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# NASA Procedural Requirements

**COMPLIANCE IS MANDATORY**

**NPR 2200.2B**

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## **Subject: Requirements for Documentation, Approval, and Dissemination of NASA Scientific and Technical Information**

**Responsible Office: Office of the Chief Information Officer**

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## **Chapter 4. Reviews and Approvals**

### **4.1 Purpose**

4.1.1 This chapter gives the review and approval policies through which NASA ensures the quality and integrity of its STI to the greatest degree practicable, provides for the widest practicable and appropriate dissemination of its STI, and protects information that, based on statute, regulation, or policy, cannot be disseminated to various audiences.

### **4.2 Policy and Legal Requirements**

#### 4.2.1 Distribution of NASA STI

4.2.1.1 The NASA STI program is responsible for providing the distribution of information produced by and for NASA to the public. This function fulfills the mandate of Section 203(a) of the National Aeronautics and Space Act of 1958, which requires NASA to "provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof." Reinforcing this Space Act requirement, the Office of Management and Budget (OMB), in Circular A-130, establishes the clear policy that the Agency is responsible and expected to disclose information to the public consistent with the Agency's mission.

#### 4.2.2 Protection of Certain STI Information

4.2.2.1 Pursuant to law, certain types of information are required to be protected from

public disclosure. The Freedom of Information Act (FOIA) provides guidance regarding categories of information that are exempt from mandatory release under the FOIA. Dissemination of information may also be restricted under other laws, regulations, or policy.

4.2.2.2 As used in this NPR, restricted-access information means information whose publication or distribution is restricted by law, regulation, or policy. Restricted-access information includes national-security-classified information, export-controlled information, personal information subject to the Privacy Act, and proprietary information of the Government or others, such as "Limited Rights Data" and "SBIR Data" received under a contract, trade secret/confidential commercial information other than "Limited Rights Data" or "SBIR Data," information developed under agreements and subject to Section 303(b) of the National Aeronautics and Space Act of 1958, as amended, copyrighted information, and documents disclosing inventions. Public access to restricted-access information may be prohibited or restricted. Unless a determination is made that public release of information must be prohibited or restricted, NASA STI is made available to the public.

4.2.2.3 In addition, certain types of information are further restricted from dissemination via NASA public websites (NPR 2810.1 and NITR-2810-3, "NASA Internet Publishing Content Guidelines"). Any questions regarding whether or not certain types of information must be protected from public disclosure should be referred to the NASA Headquarters or Center Patent or Intellectual Property Counsel and the Export Control Administrator. For information on handling documents that contain export-controlled or restricted-access information but which have subsequently been downgraded, see section 2.5.16.

#### 4.2.3 Review of NASA STI

4.2.3.1 Before NASA STI may be published or otherwise disseminated external to NASA (or presented at internal meetings or conferences where foreign nationals may be present), it must be reviewed to determine whether public access to the information must be prohibited or restricted. The NASA review, referred to as the DAA review, is implemented via NF-1676 (or a Center implementation of this form). The DAA review process is intended to ensure that NASA does not inappropriately release information to which public access may be prohibited or limited.

4.2.3.2 Although NASA STI may be produced either directly by NASA or under NASA contracts, grants, and agreements, the NASA DAA review process applies only to the publication and dissemination of NASA STI by NASA or for NASA. The DAA review process is mandatory for all NASA STI disseminated by or for NASA, including on websites or presented at internal meetings or conferences at which foreign nationals may be present.

4.2.3.3 The NASA DAA review is required in situations in which NASA publishes, disseminates, or presents STI external to NASA or presents it at internal meetings or conferences at which foreign nationals may be present, including STI that has been received from NASA-funded contractors or grantees. Unless otherwise specified in the contracts or grants, NASA does not restrict its contractors and grantees from publishing NASA-funded information themselves. In situations in which the contractor or grantee independently publishes STI, NASA is not considered to have published, disseminated, or presented the information so the DAA review by NASA is not required. However, contractors or grantees are still required by U.S. laws and regulations to review their

information and ensure that it (a) conforms with laws and regulations governing its distribution, including intellectual property rights, export control, national security, and other requirements and (b) to the extent the contractor or grantee is given access to data necessary for the performance of the contract or grant which contains restrictive markings, complies with such restrictive markings. NASA may, on a voluntary basis if requested by the contractor or grantee, perform a DAA review of STI published or disseminated by contractors or grantees.

4.2.3.4 NASA STI subject to review is reviewed through the DAA review process to: (a) verify its adherence to NASA STI publications policy, if appropriate; (b) ensure its conformance to standards for professional reports and technical accuracy, if appropriate; and (c) determine whether public access to the information must be prohibited or restricted.

4.2.3.5 The DAA review is applicable whether publication is accomplished through printing, submission to external channels for publication through any media, or published electronically on systems accessible by persons or institutions outside NASA. This review is also applicable to presentations that are to be made before professional audiences, whether or not the presentation is accompanied by written material.

### **4.3 Review for Adherence to Publications Policy**

4.3.1 The review for adherence to publications policy is required to ensure that NASA technical reports meet the requirements of NPD 2200.1, Management of NASA Scientific and Technical Information (STI), and this NPR.

## **4.4 Professional and Technical Reviews**

### **4.4.1 Definitions**

4.4.1.1 Professional reviews (also called editorial and content reviews) are performed by individuals or groups with technical knowledge or background tempered by interdisciplinary expertise in history, education, and program management. Such reviews assess the quality of the document content in terms of its readability, communication of information, and suitability for a particular audience without particular focus on content.

4.4.1.2 Technical reviews are performed by peers having expertise within the technical discipline of the activity or research being documented. Such reviews assess the technical integrity and merit of the activity or research being performed and the results being documented without regard to the effectiveness of the document at communicating the information.

### **4.4.2 Responsibilities**

4.4.2.1 Professional and technical reviews are required to ensure that NASA STI reports conform to NASA Headquarters and Center standards for professional reports and technical accuracy and meet data quality standards. The OICs of Headquarters Offices and Directors of Centers are responsible for ensuring the appropriate review and approval of the content of NASA-sponsored STI resulting from work conducted under their authority for presentation or publication through any channels and in any media, including electronic dissemination. Implicit in this approval is the approval for the preparation, printing, and appropriate dissemination of the STI as a work of NASA.

### 4.4.3 Review Requirements

4.4.3.1 The officials mentioned in section 4.4.2 will ensure that the appropriate minimum review of the NASA STI Report Series is completed, as indicated by the following levels of NASA STI Report Series professional and technical review requirements:

<b>NASA STI Report Series</b>	<b>Professional and Technical Review Requirement</b>
TP	Technical review by committee of peers or expert single reviewer
TM	Review by technical management
CR	Review by NASA technical management or expert reviewer(s)
CP	Review by technical management
SP	Professional review controlled by originating Headquarters Office or NASA Center
TT	No technical review; some printing authorization; permission to use copyrighted information must be obtained

### 4.4.4 Peer Review

4.4.4.1 NASA accepts and encourages technical review by qualified external reviewers or committees of external reviewers. The Agency also accepts technical review by qualified internal reviewers or committees of internal reviewers who are selected on the basis of technical expertise and who do not have (or have disclosed) prior situations or personal or funding issues that would affect their technical review.

4.4.4.2 Peer reviews must be conducted in an open and rigorous manner. Peer reviews must also ensure that the data are reliable, unbiased, accurate, complete, and have full documentation, and they must ensure that circumstances that could affect data quality are identified and disclosed.

## 4.5 DAA Reviews

4.5.1 The DAA review is NASA's compliance review for the publication, dissemination, and presentation of NASA STI by or for NASA through any channel or media. The DAA review is implemented via NF-1676 (or a Center specific implementation of this form). The DAA review not only determines technical approval but also specifies reviews for restricted-access STI, such as national- security-classified information, export-controlled information, proprietary STI, and documents disclosing an invention. The author, working in collaboration with his or her technical supervisor or the COTR, if applicable (for NASA STI originating from a NASA contract), initially recommends the subject division and category for the NASA Aeronautics and Space Database for a NASA document or

contractor report. NASA STI may be subject to one or more of the restrictions described below. Documents containing restricted-access STI must include Notices applicable to all valid restrictions (see Exhibits at the end of this chapter) as well as one of the document distribution limitations listed in section 4.5.15, along with any appropriate expiration date. Copying and disseminating of such documents must be done in conformance with applicable notices.

#### 4.5.2 Administratively Controlled Information (ACI)

4.5.2.1 Guidelines for determining and marking administratively controlled information (formerly referred to as "For Official Use Only (FOUO)" information) are given in NPR 1600.1, "NASA Security Program Procedural Requirements" and via NF-1686. For more information about this category of information, contact the NASA Headquarters Office of Security and Program Protection.

#### 4.5.3 National Security Review

4.5.3.1 NASA Headquarters and Center originating offices are responsible for the review of STI to determine whether the information is subject to security classification. Final security classification rests with NASA Headquarters Office of Security and Program Protection, and documents containing information subject to security classification are addressed in NPR 1600.1, NASA Security Program Procedural Requirements, and NPR 2810.1, Security of Information Technology. NASA Headquarters and Center originating offices, in conjunction with Headquarters and Center Export Administrators, are also specifically responsible for the review and approval of policy and plans for the intended release of NASA technical and programmatic information to a foreign government. The NASA Headquarters and Center originating offices are also responsible for the review and approval of all material intended for publication, dissemination, and presentation when such material contains information pertaining to the Department of Defense, e.g., aeronautics programs, space launches, or space operations, regardless of the source of the materials.

#### 4.5.4 Publicly Available Documents

4.5.4.1 All NASA STI not meeting any of the criteria for distribution limitations described herein will be considered approved for public release. Information approved for public release will be made available by NASA CASI to any and all pertinent distribution channels, in keeping with the policy set forth in OMB Circular A-130.

#### 4.5.5 Export Control Reviews

4.5.5.1 General. Export control limitations are applied to information subject to:

- a. Arms Export Control Act, 22 U.S.C. 2778 et seq.
- b. Export Administration Act of 1979, Pub. L. 96-72 Stat. 503, 50 U.S.C. app. 2401 et seq.
- c. International Traffic in Arms Regulations (ITAR), 22 CFR Parts 120-130.
- d. Export Administration Regulations (EAR), 15 CFR Parts 730-774.

4.5.5.2 These regulations establish lists or categories of technical data subject to export control that may not be exported or disclosed to foreign nationals without proper authority. The term exported includes providing information or making information

available, to a foreign national (including a U.S. citizen representing a foreign national if that individual intends to provide the information to a foreign national) either within the United States or abroad. Information placed on the Internet in an unrestricted manner is deemed an export.

4.5.5.3 Review Requirements. The export control review is required to ensure that NASA STI Report Series; conference, meeting, and symposia presentations; abstracts; and external publications containing information subject to control under pertinent U.S. export laws or regulations are suitably protected. Each such report, presentation, abstract, or publication must be reviewed and approved by or in conjunction with the Headquarters or Center Export Administrator prior to the dissemination, in any media, to audiences that may include foreign nationals. Examples are:

- a. Presentations at internal meetings at which foreign nationals are likely to attend.
- b. Presentation at "open" meetings in the U.S. which may include foreign nationals.
- c. Presentations at meetings held in foreign countries.
- d. Publications intended for public dissemination and/or distribution.
- e. Unrestricted electronic releases over the Internet.

The abstract, complete report, and presentation must be approved prior to release.

4.5.5.4 Under certain conditions, officials overseeing specific contracts or projects may, on a case-by-case basis, be granted limited delegations of authority to approve publications when the contracts or projects are restricted to topics exempt from export controls. These limited delegations are coordinated through the NASA Office of External Relations and the cognizant NASA Headquarters Mission Directorate.

#### 4.5.6 International Traffic in Arms Regulations (ITAR - 22 CFR 120-130)

4.5.6.1 Definitions. The ITAR implements the Arms Export Control Act and contains the United States Munitions List (USML). The USML identifies articles, services, and related technical data that are designated as "Defense Articles" and "Defense Services," pursuant to Sections 38 and 47(7) of the Arms Export Control Act. The ITAR is administered by the U.S. Department of State. "Technical Data," as defined in the ITAR, do not include information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities or information in the public domain (as that term is defined in 22 CFR 120.11). It also does not include basic marketing information on function and purpose or general system descriptions. For purposes of the ITAR, the following definitions apply:

- a. "Defense Article" (22 CFR 120.6). A "Defense Article" is any item or "Technical Data" on the USML (22 CFR 121.1). The term includes "Technical Data" recorded or stored in any physical form, models, mockups, or other items that reveal "Technical Data" directly relating to items designated in the USML. Examples of "Defense Articles" included on the USML are: (1) launch vehicles, including their specifically designed or modified components, parts, accessories, attachments, and associated equipment and (2) remote-sensing satellite systems, including ground control stations for telemetry, tracking, and control of such satellites, as well as passive ground stations if such stations employ any cryptographic items controlled on the USML or if they employ any uplink command capability, all

components, parts, accessories, attachments, and associated equipment (including ground support equipment) that is specifically designed, modified, or configured for such systems. (See 22 CFR 121.1 for the complete listing.)

- b. "Technical Data" (22 CFR 120.10). Information that is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of "Defense Articles." This includes information in the form of blueprints, drawings, photographs, plans, instructions, and documentation.
- c. Classified information relating to "Defense Articles" and "Defense Services."
- d. Information covered by an invention secrecy order (35 U.S.C. 181 et seq.; 35 CFR Part 5).
- e. Software directly related to "Defense Articles," including, but not limited to, system functional design, logic flow algorithms, application programs, operating systems, and support software for design, implementation, test, operations, diagnosis, and repair.

#### 4.5.6.2 Notice of Availability Limitation

4.5.6.3 If NASA STI contains "Technical Data" or "Defense Articles" as defined above, it is restricted by ITAR, and all copies must bear the "ITAR Notice" shown in Exhibit 4-1 at the end of this chapter. Release or distribution of the same information by NASA contractors is subject to the same notice. The restriction marking must appear on the cover, title page, and SF-298 (RDP).

#### 4.5.7 Export Administration Regulations (EAR - 15 CFR 730-774)

4.5.7.1 Definitions. The EAR implements the Export Administration Act and contains the Commerce Control List (CCL). The CCL lists commodities, technology, and software subject to the export control authority of the U.S. Department of Commerce. The items on this list are export controlled for reasons of national security, foreign policy, proliferation, and/or short supply. These regulations are administered by the U.S. Department of Commerce. Information subject to EAR export restrictions includes that specific "Technology" identified in the CCL (15 CFR 774).

- a. "Technology" (Supplement 2 to 15 CFR 774). Specific information necessary for the development, production, or use of a product on the CCL. The information may be in the form of technical data or technical assistance.
- b. "Technical Data." Information that may take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals, and instructions written or recorded on other media or devices such as disk, tape, or read-only memories.
- c. "Software." A collection of one or more computer or microcomputer programs fixed in any tangible medium of expression.
- d. "Development Information." Specific information necessary for any stages prior to serial production such as design, design research, design analyses, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, configuration design, integration design, and integration design layouts.

- e. "Production Information." Specific information necessary on any production stages such as product engineering, manufacture, integration, assembly (mounting), inspection, testing, and quality assurance.
  - f. "Use Information." Specific information necessary for operation, installation (including onsite installation), maintenance (checking), repair, overhaul, and refurbishment.
9. Examples of information not subject to export control under the EAR. Such examples include:
- 1. information that is publicly available via literature, library, patent, or seminar.
  - 2. fundamental, basic and applied research in which the resulting information is ordinarily published and shared broadly within the scientific community, as well as university-based, corporate, or FFRDC (Federally Funded Research and Development Center-based) research that has no restrictions on publication of the resulting information.
  - 3. educational information taught in a college catalog course.
  - 4. information contained in patent applications that are not subject to 37 CFR Part 5 secrecy orders.
  - 5. basic marketing information on function or purpose or general system descriptions that the producer would make available to its closest competitors at no more than the cost of reproduction.

4.5.7.2 Notice of Availability Limitation. If NASA STI contains "Technology" controlled by EAR, the cover, title page, and RDP of all copies must bear the "EAR Notice" shown in Exhibit 4-2 at the end of this chapter. Release or distribution of the same information by NASA contractors is subject to the same notice.

#### 4.5.8 Proprietary/Sensitive STI

4.5.8.1 Proprietary information refers to information that is owned by someone. The owner has proprietary rights, i.e., a legal property right, in the information that allows the owner to exclude others from using, selling, reproducing, displaying, or distributing the information. As defined in NPR 1600.1, NASA Security Program Procedural Requirements, sensitive information is information determined to have special protection requirements to preclude unauthorized disclosure, to avoid compromises, risks to facilities, projects or programs, threat to the security and/or safety of the source of information, or to meet access restrictions established by laws, directives, or regulations.

For the purposes of the DAA review and this NPR, proprietary STI is STI that contains "Limited Rights Data" received under a contract, "SBIR Data" received under a SBIR contract, trade secret/confidential commercial information other than "Limited Rights Data" or "SBIR Data," data subject to Section 303(b) of the National Aeronautics and Space Act of 1958, as amended, copyrighted information, and information disclosing inventions. Additionally, STI may include sensitive information that is unclassified but must be restricted from the web based on NITR-2810-3, "NASA Internet Publishing Content Guidelines."

#### 4.5.9 "Limited Rights Data"

4.5.9.1 Definition. "Limited Rights Data" is data developed at private expense that is delivered to the Government under a government contract and that embodies trade secrets or are commercial or financial and confidential or privileged or that pertain to items, components, or processes developed at private expense. Information that constitutes "Limited Rights Data" must be marked with a "Limited Rights Notice" in accordance with FAR clause 52.227-14 when delivered to the Government. If such data is not marked with the "Limited Rights Notice," the Government has no obligation to withhold the data from public release. Any questions regarding what constitutes "Limited Rights Data," or regarding its marking, use, or dissemination, should be referred to the NASA Headquarters or Center Patent or Intellectual Property Counsel.

4.5.9.2 Notice of Availability Limitation. Documents containing "Limited Rights Data" must bear the "Limited Rights Notice" shown in Exhibit 4-3 and one of the document distribution limitations listed in section 4.5.15. Copying and disseminating of such documents must be done in conformance with this notice. Any questions regarding appropriate markings or legends and applicable document distribution limitations should be referred to the NASA Headquarters or Center's Patent or Intellectual Property Counsel.

#### 4.5.10 "SBIR Data"

4.5.10.1 Definition. "SBIR Data" is defined as data first produced by an SBIR contractor which are not generally known, have not, without obligation as to its confidentiality, been made available to others by the contractor, or are not already available to the Government. Data developed under an SBIR contract, if marked with the "SBIR Rights Notice" specified in the contract, must be withheld from public release in accordance with the SBIR contract, usually for 4 years. If such data are not marked with the "SBIR Rights Notice," the Government has no obligation to withhold the data from public release. Any questions regarding what constitutes "SBIR Rights Data," or regarding its marking, use, or dissemination, should be referred to the NASA Headquarters or Center Patent or Intellectual Property Counsel.

4.5.10.2 To provide a commercialization incentive to SBIR contractors, it is NASA policy to restrict all SBIR program reports from public disclosure for the period specified in the contract for "SBIR Data" unless the contractor has granted permission to publicly release the report sooner. If a letter of permission from the contractor is on file, SBIR program reports may be made publicly available immediately.

4.5.10.3 Notice of Availability Limitation. Restricted SBIR program documents must bear the "SBIR Rights Notice" shown in Exhibit 4-4 and one of the document distribution limitations listed in section 4.5.15, along with the appropriate expiration date. Copying and disseminating of such documents must be done in conformance with this notice. Any questions regarding appropriate markings or legends and applicable document distribution limitations should be referred to NASA Headquarters or the Center's Patent or Intellectual Property Counsel.

#### 4.5.11 Trade Secret/Confidential Commercial Information

4.5.11.1 Under certain limited circumstances, NASA employees may be provided access to third party trade secret or confidential commercial information other than "Limited Rights Data" or "SBIR Data" for inclusion in NASA STI. A "trade secret" is information that: (1) is used in a business, (2) is secret, and (3) gives a competitive advantage to the person with knowledge of it. The party delivering such information must include a

proprietary notice that indicates the restricted nature of the information when delivered to the Government. If such information is properly marked by the originator, NASA agrees to handle the information in accordance with the markings. When NASA STI containing trade secret or confidential commercial information is published or otherwise disseminated by or for NASA, the cognizant program or project office is responsible for ensuring that such data are properly identified and marked to indicate restricted dissemination. Any questions regarding what constitutes trade secret or confidential commercial information, or regarding its marking, use, or dissemination, should be referred to NASA Headquarters or the Center Patent or Intellectual Property Counsel.

4.5.11.2 Notice of Availability Limitation. If NASA STI is restricted due to trade secret or confidential commercial information other than "Limited Rights Data" or "SBIR Data," all distributed copies must contain the marking or legend supplied by the originator of the information and, if applicable, one of the document distribution limitations listed in section 4.5.15. In accordance with the NPR 5800.1E, Grants and Cooperative Agreements Handbook, Section D (see Rights in data clause at 14 CFR 1274.905), in limited circumstances information first produced by a recipient under a cooperative agreement with a commercial firm may be marked as trade secret/commercial confidential information and its use limited for a period of up to 5 years. In such cases, an appropriate expiration date of the limitation must be included. Copying and dissemination of marked information must be consistent with its markings or legends and any applicable document distribution limitations. Any questions regarding appropriate markings or legends and applicable document distribution limitations should be referred to NASA Headquarters or the Center's Patent or Intellectual Property Counsel.

#### 4.5.12 Information Subject to Space Act Section 303(b)

4.5.12.1 Under certain limited circumstances, NASA employees may produce technical information that may be treated as trade secret information. Section 303(b) of the National Aeronautics and Space Act, as amended, provides that information or data produced by NASA employees, in carrying out NASA's participation in an agreement entered into under the Space Act, may be protected for a period of up to 5 years if such information would constitute a trade secret or confidential commercial information if it had been produced by the non-Government party. This provision is generally applicable to agreements that have the objective of developing commercial products or processes. Such data should be properly marked by the cognizant NASA project office. NASA agrees to protect the data for the period of time established in the agreement between NASA and the other party, up to 5 years.

4.5.12.2 Notice of Availability Limitation. If NASA STI is restricted due to information subject to Section 303(b) of the Space Act, all distributed copies must contain one of the document distribution limitations listed in section 4.5.15 along with the appropriate expiration date of the limitation. Copying and dissemination of marked information must be consistent with its markings or legends and any applicable document distribution limitations. Any questions regarding appropriate markings or legends and applicable document distribution limitations should be referred to NASA Headquarters or the Center's Patent or Intellectual Property Counsel.

#### 4.5.13 Copyright

4.5.13.1 General. A copyright owner is the owner of the exclusive rights comprised in a copyright. A copyright provides the copyright owner the exclusive right to, or authorize others to: reproduce the copyrighted work; prepare derivative works based upon the

copyrighted work; distribute copies of the copyrighted work to the public; perform the copyrighted work publicly; and display the copyrighted work publicly. Others are restricted from exercising the exclusive rights reserved to the copyright owner without the copyright owner's permission. (See also section 2.8.6.)

4.5.13.2 Contracts, grants, and agreements often permit the contractor, grantee, or recipient to assert copyright in reports and other publications first produced in the performance of the specified activity, e.g., works containing or based on data first produced under a NASA contract, grant, or agreement and published in academic, technical or professional journals, symposia proceedings, or similar works. When copyright is asserted, the contractor or grantee must include a copyright notice and acknowledgment of Government sponsorship (including contract or grant number) of the work when it is published. Ordinarily, the Government receives a government purpose license (also called federal purpose license) in the copyrighted work. The cognizant program or project office provides written notification to the responsible Center Technical Publications Office of instances in which documents containing a copyright notice are provided without a license authorizing public distribution.

4.5.13.3 Under most contracts, grants, and agreements, a government purpose license includes the right to use, modify, reproduce, release copies to the public, perform publicly, and display publicly a copyright work or authorize others to do so for governmental purpose. Under a government purpose license, the Government may use the work within the Government without restriction and may release or disclose the work outside the Government for government purposes. Under Section 203 of the Space Act, it is a governmental purpose to provide for the widest practicable and appropriate dissemination of information concerning NASA's activities and their results. Thus, public distribution of the results of work funded by NASA is a governmental purpose. However, although NASA may publicly release copyrighted works in which it has a government purpose license, these works are still protected by copyright, and recipients of the works must comply with the Copyright Law, e.g., they may not further copy or distribute the copyrighted work without permission of the copyright owner.

4.5.13.4 Documents produced by Government employees in the performance of official duties are not subject to copyright protection in the United States. However, the U.S. Government may obtain copyright protection in other countries depending on the treatment of government works by the national copyright law of the particular country. For additional information, contact the NASA Headquarters or Center Patent or Intellectual Property Counsel. (See also the CENDI (<http://www.cendi.gov>) Frequently Asked Questions About Copyright, available from <http://www.cendi.gov/publications/04-8cc> <http://www.cendi.gov/publications/04-8copyright.html>.)

4.5.13.5 Notice of Availability Limitation. If NASA STI is restricted due to copyrighted content, all distributed copies must bear the appropriate "Notice for Copyrighted Information" notice shown in Exhibit 4-5 at the end of this chapter. Release or distribution of the same information by NASA contractors is subject to the same notice.

#### 4.5.14 Document Distribution Limitations

4.5.14.1 Document distribution limitations determined during the DAA review and indicated on the NF-1676 are:

- a. U.S. Government Agencies and U.S. Government Agency Contractors Only.
- b. NASA Contractors and U.S. Government Agencies Only.

- c. U.S. Government Agencies Only.
- d. NASA Personnel and NASA Contractors Only.
- e. NASA Personnel Only.
- f. Available Only with Approval of Issuing Office (Program Office or NASA Center).

4.5.14.2 When STI is no longer subject to restriction (or following the date cited in "Limited until..."), the cognizant NASA Center (program officials and Export Control Administrators or Patent or Intellectual Property Counsel, as appropriate) must re-mark the STI and provide the NASA CASI with a copy of the new or modified DAA through the Center's Technical Publications Office or STI Manager. Because NASA CASI is a contractor facility, it is not approved to change or alter authorization categories.

4.5.15 Subject to NITR-2810-3 ("NASA Internet Publishing Content Guidelines")

4.5.15.1 Prior to loading a NASA document to a public website, refer to NASA Information Technology Requirement (NITR) 2810-3. If restrictions apply based on this document, use the appropriate restriction indicated in the exhibits at the end of this section.

4.5.16 Documents Disclosing Inventions

4.5.16.1 General. Information that is otherwise approved for public release may be withheld if it discloses an invention. The publication of information disclosing an invention by any party before the filing of a patent application may create a bar to a valid patent. Accordingly, under 35 U.S.C. 205 and implementing regulations, agencies are to withhold from release to the public documents that contain information about an invention in which the Government owns or may own a right, title, or interest (including a nonexclusive license). This applies to inventions made and reported by NASA employees contractors, and grantees. Release is delayed in order for a patent application to be filed or, if a decision not to file is made, until release is approved by NASA Headquarters or the Center Patent or Intellectual Property Counsel.

4.5.16.2 When STI discloses an invention, the invention must also be formally disclosed to NASA via eNTRe, the NASA electronic New Technology Reporting website at <http://invention.nasa.gov>, or using NF-1679, Disclosure of Invention and New Technology, also available at the eNTRe website.

4.5.16.3 Notification. The party making and disclosing or reporting the invention is responsible for notifying the Agency as to the nature of the information and the invention to which it relates. In the case of reports submitted under contract or grant, notification should be made to the Contracting Officer or Grant Officer, the designated Patent Representative, and the STI Manager. In the case of NASA-prepared documents, notification should be made to the Project Officer, the Center Patent or Intellectual Property Counsel, and the STI Manager.

4.5.16.4 Notification Response. Regardless of availability category and any blanket availability authorization that may have been granted, all documents that disclose an invention (except security-classified documents that disclose an invention) for which notification has been made must be withheld by the originating office, with notice to the Center Technical Publications Manager, until the patent applications process is complete (that is, an application is filed with U.S. Patent and Trademark Office or a

decision not to file an application is made, and release is approved by the Center Patent or Intellectual Property Counsel). Such withholding does not require NASA Program Office approval. Security-classified documents that disclose an invention must be withheld until approved for release under applicable security guidelines.

#### 4.5.17 Nonstandard Restrictions

4.5.17.1 Use of restrictions other than those specified in this chapter must receive prior approval by the Headquarters Office of General Counsel. Requests for use of nonstandard restrictions must include the following information:

- a. Clear statement of who can and cannot receive the document.
- b. Time limit for the restriction.
- c. Reason for the restriction.
- d. Copy of the legal citation on which the proposed restriction is based.

#### 4.5.18 Delegations

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