA Controlled Technology Coordinators (CTC) and Department Sponsors/NOAA (DSN) are required to prepare a violation post assessment report. The report focuses on the circumstances surrounding the violation and actions to prevent future occurrences. In addition, the report addresses the potential of unauthorized release of controlled technology or otherwise sensitive data or information to the subject foreign national. The OCAO reviews the LO violation assessment and prepares a summary report which is submitted to the LO/SO CTC, DSN, the Servicing Security Office (SSO), and the Office of Security (OSY) HQ.

Records Maintained by Office of the Chief Administrative Officer (OCAO)

Disposition Authority Number DAA-0370-2013-0001-0008
Final Disposition Temporary
Item Status Active
Is this item media neutral? Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Manual Citation	Manual Title
200-23.4(a)	NOAA Records Control Manual

Disposition Instruction

Cutoff Instruction Cut off at the end of the FY
Retention Period Destroy 5 year(s) after cut off

Additional Information

4

4.1

4.2

GAO Approval **Not Required**
Records Maintained by Line Office (LO) or Staff Office (SO)
Disposition Authority Number **DAA-0370-2013-0001-0009**
Final Disposition **Temporary**
Item Status **Active**
Is this item media neutral? **Yes**
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? **No**

Manual Citation	Manual Title
200-23.4(b)	NOAA Records Control Manual

Disposition Instruction
Cutoff Instruction **Cut off at the end of the FY**
Retention Period **Destroy 5 year(s) after cut off**
Additional Information
GAO Approval **Not Required**

Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

Signatory Information

Date	Action	By	Title	Organization
09/11/2013	Certify	Andre Sivels	Records Officer	Office of the Chief Administrators Office - Audits and Information Management
03/06/2014	Submit for Concurrency	Henry Wolfinger	Appraiser	National Archives and Records Administration - Records Management Services
03/11/2014	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - Records Management Services
03/12/2014	Concur	Laurence Brewer	Director, National Records Management Program	National Archives and Records Administration - National Records Management Program
03/18/2014	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist