Export Control and ECL Template Guidance

Guidance for Payload Developers Using
NanoRacks Services

Background

- NanoRacks does not endorse organizations and/or persons referenced in this document.
- No guarantee is provided concerning the accuracy or completeness of the information in this document
- Information is provided "As Is" and is for guidance only
- Export classification is the responsibility of payload developers
- Payload developers should consult with their designated Export Control Authority or a professional export control legal representative as appropriate in determining export classification of the payload technology under their control

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Terms and Definitions

- EAR – Export Administration Regulations
- ITAR – International Traffic in Arms Regulations
- CCL – Commerce Control List
- CSA – Canadian Space Agency
- ECL – Export Classification Letter
- ECCN – Export Commodity Control Number USML – United States Munition List
- JAXA – Japanese Aerospace Exploration Agency
- IP – ISS Program, International Partners Nation(s)
- Payload Developer – NanoRacks Customer
- RSA – Russian Space Agency

Payload Developer Data Dissemination

- NanoRacks provides payload integration and launch services to its customers via NASA ISS Program
- Substantial data calls are required to support these services
- Data is disseminated to ISS Program stakeholders for purposes of flight safety certification and use of ISS infrastructure
  - NanoRacks payloads are staged from the Japanese Experiment Module (JEM) and satellites are deployed via the Canada Arm Robotic System
  - Satellites require ISS Program approval, including IP member approval
- ISS Program Stakeholders
  - NASA ISS Program Office and Directorates, US Government Civil Servants
  - ISS Program Authorized Contractors, US Citizens
  - ISS IP Nations, Authorized Representatives from JAXA, CSA and RSA

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EAR Compliance for NanoRacks Payload Developers

- Determine the jurisdiction for Payload Hardware, Software and Technical Data
  - USML: Administered Under the ITAR Regulations
  - CCL: Administered by the EAR
- USML
  - Review the ITAR Regulations, determine if subject to the ITAR
  - If not subject to the ITAR, then Proceed onto a CCL Review
- CCL
  - Review the ECCN Codes, Determine Which ECCN is Applicable
- Payload Technology May Have Mixed Classification
  - E.g. Hardware may be under ITAR Jurisdiction but Data is under CCL Jurisdiction
  - Majority of payloads flown to the ISS are under jurisdiction of CCL Category 9, E.g. ECCN 9A004
- After Export Classification is Determined
  - Complete the NASA ISS ECL template and forward to NanoRacks

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NASA ECL Template

- Hardware – refers only to the hardware item that is to be integrated and flown to the ISS via NanoRacks service.

- Software – refers only to software that is installed on the hardware item.

- Technical Data – refers only to technical data that is submitted to NanoRacks as part of the payload integration process.

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Resources

- ITAR
  - http://www.pmddtc.state.gov/regulations_laws/itar.html
- Commerce Control List:
  - http://www.pmddtc.state.gov/regulations_laws/itar.html
- US Trade Office
  - http://www.trade.gov/td/otm/assets/aero/DefHB_Export_Controls.pdf
- Bureau of Industry and Security
  - CCL Category 9, Aerospace
  - https://www.bis.doc.gov/index.php/forms-documents/doc_view/991-ccl9
- Unofficial Guidance, Changes to the CCL
  - http://www.braumillerlaw.com/export-controls-satellites-changes-commerce-control-list/

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