June 2006 - 2nd Q06 *Vol. 1, No. 2*

National Aeronautics and Space Administration

www.nasa.gov

Export Control Brief

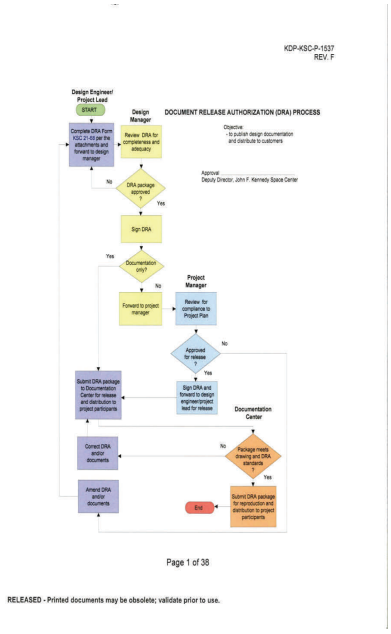
John F. Kennedy Space Center Export Control Office
June 2006 2nd Quarter
"Export Control… The first line of defense"

Importance of the Document Release Authorization (DRA) process to export control.

The KSC DRA process is standard procedure for NASA engineering and government contractors. The following is an outline of the process. (1) Document Drawing Numbers are sequentially assigned from the Configuration Management Data System (CMDS) 79K, 80K etc. (2) NASA engineers and government contractors work with an Architecture and Engineering firm (A&E), and the drawing and Project Control Number (PCN) are used to identify the project all the way through the design process. (3) Once the design process is complete, the design engineer requests a DRA number from the Electronic Documentation Center (EDC) Release Clerk (InDyne). The completed form which includes attributes for configuration management contains a project engineer signature.

(4) The DRA is processed in the EDC and submitted to the Printing and Micro Imaging shop for scanning and hardcopy distribution. The scanned image is placed in the Kennedy Electronic Documentation System (KEDS), and the hardcopy is mailed to the addresses on the DRA.

(5) Procurement is just one of the addresses the document is mailed to, if the DRA specifies it. (6) If the DRA documents do not have Export Control (EC) stamps, we automatically attach an "EC" Tiger stripe form alerting the recipient that the document/drawing should be handled with care for EC purposes. **(DRA Process furnished by InDyne, Inc. - Micro-Imaging EDC)** ***For more information — Please visit :*** https://tdksc.ksc.nasa.gov/servlet/dm.web.Fetch/KDP-KSC-P-1537F.pdf?gid=33547



Bypassing the DRA process could cause an export violation that would result in termination of employment and you may face the potential **violation of ITAR and EAR regulations which are punishable by fine, imprisonment, or both.**

The USA PATRIOT Reauthorization Act of March 9, 2006, has increased USDOC/BIS penalties: imprisonment of 20 years and $50,000 per violation. The USDOS/ITAR penalties: include imprisonment of 10 years and $1 million per violation.

Copies of the NASA video are available through the KSC Export Control Office and the below Video URL.

http://exportcontrol.ksc.nasa.gov/exportcontrol.ram

Kennedy Space Center—Export Control Office Mission Statement

"To protect our NASA Civil Servants and government Contractors through the enforcement of export and import compliance regulations". http://exportcontrol.ksc.nasa.gov

RELEASED - Printed documents may be obsolete; validate prior to use.

A Special Report: Voluntary Disclosure of Unauthorized Export of Unclassified Build-to-Print Drawings and Specifications

In March 2006, ASRC had to issue a Voluntary Disclosure of an Unauthorized Export of Unclassified Build-to-Print Drawings and Specifications to the U.S. Department of State—Office of Defense Trade Control Compliance. (USDTC) The voluntary disclosure concerned an ASRC Aerospace employee inadvertently emailing unclassified build-to-print drawings and specifications of the Range Safety Unit Command and Telemetry Processor Printed Circuit Board as part of a Request for Proposal to an Australian manufacture. The "Board" is part of a Space Based Range Telemetry System for tracking launch vehicles that ASRC is assisting in developing under its University-Affiliated Technology Development Contract (USTDC) with NASA's Kennedy Space Center engineers.

The discovery of the violation was made by a routine inquiry by Mr. John Boelke, ASRC's Procurement Manager and Empowered Official. Mr. Boelke had notified the NASA ECO the results of his investigation and reported the export violation.

It was discovered that neither the NASA engineer who created the drawing nor the ASRC engineer inserted an export control notice on the drawing, nor did either submitted the drawing to the NASA Document Release Authorization (DRA) process.

The technical data export determination was classified as **ITAR Category XI (a), (c), (d), Military Electronics.**

ASRC immediately took corrective action:

- **Required** that all Procurement personnel be given refresher export control training.
- **Issued** a directive that all ITAR-controlled documents include an Export Control Stamp.
- **Reinforced** the DRA process within the ASRC engineering community.
- **Updated** the ASRC—Export Control Web Based Training tool.
- **Requested** NASA to issue a directive to their engineers to label all drawings and to follow the DRA process.

ASRC received notification from the USDTC Enforcement Division closing the case "without taking enforcement action". However, they reserved the right to reopen the case and have asked for ASRC's compliance plan, written guidance on marking documents and notification to who is able to export on behalf of ASRC. This violation had the potential of substantial fines, prison terms, and the denial of export privileges for ASRC. The violation could of also damaged the good reputation of the ASRC Company and their executives. The lessons learned from this experience **are to follow the DRA process, have drawings reviewed and label all documents that are export controlled.** Please remember that it is **your responsibility** to comply with U.S. export laws. It is critical that we strive to protect U.S. national security by keeping the most sensitive goods out of the most dangerous hands.

NASA Kennedy Space Center – Export Control Office

Points of Contact

Wayne Ranow, Center Export Administrator

Email: Wayne.Ranow-2@nasa.gov

Tel: 321-867-6066

Melanie Chan, Associate CEA and

Export Control Representative for KT

Email: Melanie.R.Chan@nasa.gov

Tel: 321-867-6367

William Collins, Sr. Technical Director

General Dynamics

Email: William.Collins-2@ksc.nasa.gov

Export Hot Line: 321-867-9209

Wayne Ranow

Melanie Chan

William Collins

Export Control Web Site

http://exportcontrol.ksc.nasa.gov

RELEASED - Printed documents may be obsolete; validate prior to use.

Export Control News

Export control news from the USDOC and the USDOS.

Venezuela: The U.S. Department of State's Directorate of Defense Trade Controls (State/DDTC) has posted the following notice on its website clarifying the announcement of suspension of arms trade with Venezuela: "On May 15, 2006, pursuant to Section 40A of the Arms Export Control Act (AECA), as amended, the Department of State transmitted to Congress a determination and certification by the Secretary of State that Venezuela is not fully cooperating with the antiterrorism efforts of the United States. Accordingly, as of October 1, 2006, new U.S. sales and licenses for the commercial **export of defense articles and defense services to Venezuela will be prohibited**. In addition, as a matter of policy, as of October 1, the retransfer to Venezuela of U.S.-origin **defense articles and technology will not be permitted.** In the period before October 1, the United States will continue to carefully scrutinize all proposed arms transfers and sales to Venezuela on a case-by-case basis. Exports that do not support the foreign policy and national security goals of the United States will not be approved." URL: http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/06-4656.htm)

China: US to Propose More Licensing Controls on Exports to China: Forbes, May 22 - The US is likely to propose within weeks that licensing controls be slapped on about 46 more export items for China if they are deemed to be for military use, a US official said. **David McCormick, undersecretary of commerce for industry and security**, also told reporters in Beijing that the US will allow a relaxation of controls over sales to Chinese importers deemed to be "trustworthy. . . ." McCormick said that about **46 items would be added to the list of those requiring licensing for export to China if intended for military, rather than civilian,** use. . . . He described the proposed changes, to be released for public consultations within weeks, as 'less restrictive' than the original list drafted 12 to 18 months ago. That list reportedly ran into hundreds of items, as part of a 'catch-all' policy to preclude any exports that could potentially help China's military.

http://www.defenselink.mil/pubs/pdfs/China%20Report%202006.pdf

USDOC: BIS Posts New Frequently Asked Questions Guide on Internet Homepage

The U.S. Department of Commerce's Bureau of Industry and Security (BIS) has posted a new Frequently Asked Questions Guide on its Internet homepage. This page is designed to give people who are new to exporting, and, in particular, new to export controls, a general understanding of BIS regulations and how to use them. Please visit the following URL.

http://www.bis.doc.gov/ExportLicensingQandA.htm

(**Article contributions** made by Gary L. Stanley, President of Global Legal Services, PC, Washington, D.C.) E-mail gstanley@glstrade.com

USBIS Export Control Publications

http://www.bis.doc.gov/ComplianceAndEnforcement/Dont_Let_This_Happen_To_You_2005.pdf

http://www.bis.doc.gov/ComplianceAndEnforcement/Majorcaselist.pdf

Please visit the USBIS web site for the most recent publications.

For forms and current export information, please visit these official export-control web sites:

Arms Export Control Act of 1976

International Traffic in Arms Regulations (ITAR)

Govern export of defense articles and services to include most space-related technologies/ systems.

The United States Munitions List (USML)

www.pmddtc.state.gov.

Export Administration Act of 1979

Export Administration Regulations (EAR)

Govern the majority of US commercial exports (civil and dual-use) as well as International Space Station (ISS) hardware.

The Commerce Control List (CCL)

www.bis.doc.gov/

NASA Export Control Program

RELEASED - Printed documents may be obsolete; validate prior to use.

John F. Kennedy Space Center—Export Control Office
June 2006 - 2nd Quarter
"Export Control… The first line of defense"

A Message from Wayne Ranow, the Center Export Administrator

Welcome to our second edition of the Export Control Brief.

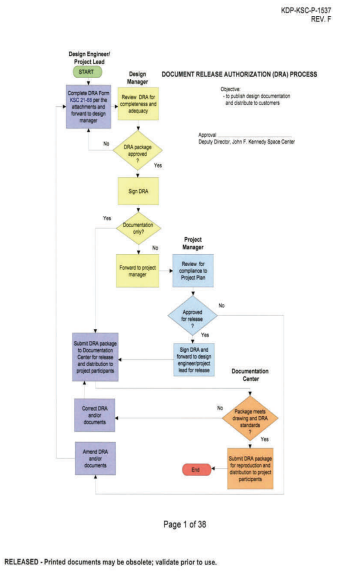
Dryden Flight Research Center: I am proud to state, we are the only center with an export control newsletter and we displayed the first edition at the NASA Export Control Conference held at Dryden Flight Research Center. The newsletter was well received and drew lots of complements from attendees. In fact, other Center Export Administrators requested our template so they could produce their own newsletter. "To copy is the best form of flattery."

Vandenberg Air Force Base:

The trip to California also provided a chance to visit VAFB NASA personnel and assess the training and export practices in place at our west coast launch facility. The VAFB personnel and contractors were well versed in export awareness and this resulted in our first ever recognition of export compliance. Congratulations to the VAFB launch support team, Pam West, and Dan Foss for their export awareness and training program.

Annual Export Control Conference: KSC was selected to host the 2007 NASA Twelfth Annual Export Control Conference and it will be held at the OSBII conference facility April 3-5, 2007. More details will be forthcoming as the planning progresses. Export Control managers and their support contractors from all the NASA centers will be in attendance along with guest speakers from the Department of Defense, Department of State, and Department of Commerce.

DRA Process: I would like to emphasize the importance of following the DRA process outlined on the front page of this issue. Failure to follow the process was determined to be a factor that lead to an export violation by one of our subcontractor's in March. The DRA process places documents in EDC and KEDS does not release the documents without an export determination or the form KSC-OP-12/04 attached.

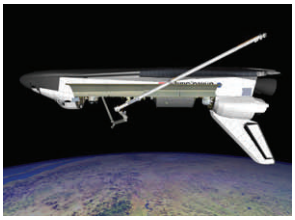


(https://tdksc.ksc.nasa.gov/servlet/dm.web.Fetch/KDP-KSC-P-1537F.pdf?gid=33547)

This form is the goldenrod yellow piece of paper stating the document may be export controlled. The summary explaining the violation is included in this edition of the newsletter. Please do your part and ensure all documentation has an export determination before it leaves the center of before it is published.

KSC Export Violation:

KSC has experienced another export violation, this time dealing with the shipment of the Shuttle Remote Manipulator System (SRMS) to Canada.



This violation was not intentional and was merely a lack of understanding of the export laws, rules, and regulations and the fact they do change. I would like to remind you that things change and just because we did something a certain way for years does not mean it is the correct way today. This was the case and it lead to an export violation with the shipment of the SRMS to Canada on numerous occasions. NASA and USA shared in this violation and we each submitted a voluntary disclosure to the Department of State. USA and NASA have made the changes necessary to prevent future export violations with shipping equipment and flight hardware to foreign destinations. The violation is still under review by the State department.

Stay export aware!

KSC Export Control Web Site:

http://exportcontrol.ksc.nasa.gov

National Aeronautics and Space Administration

www.nasa.gov

The **Export Control Brief** is the official publication of the Kennedy Space Center Export Control Office in the interest of KSC civil servants and contractor employees.

Managing Editor: William J. Collins, General Dynamics, NASA-KSC Export Control Office

Approved by: Wayne Ranow, KSC Center Export Administrator, NASA KSC Export Control Office

Approved by: the NASA KSC Mission Support Office of Strategic Communications, for instruction/training and for U.S.G. policy direction/objectives as per the "NASA Style Guidelines."

RELEASED - Printed documents may be obsolete; validate prior to use.