Subject: Sharing PPPL Theory and Computation Department Codes with Researchers at Other Institutions	**Effective Date:** Feb. 13, 2015	**Initiated by:** Lew Meixler Head, Technology Transfer, Patents & Publications
	Supersedes: Revision 0, dated 8/29/11	**Approved:** Stewart Prager Director

Management System (Primary): 07.00 Business Operations
Management System Owner: Head, Business Operations
Management Process: 07.05 Legal and Ethics
Process Owner: Head, Business Operations
Sub-process: Intellectual Property Management & Protection
Sub-process Owner: Head, Business Operations
Subject Matter Expert (SME): Head, Technology Transfer, Patents & Publications

Applicability

This procedure describes the process for sharing software that was developed by PPPL with others for research use.

This procedure does not cover minor changes, such as bug fixes and enhancements to such codes, made by PPPL staff to Open Source Software (OSS) originating outside PPPL, which may be freely re-distributed under the original OSS license(s). It also does not apply to codes that may have commercial potential, codes developed in a Work for Other's agreement, or codes that contain third party proprietary data, or PPPL IT Department codes. PPPL IT Department Code sharing is covered by GEN-034.

Introduction

Princeton University operator of the Princeton Plasma Physics Laboratory for the U.S. Department of Energy ("DOE") under prime Contract DE-AC02-09CH11466, has developed intellectual property in the form of Software. The U.S. Government has rights to this Software in accordance with the Prime Contract. This software may be made available to researchers at other institutions through the process in this procedure.

References

Prime Contract DE-AC02-09CH11466 CLAUSE I.123 - DEAR 970.5227-2 RIGHTS IN DATA-TECHNOLOGY TRANSFER (DEC 2000) (DEVIATION – JULY 2006) (DOE A.L. 2006-10)

DOE Order 241.1B Scientific and Technical Information Management

PPPL Procedure MC-013 Export Control

PPPL Procedure GEN-034 Sharing PPPL Engineering, Experimental, and Analytical Codes with Researchers at Other Not-for-Profit Institutions

Definitions & Acronyms

PPPL – Princeton Plasma Physics Laboratory

Procedure

Responsibility	**Action**
PPPL Researcher	1. Obtains approval from their supervisor that the code proposed for sharing is applicable to this procedure
	2. Posts Research Code descriptions on the PPPL WEB wikispace for Theory Codes. http://theorycodes.pppl.wikispaces.net/Theory+Department+Codes
Requestor (User)	3. a. Prints out and completes the "Research Use of Theory and Computation Department Code License Form" (Attachment 1 parts A and B), listing the code(s) requested. Signs part B of the form.
	b. Faxes (or mails) the signed forms to the Theory and Computation Department Administrative Staff, at the fax number (or mailing address) listed on the Form.
PPPL Theory and Computation Department Administrative Staff	4. For requests from a US citizen and domestic institution, proceeds to step 9.
	5. For requests from foreign nationals or foreign institution, forwards the Request Form with completed Fundamental Research Checklist and Certification to the PPPL Export Control Office for review.
PPPL Office of Export Control	6. Conducts Export Control review of the proposed transaction using the PPPL Export Control Review Procedure and checklist in Accordance with Procedure MC-013.
	7. Notifies PPPL Theory and Computation Department of the review findings and advises how to proceed.
PPPL Theory and Computation Department Administrative Staff	8. Following receiving results from the Export Control review, sends notification to the PPPL Code Author and the Theory Code Coordinator that the request was either accepted, denied, or if an export license is required.
	9. Maintains a record of each request, export control determination, and list of software sent.
PPPL Code Author	10. Notifies supervisor whether or not an export license is required and if one is not sends the requested code to the PPPL Theory Code Administrator for transmission to the Requestor, or declines the request.
Theory Code Coordinator	11. Coordinates the look and feel and updates of the PPPL WEB wikispace for Theory Codes.

TRAINING:

Author

1. Specifies the appropriate training methods and means (below) and obtains concurrence of the Management System Owner and the Management Process Owner.

    Target Audience: Code Authors in the Engineering and Experimental Groups.

    Instructor: Head, Technology Transfer

    Training Method:

    X Read only

    X Email distribution only

    X Acknowledgment required - Informal (email, note, conversation or telecon sufficient)

    Frequency:

    X Once only

    X Other: Upon revision of procedure

Management System Owner or Designee

2. Notifies the Human Resources Training Office of the training so that they will be aware of the training requirements and be able to provide assistance and guidance in the course development, implementation, tracking, and maintenance.

3. Ensures training is provided as noted above.

RECORDS REQUIREMENTS SPECIFIC TO THIS PROCEDURE

Records Custodians must assure records are maintained as follows:

Record Title	Record Custodian	Location	Retention Time
Research Use of Theory and Computation Department Code Request Form	PPPL Theory and Computation Department Administrative Staff	Theory and Computation Department	Destroy 25 yrs after issuance *Reference: Admin 14 Informational Service Records (47)*
Research Use of Theory and Computation Department Code License Form	PPPL Theory and Computation Department Administrative Staff	Theory and Computation Department	Destroy 25 yrs after issuance *Reference: Admin 14 Informational Service Records (47)*
Distributed Software List	PPPL Theory and Computation Department Administrative Staff	Theory and Computation Department	Delete when the agency determines that they are no longer needed for administrative, legal, audit, or other operational purposes. *Reference: Admin 20 Electronic Records (4)*

Note: For Export records; Dispose 5 years after last transaction *Reference Export Administration Regulations 762.2*

Attachments

Attachment 1 - Research Use of Theory and Computation Department Code License Form
   Part A - Request Form
   Part B - License Terms And Conditions Form

Attachment 2 - Procedure Flowchart

PART A
PRINCETON PLASMA PHYSICS LABORATORY
REQUEST FORM FOR RESEARCH USE OF
THEORY AND COMPUTATION DEPARTMENT CODE LICENSE

Please answer the following questions so that we can expedite your request for a Research Use Code license. *Items noted with a * are mandatory and your request will not be processed if these sections are incomplete*

Please identify the PPPL staff and code(s) requested.

PPPL Researcher's and Alternate Contact Names:

_____

Emails and Phone numbers: _____

* Name(s) of PPPL Theory and Computation Department code(s) requested:
_____ (the "Codes)

INFORMATION ON INSTITUTION AND RECIPIENT OF SOFTWARE

*Name of Institution:_____(the "User's Institution")

* Full Address:_____

_____

* U.S. Institution? Yes ☐ No ☐   Foreign Institution? Yes ☐ No ☐ Country? _____

* Name of person receiving the software (PRINT)_____(the "User")

* Title: _____

* Phone:_____

* Fax number and E-mail: _____

* Briefly describe research program the software will be used for: _____

_____

_____

Please mail this form to Jennifer Jones; Princeton Plasma Physics Laboratory MS-28; P.O. Box 451; Princeton NJ 08543-0451, or fax to (609)243-2662 and send an e-mail to Jennifer Jones (jjones@pppl.gov) to let her know that the fax has been sent.

Part B
Princeton Plasma Physics Laboratory
P.O. Box 451
Princeton, NJ 08543-0451
Managed by Princeton University and funded by the U.S. Department of Energy,

LICENSE TERMS AND CONDITIONS

PPPL Theory and Computation Department code(s)

_____

_____

_____

WHEREAS, the Parties recognize the importance of developing fusion energy as a potential energy source for the future and the value of the collaborative research between their institutes in that field; and

WHEREAS, PPPL seeks to further such collaborative research by providing the User with access to the Theory and Computation Department code(s) specified above (the "Codes"),

NOW, THEREFORE, and for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. To the best of PPPL's knowledge, the Codes do not contain any sensitive or classified information or information that can be used for the design or development of nuclear, biological, or chemical weapons or of any weapons of mass destruction. The codes do not contain any proprietary or commercially owned information. PPPL provides the Codes "as is", and makes no other representations or warranties with respect to the Codes.

2. PPPL hereby gives the User a limited, revocable, non-transferable license to use the Codes only for peaceful fundamental scientific research related to plasma physics and/or fusion energy development in full compliance with the export regulations and any other applicable regulations or laws of the United States. PPPL may terminate and revoke this license at any time for any or no reason. This software is provided only for research use on the specified program and cannot be used for commercial purposes.

3. The User shall defend, indemnify and hold harmless PPPL for any claims or actions or proceedings arising from its use of the Codes or derivatives of the Codes in a manner not authorized under this License.

4. The Codes are to be used solely to support fundamental scientific research in plasma science and fusion energy. Scientific results from the use of the Codes are intended for publication and dissemination in the open scientific literature.

5. The User agrees that it will not modify the Codes, nor parts of the Codes, for other applications, or share the Codes with other parties, or re-export the Codes to other countries, without PPPL's prior written consent. If improvements are made to the Codes by the User, they shall be available to PPPL within three months of their creation.

6. The User assumes responsibility for the proper use of the Codes, understanding that PPPL is not required to provide training or support, which will only be provided at PPPL's sole discretion.

7. Additional distribution or sublicensing is not permitted.

8. The User understands that the Codes are 'Research Codes', and that the Code's suitability for specific analysis applications will require verification, and that the Codes are generally still under development.

9. The User understands that when publishing results from its use of the Codes in scientific publications, the Parties will acknowledge the authors of Codes or cite an appropriate Code reference.

10. The User is encouraged to provide advance copies of any publications to PPPL containing results from the Codes for PPPL's review, prior to submission to a scientific journal. One purpose of the review is to assure that the fundamental research Export Control exclusion is not compromised and is only anticipated to be a temporary delay.

11. The User agrees to keep PPPL informed about the use of the Codes. Any problems detected in the Codes' calculations will be communicated to PPPL prior to discussion in publications or multi-institutional conferences. PPPL will, in turn, distribute known problem solutions and improvements in the form of Code updates as these become available.

12. This License is based on a currency free exchange between PPPL and the User and the User's Institution.

13. The provisions of this License shall be applied in accordance with the laws and regulations of the United States. All disputes related to this License that the Parties are not able to resolve through good faith negotiations shall be resolved through binding arbitration pursuant to an arbitral body that is mutually acceptable to the Parties..

_____   _____
(signature of user/recipient)   (date)

_____
 (user name - print)

_____   _____
Signature of Institution (User)   (date)

_____
Institution Representative Name and Title (print)

Please mail this form to Jennifer Jones; Princeton Plasma Physics Laboratory MS-28; P.O. Box 451; Princeton NJ 08543-0451, or fax to (609)243-2662 and send an e-mail to Jennifer Jones (jjones@pppl.gov) to let her know that the fax been sent

GEN-032 Flowchart

PPPL Researcher
Posts Research Code descriptions on the PPPL WEB Wikispace for Theory Codes

Requestor
Prints out, completes and signs the "Research Use of Theory and Computation Department Code License Form"

Requestor
Faxes or mails the signed forms to the Theory and Computation Department Administrative Staff at the fax number listed on the form

Theory and Computation Department Administrative Staff
Forwards the request form to the PPPL Export Control Officer for review

PPPL Export Control Officer
Conducts Export Control Review of the proposed transaction using the PPPL Export Control Review Procedure and checklist in accordance with Procedure MC-013

PPPL Export Control Officer
Notifies PPPL Theory and Computation Department of the review findings and advises how to proceed

Theory and Computation Department Administrative Staff
Sends notification of the results of the Export Control Review to the PPPL Code Author and Theory Code Organizer.

Theory and Computation Department Administrative Staff
Maintains a record of each request, Export Control determination and list of software sent to Requestors.

Export Control approves request ?

— Not Approved →

PPPL Code Author
Notifies Requestor that request was declined

— Approved →

Theory Code Coordinator
Coordinates the look and feel and updates of the PPPL WEB wikispace for Theory Codes.

PPPL Code Author
Sends the requested software code to the Requestor