



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL ENVIRONMENTAL SATELLITE, DATA,
AND INFORMATION SERVICE
1225 West Dayton Street, Madison, WI 53706

MEMORANDUM FOR: General public
FROM: Jeffrey R. Key
Chief, Advanced Satellite Products Branch
DATE: February 17, 2010
SUBJECT: Exemption of ASPB software from ITAR

Export control regulations have been reviewed for both Department of Commerce Export Administration Regulations (EAR) and Department of State International Traffic in Arms Regulations (ITAR). Based on this review, software available on the Cooperative Institute for Meteorological Satellite Studies (CIMSS), University of Wisconsin-Madison web site that was developed by NOAA personnel, or jointly by NOAA and CIMSS personnel, has been determined to be exempt from export control regulations. Exceptions from EAR and ITAR are based on the following:

- For exemption from EAR export control the software must be “publicly available technology and software” that “are already published or will be published” and “arise during, or result from, fundamental research” where “research conducted by scientists or engineers working for a Federal agency...may be designated as ‘fundamental research’ within any appropriate system devised by the agency to control the release of information by such scientists and engineers”. (Reference: <http://www.access.gpo.gov/bis/ear/pdf/734.pdf>, Section 734.3 pp. 4-5.)
- For exemption from ITAR, the software being publicly released must not be covered under the U.S. Munitions List (USML), found in Part 121 of the ITAR (Reference: http://pmdtc.state.gov/regulations_laws/documents/official_itar/ITAR_Part_121.pdf)

The software that is being provided by NOAA scientists stationed at CIMSS was developed as part of fundamental research programs. The information used to develop the software, the algorithms, physics, and data, has been published. The relevant USML category (Category XV—Spacecraft Systems and Associated Equipment) has been reviewed and there is no reference to the type of information contained in this software.

This assessment applies to all software developed by NOAA personnel, or jointly by NOAA and CIMSS, that is publically available on the CIMSS web site. This includes, but is not limited to, Infusing satellite Data into Environmental Applications-International (IDEA-I), the CIMSS Regional Assimilation System (CRAS), Streamer, FluxNet, and the Cloud and Surface Parameter Retrieval (CASPR) toolkit. The assessment does not apply to CIMSS software that was developed without the involvement of NOAA personnel.

