#### — 2009 Annual Refresher Briefing —

# UNIVERSITY CALIFORNIA



I AWRENCE BERKELEY



LOS ALAMOS



LAWRENCE LIVERMORE

PROTECTING OUR AMERICA — YOUR NATIONAL LABORATORIES

# 2009 Security Refresher Briefing

#### **NOTICE TO SECURITY CLEARANCE HOLDERS**

#### Introduction

The purpose of the Annual Refresher briefing is to reinforce the initial security briefing information that you received when your clearance was granted, and to inform you of significant changes in procedures/requirements promulgated by the Government. A significant change announced last year was the new Federal Credentials for DOE Contractors beginning May 1, 2009. In response, we are working with each of you to make the transition to the new badge. Included in this year's briefing is a summary of an important recent FBI case, a review of new clearance reinvestigation procedures, and the new DOE Form you must use immediately when reporting your foreign travel to "Sensitive Countries." We have also provided you with a sample of the new Foreign Travel Approval form that you must complete prior to your travel to a "Sensitive Country."

#### Your Responsibility

We encourage you to carefully review the material in this briefing to better understand various security issues, initiatives and policies applicable to your University-sponsored security clearance. For future reference, you can access the revised security reinvestigation procedures and the revised Foreign Travel Approval Form at <a href="http://labs.ucop.edu/security/index.html">http://labs.ucop.edu/security/index.html</a>

#### **Due Date Response**

Please acknowledge your 2009 refresher briefing by January 15, 2010.

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Willie Archie

Facilities Security Officer (FSO)

UC Laboratory Management

Robert Van Ness

UC Associate VP Operations & Adm.

**UC Laboratory Management** 

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# Economic Espionage -- Recent Cases handled by the FBI 5 Review of DOE New Reinvestigation Procedures 8 New Foreign Travel Approval Form 12 Acknowledgment of Briefing 18

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For Immediate Release
July 16, 2009

United States Attorney's Office Central District of California Contact: (213) 894-2434

### Former Boeing Engineer Convicted of Economic Espionage in Theft of Space Shuttle Secrets for China

SANTA ANA, CA—A former Rockwell and Boeing engineer from Orange County was remanded into custody this morning after a federal judge convicted him of charges of economic espionage and acting as an agent of the People's Republic of China, for whom he stole restricted technology and Boeing trade secrets, including information related to the Space Shuttle program and Delta IV rocket.

Dongfan "Greg" Chung, 73, of Orange, Calif., who was employed by Rockwell International from 1973 until its defense and space unit was acquired by Boeing in 1996, was found guilty by United States District Judge Cormac J. Carney, who presided over a three-week bench trial last month.

In his ruling read this morning in court, Judge Carney found Chung guilty of conspiracy to commit economic espionage, six counts of economic espionage to benefit a foreign country, one count of acting as an agent of the People's Republic of China and one count of making false statements to the FBI.

Immediately following the reading of the verdicts, Judge Carney remanded Chung into custody, where he will remain until his sentencing, which was scheduled for November 9. Chung had been freed after being arrested by special agents with the Federal Bureau of Investigation and investigators with NASA in February 2008.

Chung, a native of China who is a naturalized United States citizen, held a "secret" security clearance when he worked at Rockwell and Boeing on the Space Shuttle program. He retired from the company in 2002, but the next year he returned to Boeing as a contractor, a position he held until September 2006. At trial last month, the government proved that Chung took and concealed Boeing trade secrets relating to the Space Shuttle and the Delta IV rocket, materials he acquired for the benefit of the PRC.

"Mr. Chung stole restricted technology for the benefit of a foreign nation, and as a result he has lost the freedom he was offered by this nation," said United States Attorney Thomas P. O'Brien. "The stolen technology compromised not only the American company that developed and owned the trade secrets, but national security as well because the secrets could be used by the PRC to develop its own military technology."

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Salvador Hernandez, Assistant Director In Charge of the FBI in Los Angeles, stated: "The cost of Mr. Chung's traitorous actions to American security and the economy cannot be quantified, but have now been exposed, and his ability to exploit critical technology has come to an end. FBI counter intelligence agents and NASA received the full cooperation of the Boeing Company in building this three-year investigation, the successful outcome of which marks the first conviction by trial under the Economic Espionage Act of 1996. I'm confident this milestone conviction will serve as a deterrent to would-be spies contemplating theft of precious U.S. secrets." David Kris, Assistant Attorney General for National Security, said: "For years, Mr. Chung stole critical trade secrets from Boeing relating to the Space Shuttle and the Delta IV rocket – all for the benefit of the government of China. Today's verdict should serve as a warning to others willing to compromise America's economic and national security to assist foreign governments. The many agents, analysts and prosecutors who worked on this important case deserve special thanks for their efforts."

The case against Chung resulted from an investigation into another engineer who worked in the United States and obtained sensitive military information for the PRC. That engineer, Chi Mak, and several of his family members were convicted of providing defense articles to the PRC. Chi Mak was sentenced last year to more than 24 years in federal prison (see:

http://www.usdoj.gov/usao/cac/pressroom/pr2008/032.html). According to the evidence presented during the trial, individuals in the Chinese aviation industry began sending Chung "tasking" letters as early as 1979. Over the years, the letters directed Chung to collect specific technological information, including data related to the Space Shuttle and various military and civilian aircraft. Chung allegedly responded in one undated letter that "I would like to make an effort to contribute to the Four Modernizations of China." In various letters to his handlers in the PRC, Chung referenced engineering manuals he had collected and sent to the PRC, including 24 manuals relating to the B-1 Bomber that Rockwell had prohibited from disclosure outside of the company and "selected federal agencies."

Between 1985 and 2003, Chung made multiple trips to the PRC to deliver lectures on technology involving the Space Shuttle and other programs, and during those trips he met with PRC government officials, to include agents affiliated with the People's Liberation Army. Chung and PRC officials exchanged letters that discussed Chung's travel to China and recommended methods for passing information, including suggestions that Chung use Chi Mak and his wife Rebecca to transmit information. A May 2, 1987 letter from Gu Weihao, an official in the Ministry of Aviation and China Aviation Industry Corporation, discussed the possibility of inviting Chung's wife, who is an artist, to visit an art institute so that Chung could use her trip as an excuse to travel to the PRC. This same letter suggested that passing information to the PRC through Chi Mak would be "faster and safer" and concluded with the statement: "It is your honor and China's fortune that you are able to realize your wish of dedicating yourself to the service of your country."

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On September 11, 2006, FBI and NASA agents searched Chung's house and found more than 250,000 pages of documents from Boeing, Rockwell and other defense contractors inside the house and in a crawl space underneath the house. Among the documents found in the crawl space were scores of binders containing decades' worth of stress analysis reports, test results and design information for the Space Shuttle.

Each charge of economic espionage carries a maximum possible penalty of 15 years in federal prison and a \$500,000 fine. The charge of acting as an agent of a foreign government carries a maximum penalty of 10 years imprisonment and a \$250,000 fine. The charges of conspiracy to commit economic espionage and making false statements to federal investigators each carry a maximum possible penalty of five years imprisonment and a \$250,000 fine.

In this morning's ruling, Judge Carney acquitted Chung of one count of obstruction of justice.

The investigation in this case was conducted jointly by the FBI and NASA Counterintelligence. The case was prosecuted by Assistant United States Attorneys Greg Staples (714-338-3535) and Ivy Wang (714-338-3549).

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# NOTICE TO SECURITY CLEARANCE HOLDERS AND

#### THOSE REQUIRING REINVESTIGATIONS

Federal Officials at the U.S. Department of Energy National Nuclear Security Administration Service Center at Albuquerque, NM have notified University of California Laboratory Management that they intend to process directly, until further notice, all current and future reinvestigations of UC individuals with DOE Access Authorizations "L" and "Q." As a result, this office will no longer directly process your reinvestigation packets. Upon your receipt of the email message described below, you will have 30 days to complete the information for your clearance update. Contact the University's Research Security Officer for assistance with clarification or if you cannot locate your previously completed SF-86 Security Questionnaire. As noted in the email attachments below, the Security Unit within the Laboratory Management Office will complete the Suitability Form.

#### Sample E-mail message

U.S. Department of Energy National Nuclear Security Administration Service Center P.O. Box 5400 Albuquerque, NM 87185

#### Dear Clearance Holder:

You have been initiated into the E-QIP system to begin the process for your clearance update. In accordance with DOE Manual 470.4-5, reinvestigations are required every five years for the "Q" level and every ten years for the "L" level. Further information has been provided later in this message.

The following web link address has been provided to complete your reinvestigation paperwork in a timely manner within the given thirty days.

The official DOE reinvestigation letter has been provided below for your reference. This form includes information on the recently implemented web based Electronic QNSP or SF-86.

<u>Please read Question 21, provided in the Attachment column of this letter, before continuing.</u>

Login to the E-QIP website through the link provided www.opm.gov/e-qip < <a href="http://www.opm.gov/e-qip">http://www.opm.gov/e-qip</a> and complete paperwork within the thirty day timeframe. The required forms have been listed below for all individuals currently initiated in E-QIP for reinvestigation to submit to the NNSA/SC by

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the thirty-day deadline. (An E-QIP instruction sheet and the listed forms are attached above).

#### If you require assistance or have any questions or concerns please give us a call.

Reinvestigation specialists: Lawrence Gallegos at 505.845.4733, or Pauline Salazar at 505.845.6343.

Thank you, Angela K. Harvey Program Analyst PMD/PSD NNSA Service Center

Phone: 505.845.5607 aharvev@doeal.gov

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#### Additional Information and References

DOE clearance holders require a periodic reinvestigation in accordance with DOE M 470.4-5, PERSONNEL SECURITY. Reinvestigations are due every 5 years for "Q" cleared personnel, and 10 years for "L" cleared).

A new automated process for completing the QNSP has been established by the Office of Personnel Management (OPM). It is a web-based application known as Electronic Questionnaire for Investigations Processing (E-QIP). Every investigation that is processed through OPM must be submitted using E-QIP. Once an employee has been initiated into the E-QIP system, they may complete the on-line process from any E-QIP compatible computer. Please note that at this time E-QIP is not compatible with Macintosh computers. Please read the enclosed E-QIP Instruction Sheet procedures carefully. The SF-86, Questionnaire for National Security Positions (QNSP), Parts 1 and 2 must be completed with current information.

The completed package must be received in the Personnel Security Department (PSD) within 30 days of this request. If the package is not received within 30 days, your access authorization may be in jeopardy of being administratively terminated.

In addition, some forms require original signatures and must be provided to the National Nuclear Security Agency (NNSA) Service Center (SC), separate from the QNSP electronic package submission. Please complete the following documents listed

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below and return them to PSD. Additionally, Web links to some forms are listed in the enclosed E-QIP Instruction Sheet.

- ÖDE F 472.1, Fair Credit Reporting Act (original signature required);
- ÖDE F 470.1, Clearance Request/Recertification/Suitability
  Form (original signatures required and usually completed
  by your employer or on your behalf);
- Ÿ QNSP Signature Pages; and
- Medical Release Form (if answered affirmatively to question 21; original signatures required).
   Print these forms from your completed E-QIP package.

The paper package may be Mailed or sent by Federal Express (preferred) to the following addresses:

**Federal Express Address** U.S. Department of Energy/NNSA Service Center Personnel Security Department Reinvestigations ATTN: Lawrence Gallegos or Pauline Salazar Pennsylvania & H Avenue Albuquerque, NM 87116

**Mailing Address** U.S. Department of Energy/NNSA Service Center Personnel Security Department Reinvestigations ATTN: Lawrence Gallegos or Pauline Salazar P. O. Box 5400 Albuquerque, NM 87185-5400

If you have any questions, please contact one of the following. For e-QIP assistance, please contact Lawrence.

Pauline Salazar

Team Lead Reinvestigations/Reciprocity/Reports Continues/Reverse Reciprocity DOE/NNSA/Netgain/PSD

Phone: 505.845.6343 pjsalazar@doeal.gov

Lawrence Gallegos DOE/NNSA Service Center/Netgain Corporation Personnel Security Division Reinvestigations/E-QIP Support Phone: 505.845.4733

Fax: 505.845.5288 Igallegos@doeal.gov

#### **Enclosures:**

Question 21 Memo (PLEASE READ FIRST)
Clearance Request/Recertification/Suitability Form (to be completed by UC Security Unit ONLY)
Security Acknowledgment Form
Fair Credit Reporting Act Form
E-QIP Instruction Sheet

End of Sample E-mail Message

#### <u>Additional Guidance For Reinvestigations To Avoid Delays</u>

- Upon electronically releasing your e-QIP package to the Service Center at DOE/NNSA Albuquerque you must inform the University Research Security Officer to fax the Clearance/Recertification/Suitability Form to your Sponsor at the DOE Livermore Site Office for approval and forwarding on to the Service Center.
- You must within 24 hours of electronically releasing your e-QIP package Fed Ex your paper package to the Service Center. Your reinvestigation may be held up or returned if the electronic and paper packages are not received within 2 or 3 days of one another.

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# DOE CONTRACTOR REQUIREMENTS FOR FOREIGN TRAVEL TO SENSITIVE COUNTRIES

In preparing for or performing official foreign travel, contractors must comply with DOE requirements under DOE O 551.C, Official Foreign Travel. Unofficial foreign travels, similarly, are guided by the completion of the following DOE Travel Form: <a href="http://bss.fnal.gov/travel/TR\_form.pdf">http://bss.fnal.gov/travel/TR\_form.pdf</a>

All foreign travel requests must be entered into FTMS within 45 calendar days before the departure date if travel is to a sensitive country or involves a sensitive subject. For the convenience of the traveler, DOE F 551.1, Request For Approval For Foreign Travel, can be completed and provided to the University's Research Security Officer for review and forwarding on to the appropriate DOE Counterintelligence Officer for entry into the FTMS. Upon receipt of the completed Request, the University's Security Officer is responsible for providing you with an appropriate Foreign Travel Debriefing that you must acknowledge.

DOE's sensitive countries and a sample completed DOE F 551.1 follow.

## THE DEPARTMENT OF ENERGY Listing of Sensitive Countries

Algeria Commonwealth of China (People's Rep. Of, Independent States

Including Tibet and Hong Kong) \*(Formerly the Soviet Union):

Cuba Armenia
India Azerbaijan
Iran Belarus

Iraq Georgia

Israel Kazakhstan

Libya Kyrgyz (Kyrgyzstan)

North Korea, Democratic Moldova People's Republic of Russia

Pakistan Tajikistan

Sudan Turkmenistan

Syria Ukraine

Taiwan Uzbekistan

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\*Soviet Republics include the republics which constituted the Soviet Union in 1990 (except for Estonia, Latvia, and Lithuania), whether or not now independent or joined in a union with other republics, and any component territories of these republics which may consider themselves independent.

#### \*THE FORMER SOVIET UNION: (COMMONWEALTH OF INDEPENDENT STATES)1

Abkhazian Autonomous Republic

Adjarian Autonomous Republic

Adygeya Republic

Armenia

Azerbaijan

Altai Republic

Bashkir Republic

Belorussia

Buryat Republic

Checheia/Ingushetia Republic

Chuvash Republic

Crimean Republic

Dagestan Republic

Georgia

Gorno-Badakhshan Autonomous Region

Jewish Republic

Kabardino-Balkar Republic

Kalmyk Republic

Karachai-Cherkess Republic

Karakalpak Autonomous Republic

Karelian Republic

Kazakhstan

Khakass Republic

Kirghizia

Komi Republic

Mari Republic

Moldavia Republic

Mordovian Republic

Nakhichevan-Autonomous Republic

Nagorno-Karabakh Autonomous Republic

North Ossetian Republic

Russia

Sakha Republic

South Ossetian Autonomous Region

Tajikistan

Turkemenistan

Tatarstan Republic

Tuva Republic

Udmurt Republic

Ukraine Republic

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#### **SAMPLE**

#### U.S. DEPARTMENT OF ENERGY REQUEST FOR APPROVAL OF FOREIGN TRAVEL

This form is provided as a convenience for the collection of Foreign Travel Request data. The form is intended for use as an offline resource to collect data necessary to support the Foreign Travel Management System (FTMS). Completion of the form is not considered sufficient in itself for satisfying DOE Order 551.1A, the data must still be entered into the FTMS for Department of Energy (DOE) tracking and monitoring. Specific questions on Foreign Travel or the completion of this form should be directed to your sites Senior FTMS Organizational Point of Contact (Sr. OPOC).

1. Last Nan	ne OMITI		I – Traveler In First Name		(to be compl		ame or N	MN	
	SMITH			JANE				SAMPLE	
2. Do you have an SSN? Yes No Last 4 digits of SSN (ex.xxx-xx-6789) ▶									
3. Passport				Passport Nu	umber			on Date (mon/dd/yyyy)	
1	<b>√</b> Regular	Official	Diplomatic	12345678	39		MAY	/11/2016	
Passport 2	Regular	Official	Diplomatic						
Passport 3	Regular	Official	Diplomatic						
4. Gender:					5. Birth Place U.S.A	Country			
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(1)U	SA				No				
	cility/Organizat				12. Employee Type:  DOE Federal Employee				
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Oity	erkeley		State	CA Zip	94720	Country	_USA		
14. Contac	t Information Phone Typ				Phone Numb	er (domes	stic exam	ple: 703-555-5555)	
Phone			Fax Home Pho	ne				,	
1	Domestic	Cell Phone	International Ce	II Phone	(510) 486	5-1234			
Phone 2	=	ne Work Cell Phone	Fax Home Phone Pho		(510) 486	-4321			
Phone Work Phone Work Fax Home Phone 3 Domestic Cell Phone International Cell Phone (510) 839-3831									
Phone [									
Phone 5	=	ne	Fax Home Pho						
e-mail Add		n@lbl.gov						Use For Password Reset	
15. Position/Title									
Program Manager 4  16. Indicate whether you have a security clearance.									
If yes, indicate the highest level received:									
11. INUIES IU UIIIEI OFOUS.									

Section II – General Trip Information (to be completed by Traveler)										
Use additional general trip information pages as required. Account for all funding types estimated for this trip request.										
18. Place of Departure (City, State/Province, Country)  19. Departure Date (mo								ı		
San Francisco, CA USA							Nov/04/2009			
can randood, or cort							20. Return Date (mon/dd/yyyy) Nov/14/2009			
21. Estimated travel costs by funding type										
Primary Sponsor	Funding Type	Program Office	Project No.	Task No.	Funding Code	Title	Estimated Airfare	Estimated Other		
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_	- Coach	None	atery Owned							
	- Premium									
23. Name Org. Code	es and Organization	ons of Headqua act Name	arters persoi	nnel with wi	nom trip has b	een coordinated				
N/A										
IN//										
24. Name	s and Organization	s of other perso	onnel with wh	om you are	traveling as a te	eam:				
	N/A				-					
25. Benef	it to Government (in	nclude benefit t	o present pos	sition and the	Department) :					
	N/A									
26. Comr										
General c	omments regarding	trip request:								
Tourism - Accompanying spouse to Seminars in Israel.										
Specify ar	ny paper attachmen		J 0 - 12 -							
N/A - Itinerary										
Place of return (if not the same as the departure city) and reason:										
27. Field TR (Reference) Number										
N/A  28. Has the traveler contacted his/her Medical Support Staff to ensure awareness of safety and health issues of the										
countr	y(ies) to be visited?	?				-	L	_Yes <mark>_ ✓ N</mark> o		
Comments (1000 characters max.)										
29. Will th	ne traveler be taking	DOE or Labor	atory owned	equipment o	n this travel?			Yes 🗸 No		

Section III – Trip Itinerary (to be completed by Traveler)								
Use additional itinerary pages as required. Account for the entire time between departure and return. Complete a separate itinerary for each city/country to be visited and for each personal or leave period.								
	30a. Is this part of the trip associated with a conference?							
If yes, specify conference name								
30b. Will anyone from a DOE-designated sensitive country be in attendance at this conference?								
Conference Name			Conference URL (if k	known)				
31a. Destination Country-City Israel, Tel Av	iv				ate (mon/dd/yyyy) 04/2009			
31b. Airline United/BMI			33. End Date (mon/dd/yyyy) Nov/14/2009					
34a. Select One or More Primary Purpose(s):								
Professional conference or	workshop	_	Meeting(s) on scient Procurement-related		ect, or p	programmatic matters		
Seminar/Symposium	(acientific meeting)	<u> </u>	Official Stop Over	matters				
Working group or colloquia	(scientific meeting)	<u></u>	<b>−</b>					
R and D activities under an	informal lab-to-lab or		Travel for IAEA					
government-to-government			Other(s)					
34b. List other primary purpose	Accompanying husba	and who	is a "XV7 Visiting F	Professor" durir	na this	neriod aiving talks		
to three Israeli Universit			is a XIZ visiting i	Tolessor dull	ig tillo	period, giving taiks		
35. Justify Trip Purpose (i.e. top	oics to be discussed, forma	l presentat	tion, or paper):					
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This part of the trip involves:								
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37.	ersity-to-Lab agreement?							
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l'''	classified information be dis		B05 1 : 4 1					
	you be interacting with anyo		DOE-designated sens	sitive country?				
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1 = =	any part of the trip involve i				-			
	tings with senior governmen		· ·	Export Control les	Striction			
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45. Yes ✓ No Will	embassy assistance be req	uired?						
a. If	yes, describe.							
b. If	yes, provide fiscal data.							
						<del> </del>		
46. Contacts								
Host Name	Host Phone	e /	Affiliated Institution	Facility to be Vi	sited	Date Visited		
Prof Roy Omar	(972)-2-890-	.8645 Te	el Aviv University	Tel Aviv University		Nov 4-5, 2009		
Prof Floyd Rabbi	(972)-9-651-	0179 Н	lebrew University	Hebrew University Institute of Science		Nov 6-9, 2009		
Prof Jay Zachary	(972)_3_274_	(072) 2 274 5422 5		New Bulgarian University		Nov 10-14, 2009		
FIUI Jay Zacilaly	(912)-3-214-	(972)-3-274-5123 Bu		Cognitive Science	Dept.	1407 10-14, 2003		
After Hours Name	After Hours P	hone	After Hours	s Name	P	After Hours Phone		

Reviews and Approvals								
1. Local Approver								
Name	Approver Site	Result:	Signature	Date (mon/dd/yyyy)				
		☐ Disapproved☐ Pass						
Comments:								
2. Local Approver								
Name	Approver Site	Result:	Signature	Date (mon/dd/yyyy)				
		Approved Disapproved Pass		(				
Comments:				•				
		N/A						
3. Local Approver								
Name	Approver Site	Result:	Signature	Date (mon/dd/yyyy)				
		Approved Disapproved						
		Pass						
Comments:								
4. Head of Organization								
Name	Approver Site	Result:	Signature	Date (mon/dd/yyyy)				
	1	Approved		, ,,,,,				
		☐ Disapproved ☐ Pass						
Comments:		L l ass						
5. Programmatic RPSO								
Name	Approver Site	Result: Approved	Signature	Date (mon/dd/yyyy)				
		Disapproved						
		Pass						
Comments:								
6. Funding RPSO								
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		Approved		(				
		Disapproved						
Comments:		Pass						
Comments.								
L								
Print Name:								
Trav	eler's Signature		Date Sig	gned				

#### **ACKNOWLEDGEMENT**

Please email willie.archie@ucop.edu to acknowledge that you have read this version of the University of California 2009 Security Refresher Briefing. Include the following statement in the body of your message

I acknowledge receipt of the University of California 2009 Security Refresher Briefing in compliance with U.S. Department of Energy and U.S. Department of Defense security requirements.

It is important to include your name after the above statement. We will be contacting you if your email statement is not received by February 15, 2010.

Thank you. Willie Archie

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