

Instructions for Completing the ARC1676A Form (Last Update: March 27, 2001)

1. **Top of Page 1:** Review the instructions and information. If your publication/presentation does not concern the commodities mentioned in paragraph 3 of Page 1 of the form, continue with step 2.

2. **Categories (Pages 1-2):** Review the ARC1676A categories. Continue with step 3 when you find the category which describes why the **subject** (though not necessarily the identical information) of your publication/presentation is in the public domain. In other words, you are stating how information which is very similar to that being published or presented is already publicly available. For example, there may be books already published on the subject (Category 1), journal articles available (Category 2), previous conference presentations (Category 6), or there may be fundamental research underway elsewhere on the topic, where the results of that research are ordinarily shared broadly (Category 8).

For Category 8, Either case 1, 2, or 3 must be true for your subject information to be declared in the public domain. For Category 8, case 3, Questions A-E must be answered "Yes" (as applicable) and questions F and G must be answered "No" for the subject information to be declared in the public domain. For Category 9, both questions must be answered "Yes" for the subject information to be declared in the public domain.

3. **Declaration (Bottom of Page 2):** Fill in the **Category** and associated **15CFR number** and **22CFR number** from Step 2, describing why the subject of your publication/presentation is in the public domain.

4. **Print the ARC1676A form.**

5. **Sign and date the ARC1676A form.**

6. **Code IN (NAS) instructions: Give completed NF1676, ARC310, ARC1676A, and publication/presentation copy to Shelley Marshall** (N258/222-12, Ext. 4-4402, M.S. 258-5, smarshall@mail.arc.nasa.gov) who will complete processing and disposition of the forms. Shelley will notify you by email, usually within four weeks, when final approval of the forms is received.

Please report form changes to me (Bryan Biegel, biegel@nas.nasa.gov), so that I can update the online form at:
<http://science.nas.nasa.gov/Groups/SciTech/author.html>
<http://in.nas.nasa.gov/Groups/INR/author.html>



This form should accompany the **NASA Form 1676** whenever a determination is made that the scientific and technical information is in the public domain.

The Export Administration Regulations (EAR, 15 CFR 730-117) and the International Traffic in Arms Regulations (ITAR, 22 CFR 120-130) generally provide that information which is in the public domain (publicly available) is not subject to export controls, described in the regulations. As a result, if you can certify, using the criteria at the end of this form, that the information being reviewed for potential release is already in the public domain, there are no further export controls on the information. **In addition, for the purpose of this declaration, the information must not relate to the commodities described in the next paragraph.**

The types of information which are controlled fall under two categories: information which relates to commodities which have both military and commercial application, i.e., "dual use" commodities (regulated by the Department of Commerce under the EAR) and information which relates to "defense articles" (regulated by the Department of State under the ITAR). This declaration may not be used for information associated with the following NASA-specific "dual use" commodities: optical sensors and lasers (Category 6 of 15 CFR Part 772), commercial communications satellites and associated software and technology, as well as information associated with the International Space Station (ECCN 9A004 of 15 CFR Part 772) and ablative materials and conductive polymers (Category 1C of 15 CFR Part 772). In addition, this declaration may not be used for information associated with the following NASA-specific "defense articles": spacecraft and specially designated components, remote sensing satellites and specially designated components, ground control stations, Global Positioning System (GPS) equipment, antennas, radiation hardened circuits, propulsion systems, attitude control and determination systems, orbit transfer engines, launch vehicles (including sounding rockets), propellants, navigation and flight control systems, avionics equipment, launch support equipment, and associated computers and software (Category XV of 22 CFR Part 121.1) and ablative materials derived from or modified for defense articles (Category IV of 22 CFR Part 121.1).

If you determine the information does not pertain to the above mentioned commodities, your next step is to determine if the information is considered to be in the public domain under the applicable regulations. In order to be considered in the public domain, the information must meet one of the following categories. If the information meets one of the categories, please note the applicable category number after the signature block at the end of this form.

The subject information must already be generally accessible or available to the public in any form as the result of:

- | Category | Cite |
|----------|--|
| 1. | Sales at news stands and bookstores (22 CFR 120.11(1), 15 CFR 734.7(a)(1)) ; |
| 2. | Subscriptions which are available without restriction to any individual who desires to obtain or purchase the published information (22 CFR 120.11(2), 15 CFR 734.7(a)(1)) ; |
| 3. | Second-class mailing privileges granted by the U.S. Government (22 CFR 120.11(2)) , i.e., second-class mailing privileges as granted by the United States Postal Service to support the mailing of periodicals which are intended to publicly disseminated information; |
| 4. | Availability at libraries open to the public or from which the public can obtain documents (22 CFR 120.11(4), 15 CFR 734.7(a)(2)) ; |
| 5. | Patents available at any patent office or patent clearing house (22 CFR 120.11(5), 15 CFR 734.7(a)(3)) ; |
| 6. | Unlimited distribution at a conference, meeting, seminar, trade show or exhibition, generally accessible to the public, in the United States (22 CFR 120.11(6), 15 CFR 734.7(a)(4)) ; |
| 7. | Information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges, and universities (22 CFR 120.10(5), 15 CFR 734.9) . |

*(If the answer to any of 1-7 above was **yes**, the subject matter of the paper is in the public domain and you can stop here.)*

8. Fundamental research consisting of basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly in the scientific community **(22 CFR 120.11(8), 15 CFR 734.8)**. Ask:

Yes No **1) Does the presentation or paper spell out each step of the research?** *(If answer is **no**, stop here. The paper or presentation is probably in the public domain. If answer is **yes**, continue to question 2)*



Yes No **2) If the presentation or paper spells out the research, is the research general scientific research without a specific application?** (If answer is **yes**, stop here. The paper or presentation is probably in the public domain. If answer is **no**, continue to question 3).

Yes No **3) If the presentation or paper spells out the research, and the research does not involve general principles of mathematics, science or engineering, indicate "yes", and continue to the next question.** (Source 15 CFR 734 Supplement 1)

*If the answer to the following questions is **yes**, the presentation or paper is in the public domain.*

- Yes No A. Has the content of the presentation or paper already been published?
- Yes No B. Does your management concur in your intention to make the technology available to the public?
- Yes No C. If the paper has never been published before, would it be readily available to the public on request?
- Yes No D. If the presentation or paper is to be given at a conference, will the attendees be permitted to take notes or otherwise make a personal record of the proceedings?
- Yes No E. If there is a fee imposed for attending the conference, is it low enough that all interested and technically qualified persons should be able to attend?

*If the answer to the following questions is **no**, the presentation is in the public domain.*

- Yes No F. Are there any other restrictions imposed under a grant or contract agreement on the publication?
- Yes No G. Does the presentation contain proprietary information? See Sections II and III (dealing with Trade Secrets, SBIR data and Copyrighted Data) of the NASA form 1676.

*If the answer to the following questions is **yes**, the presentation is in the public domain.*

9. (22 CFR 120.11(6), 15 CFR 734.7(a)(4))

- Yes No Do you have your management's permission to make this document or presentation for a professional or organizational WEB page?
- Yes No Will the public have unrestricted access to all information on the WEB page?

DECLARATION

The scientific and technical information is in the public domain for the following reason:

Category: _____

Cite: 15 CFR _____ and 22 CFR _____

Originator's Signature: _____ Date: _____

Export Rep's Initials: _____ Date: _____

Please contact the Center Export Administrator if you need assistance in completing this form or if the information is not in the public domain as described above. The Center Export Administrator can be reached at _____ or _____. Failure to comply with export regulations and the Agency's procedure for dissemination of its technical data are serious matters that may subject the author to significant penalties and the agency to the restriction or loss of its export privileges.