

Responsible Office: Code IS/Space Science and Aeronautics Division
Subject: Formulation and Approval of International Space Act Agreements



Office of External Relations

Office Work Instruction

Formulation and Approval Process for International Space Act Agreements (SAA)

Approved by: _____
John D. Schumacher
Associate Administrator for
External Relations

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1. Purpose

- 1.1 The purpose of this procedure is to provide guidance for the process to be followed by the Office of External Relations (Code I) for the formulation and approval of international Space Act Agreements (SAA).

2. Scope and Applicability

- 2.1 This instruction encompasses all proposed cooperative and reimbursable international activities that require an international Space Act Agreement to be in effect in order for the international collaborative activity to be undertaken, excluding those international activities that are delegated to NASA Centers and to the Jet Propulsion Laboratory.
- 2.2 This instruction applies to Code I.

3. Definitions

- 3.1 AA Associate Administrator.
- 3.2 Ad Referendum Agreement on substantive text, but not ready for signature.
- 3.3 Alternat A variant form/format used in international agreements practice.
- 3.4 Black Books A textual storage and reference library system.
- 3.5 C-175 Circular-175. A Department of State (DOS)-led process under which proposed international agreements are distributed for U.S. interagency review and clearance. A C-175 package, prepared by Code I and forwarded to DOS, consists of a transmittal memo and a copy of the draft SAA-M, or other significant implementing agreement, or an amendment to an existing SAA-M, or other significant implementing agreement. The transmittal memo, addressed to the DOS, requests the authority to negotiate and conclude, or to negotiate, the SAA-M. (This authority is granted after the draft SAA is reviewed by relevant Federal agencies under the DOS C-175-process.)

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- 3.6 Certified copy package This package consists of a transmittal memo, a summary statement which provides an explanation of the agreement, background information on the negotiations, the effect of the agreement and the legal authority for the agreement, and a copy of the SAA-M.
- 3.7 Code B Office of the Chief Financial Officer.
- 3.8 Code ID Assessments and Technology Division, Office of External Relations.
- 3.9 Code G Office of the General Counsel.
- 3.10 CU Correspondence Unit. CU is the correspondence control office responsible for reviewing the Administrator's correspondence.
- 3.11 DAA Deputy Associate Administrator.
- 3.12 DD Division Director.
- 3.13 Diplomatic Notes An exchange of text, sometimes documented in a DOS cable, between DOS and a foreign ministry which confirms an SAA-M.
- 3.14 DOS U.S. Department of State.
- 3.15 IADS International Agreement Data System. A Code I electronic information storage and reference system.
- 3.16 IPS International Programs Specialist. The IPS's are the primary action officers in this process.
- 3.17 LOA Letter of Agreement.
- 3.18 MOU Memorandum of Understanding.
- 3.19 NHQ NASA Headquarters.
- 3.20 NHQ 117 NASA Headquarters Action Document Summary form. An NHQ 117 package consists of the NHQ 117 sheet, two copies of English-language text of the SAA-M (and two translated copies, using "alternat" format, if so agreed with the partner).

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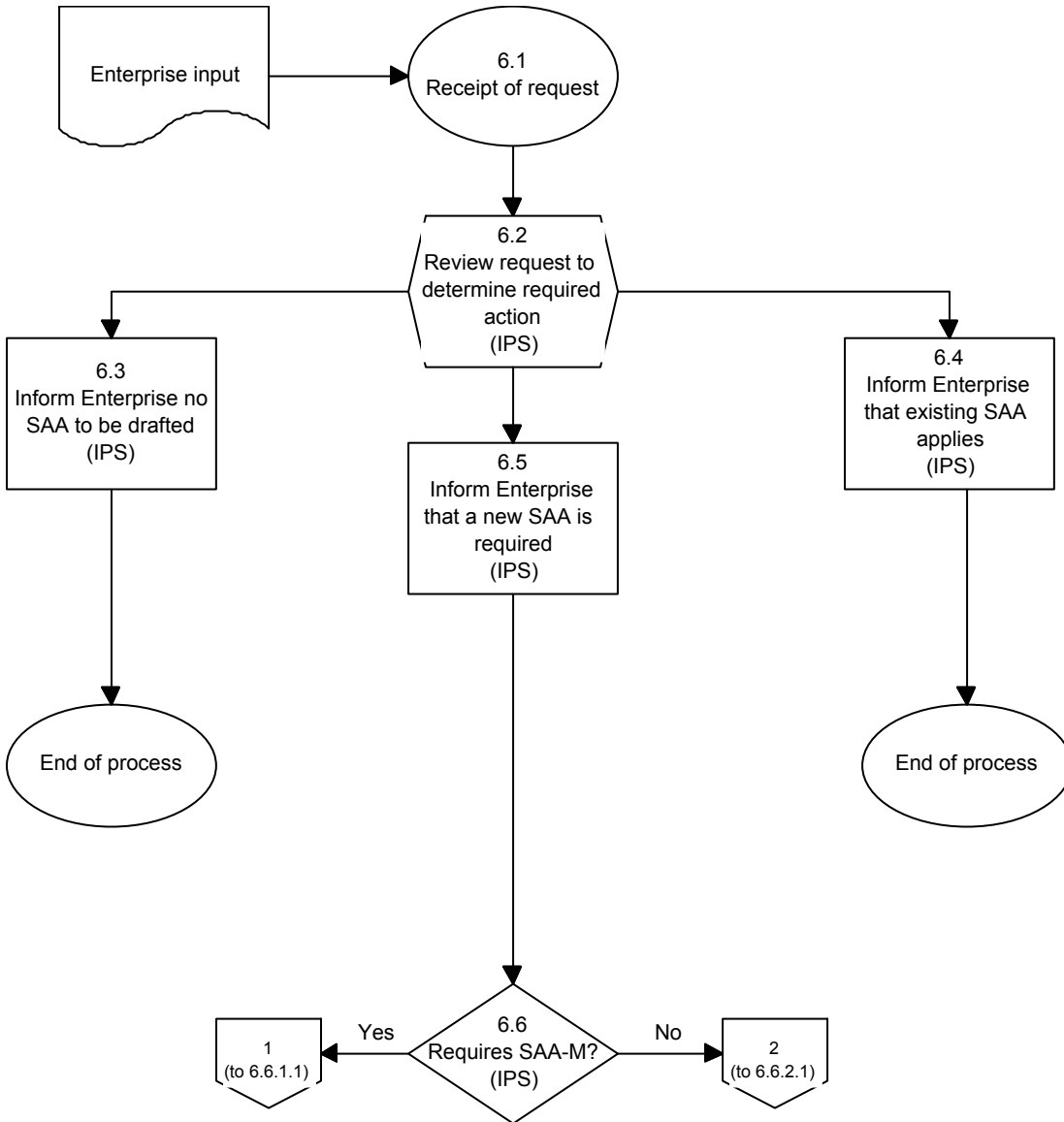
- 3.21 NPD NASA Policy Directive
- 3.22 NPG NASA Procedures and Guidelines
- 3.23 PSS Program Support Specialist
- 3.24 SAA Space Act Agreement. See NPD 1050.1 and NPG 1050.1.
- 3.25 SAA-L Space Act Agreement - Letter of Agreement (LOA).
- 3.26 SAA-M Space Act Agreement - Memorandum of Understanding (MOU), MOU Amendment, or other type of significant international agreement, which is subject to the Case-Zablocki Act.
- 3.27 Technical Description Usually, a written description outlining the cooperation including, but not limited to, information on its purpose, scope, content, responsibilities, and management.

4. References

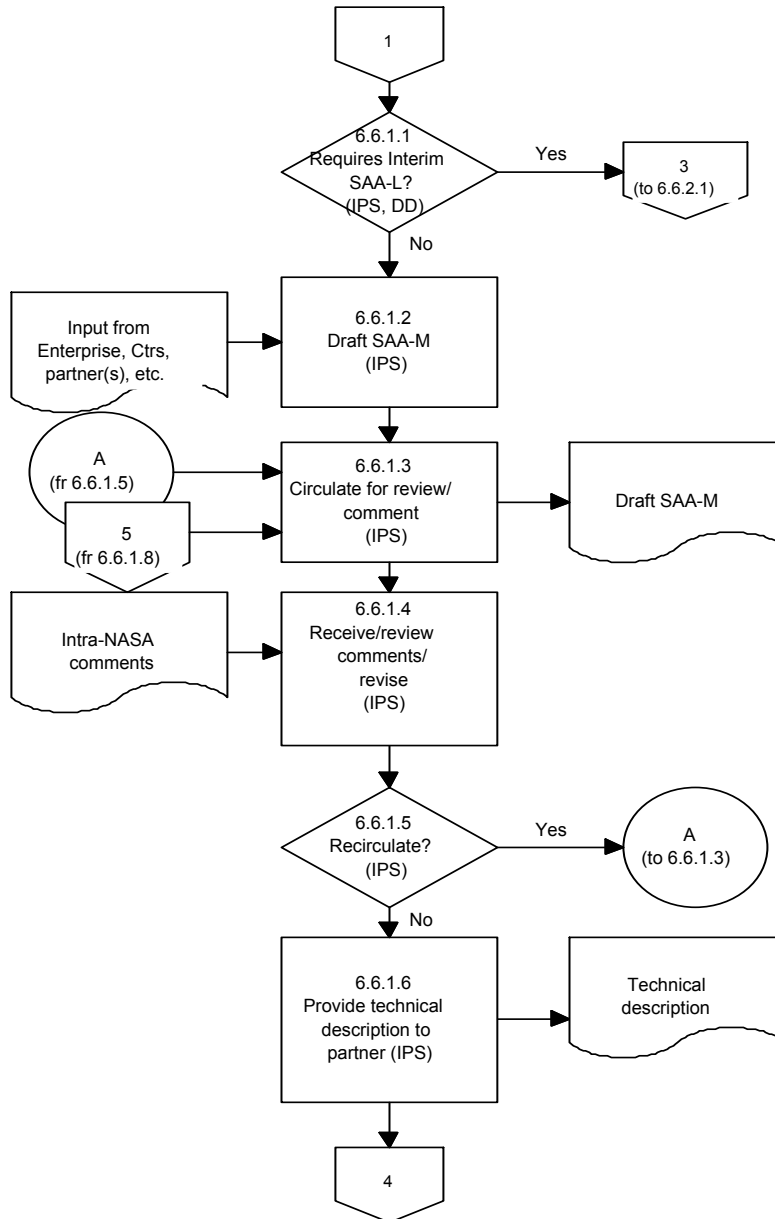
- 4.1 NPD 1050.1, NASA Policy Directive on Authority to Enter Into Space Act Agreements.
- 4.2 NPG 1050.1, Space Act Agreements Manual.
- 4.3 NPD 1360.2, Initiation and Development of International Cooperation in Space and Aeronautics Programs.
- 4.4 NPD 7120.4, Program/Project Management.
 - 4.4.1 NPG 7120.5, NASA Program and Project Management Processes and Requirements.
- 4.5 Case-Zablocki Act, 1 U.S.C. 112b, and its implementing regulations, 22 CFR Part 181.
- 4.6 DOS Foreign Affairs Manual 11 FAM Chapter 700.
- 4.7 Harmonized Tariff Schedule.

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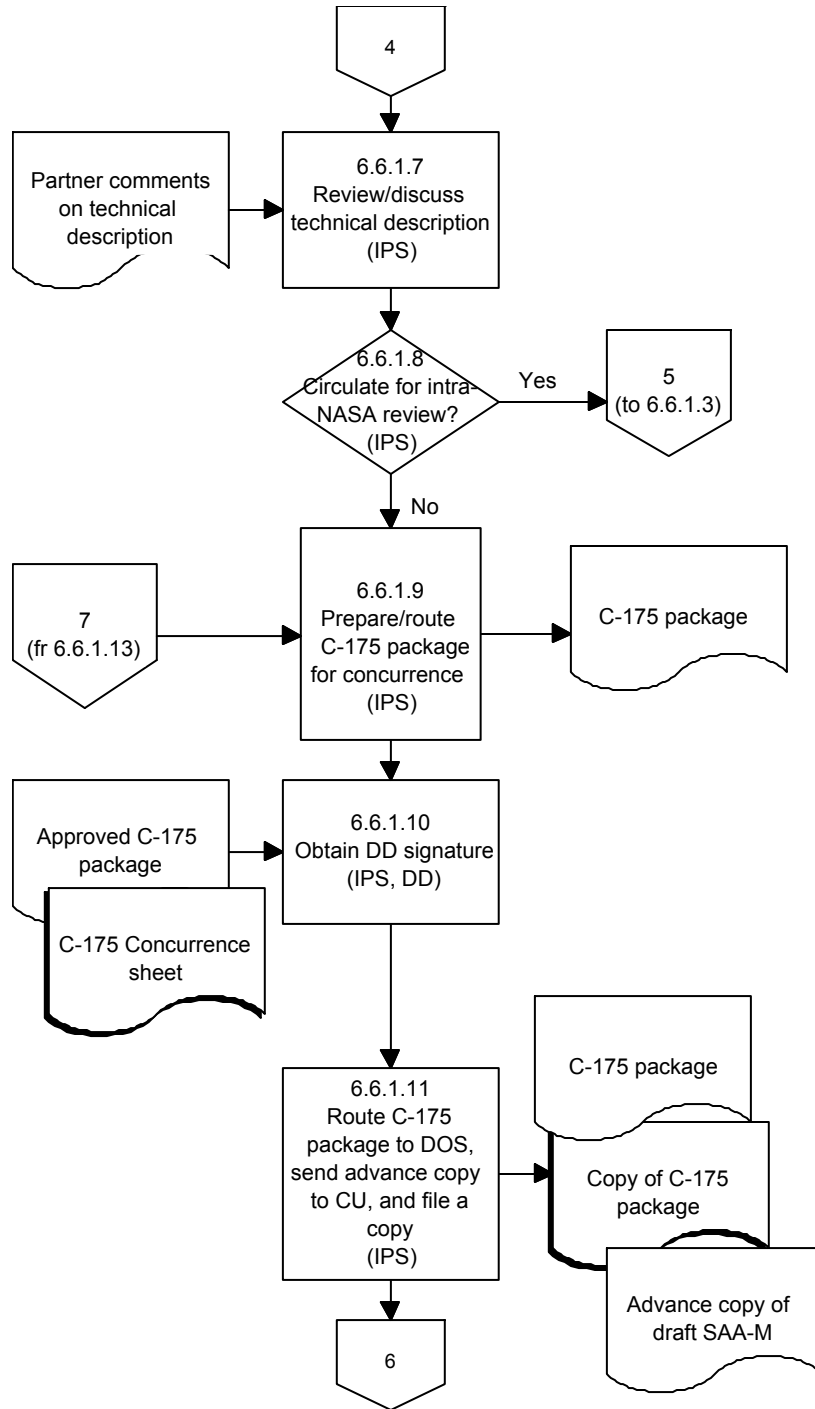
5. Flowchart



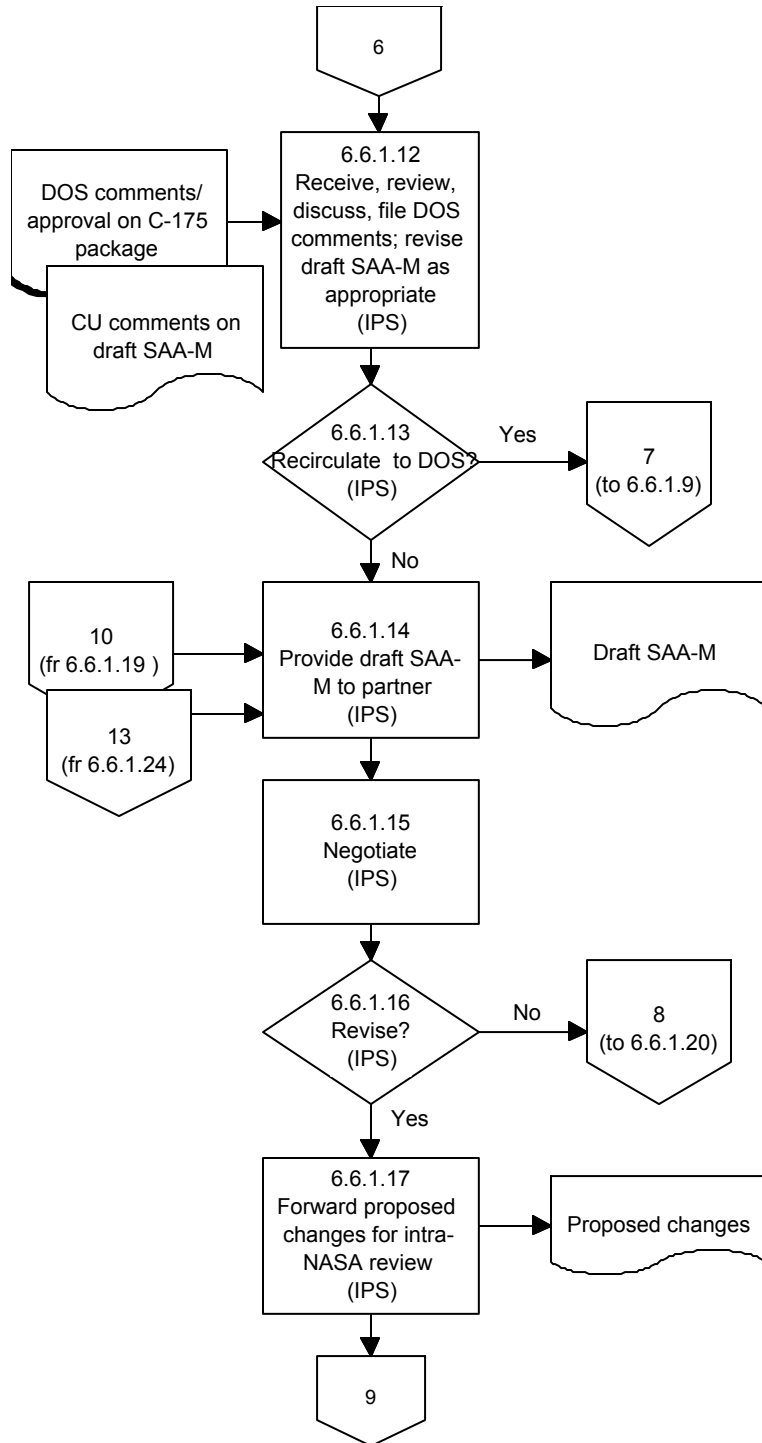
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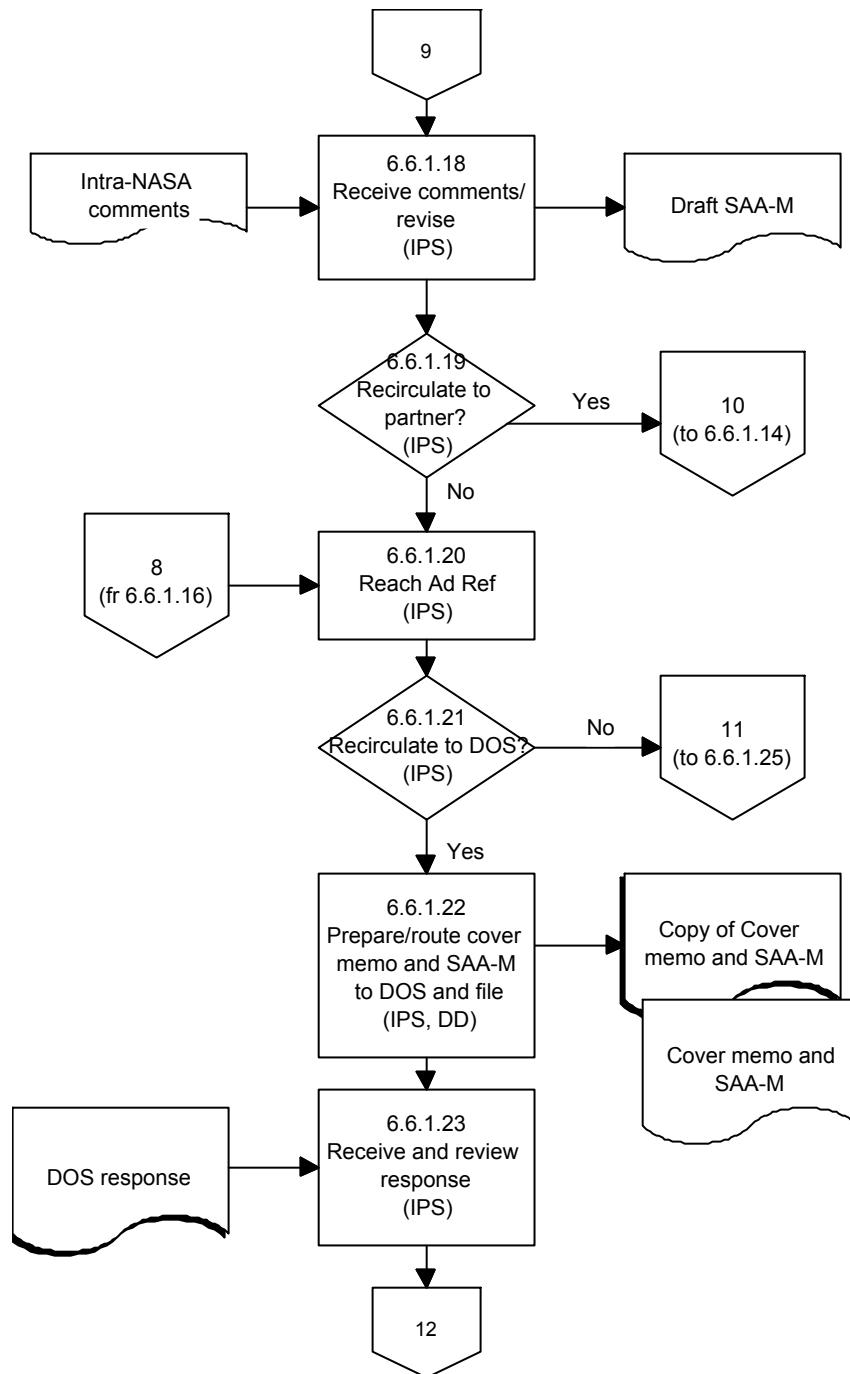
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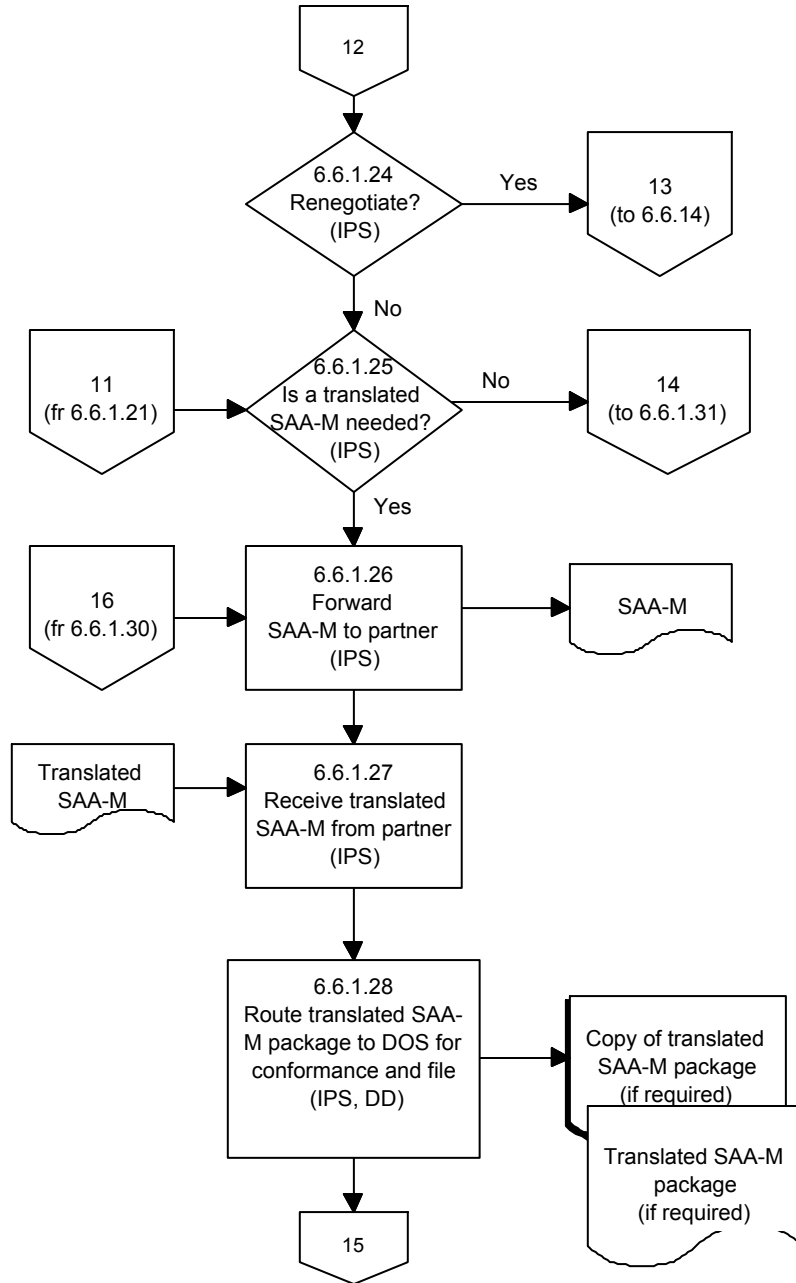
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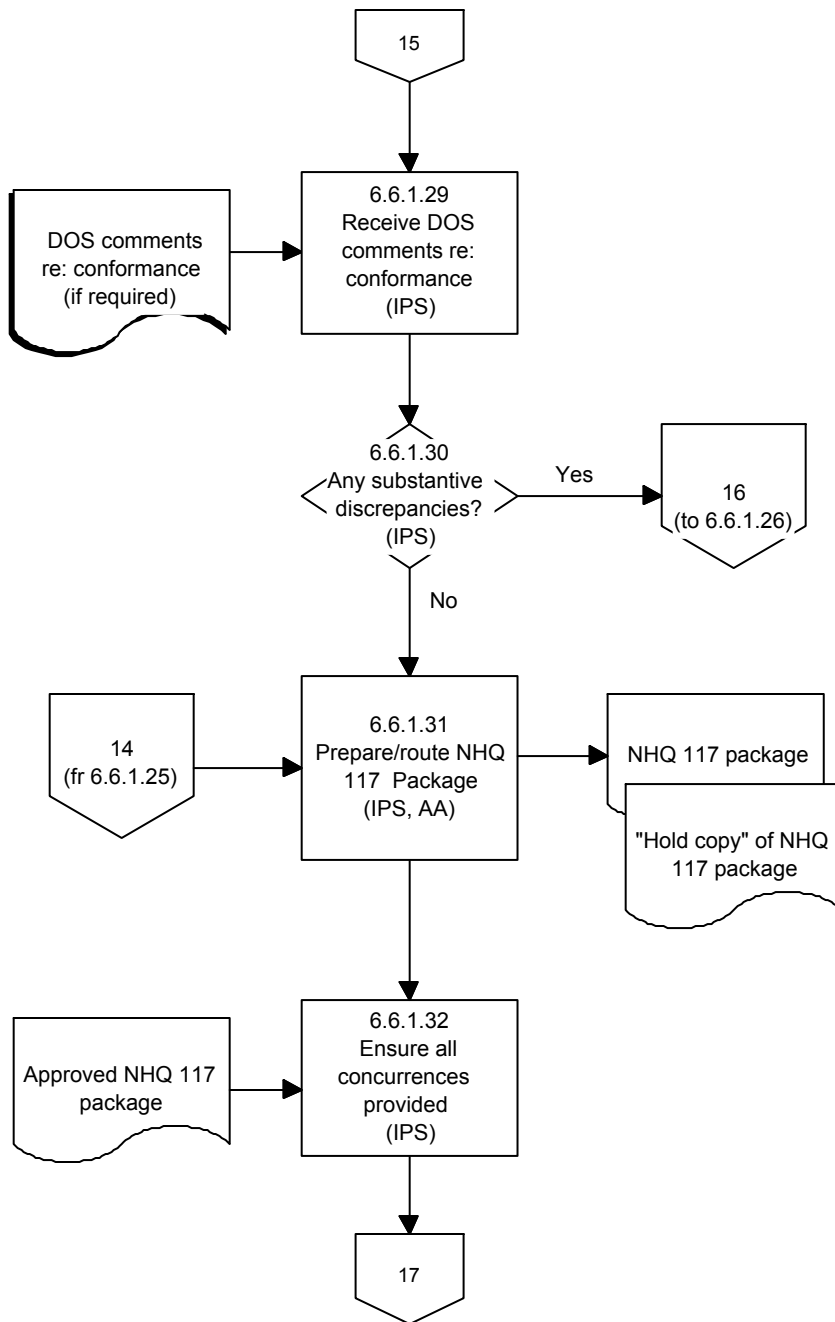
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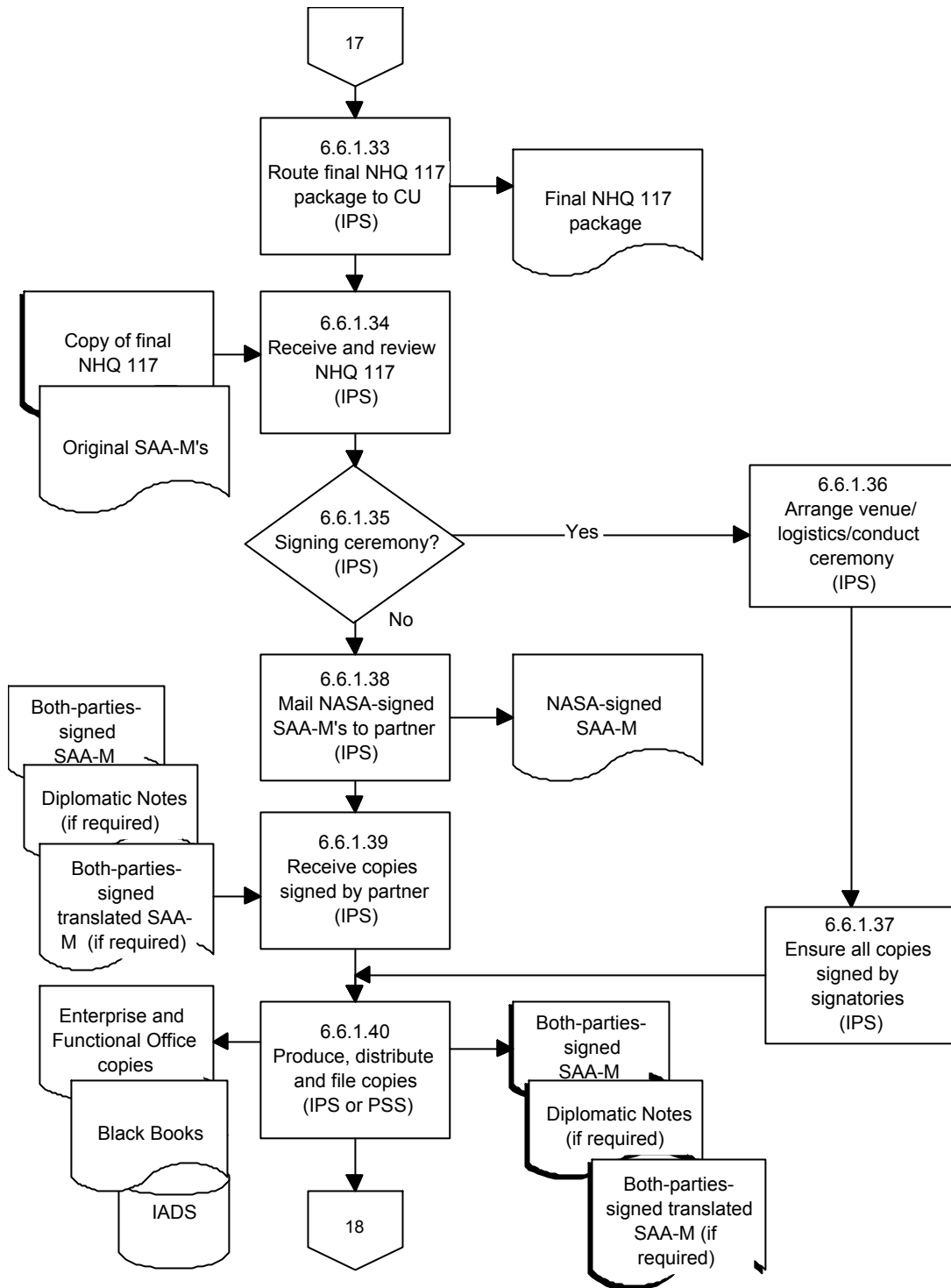
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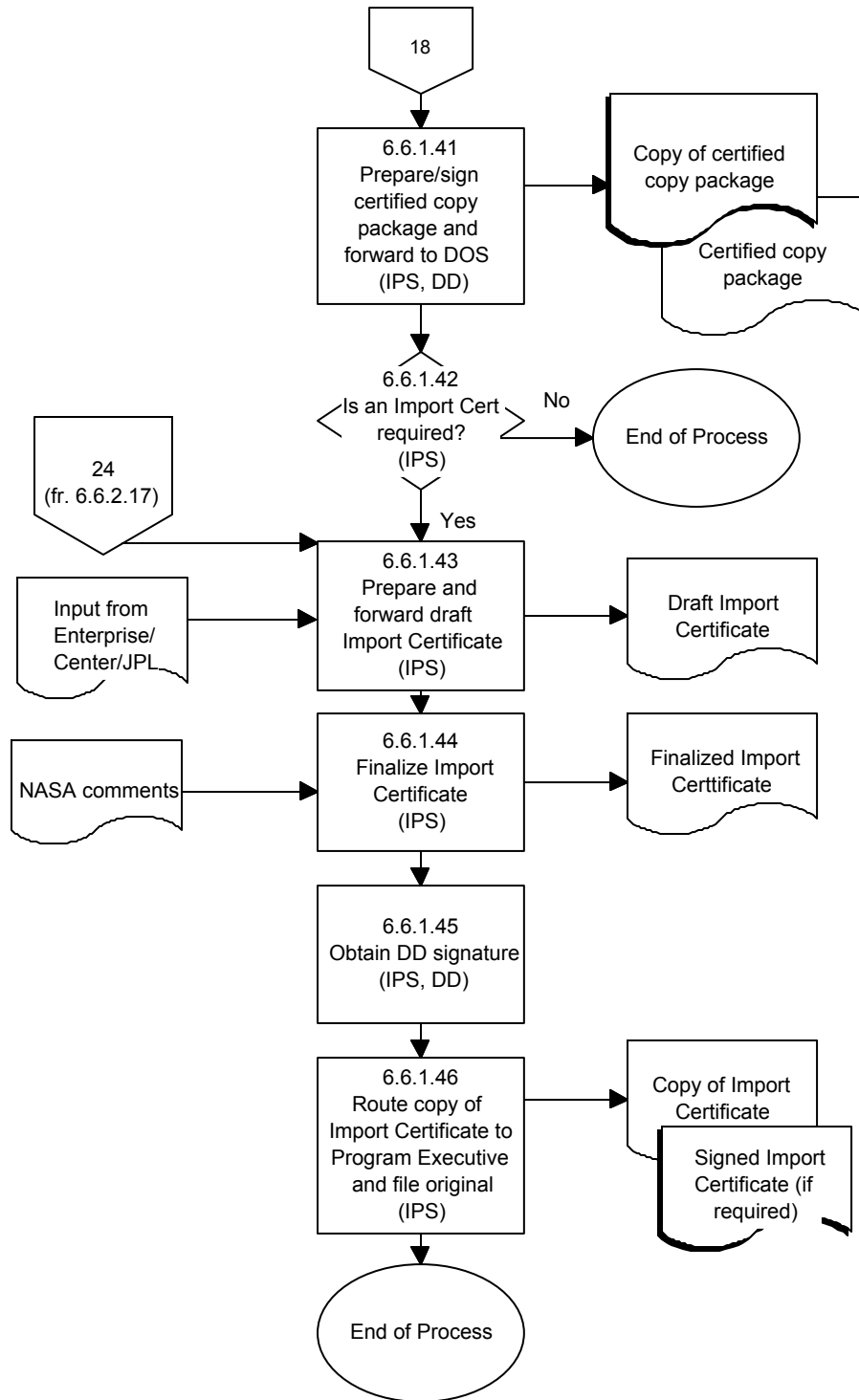
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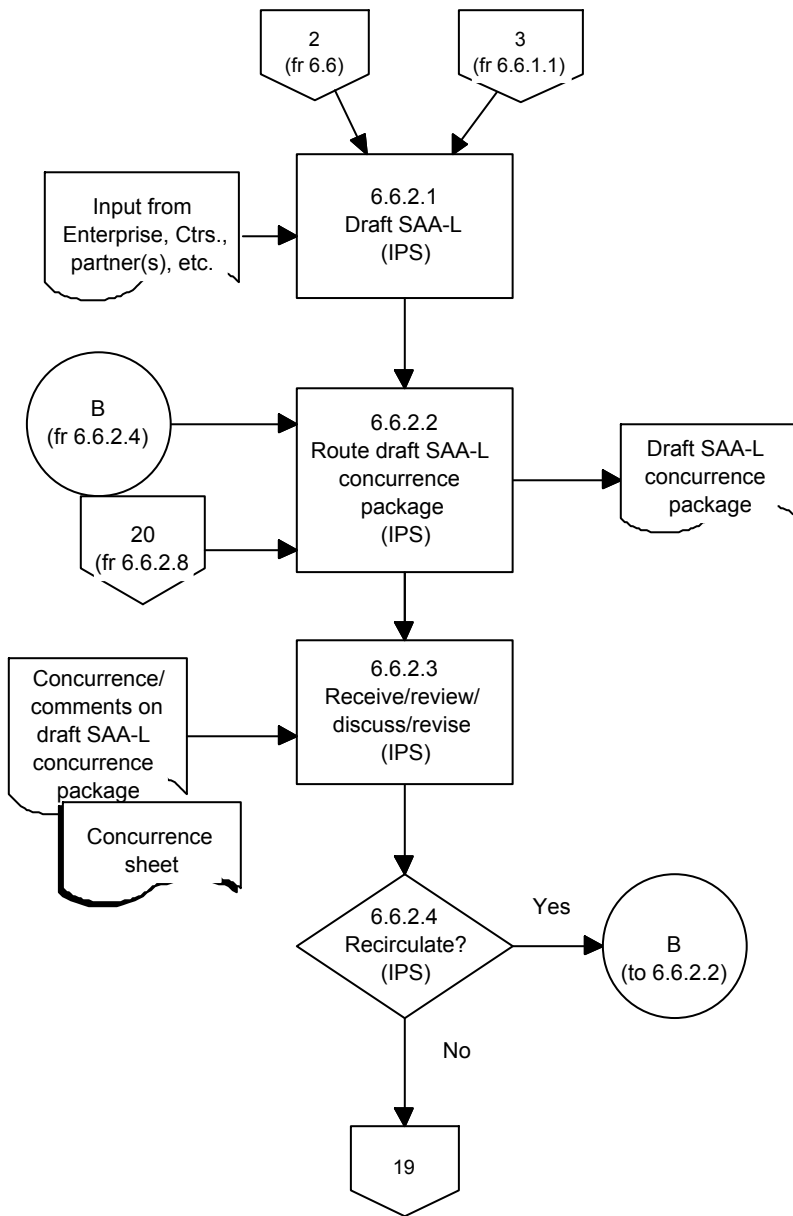
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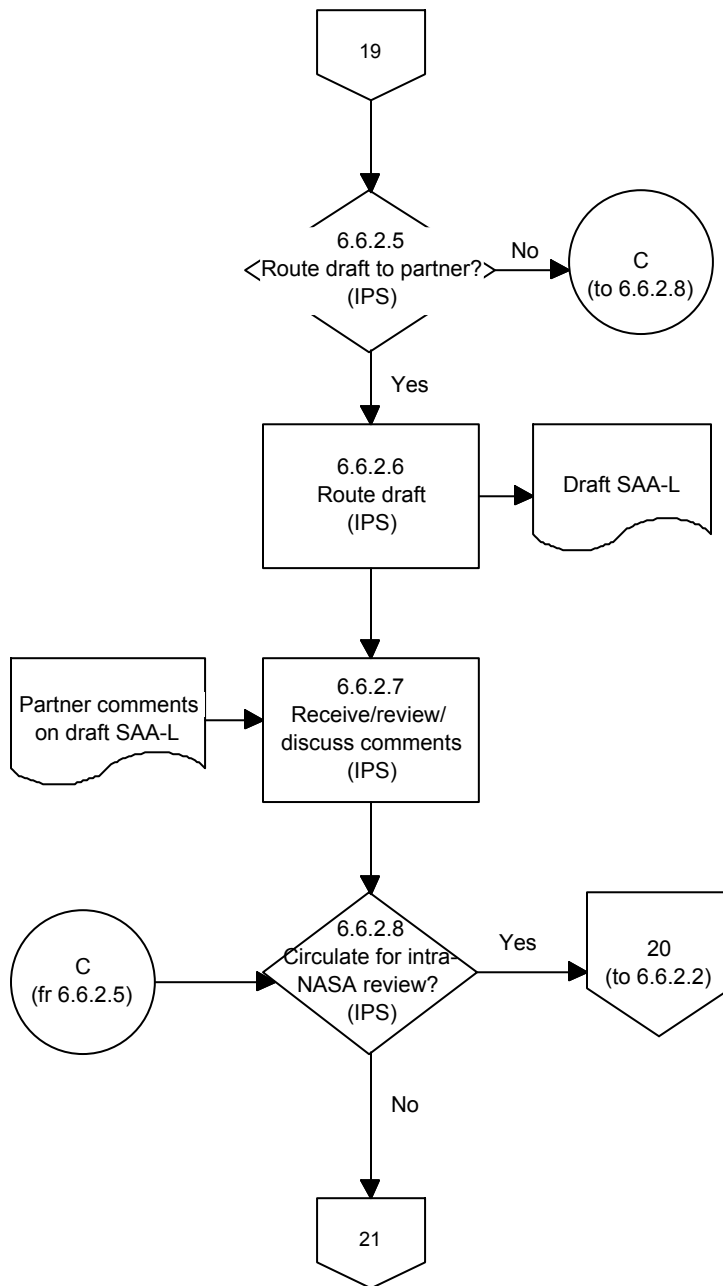
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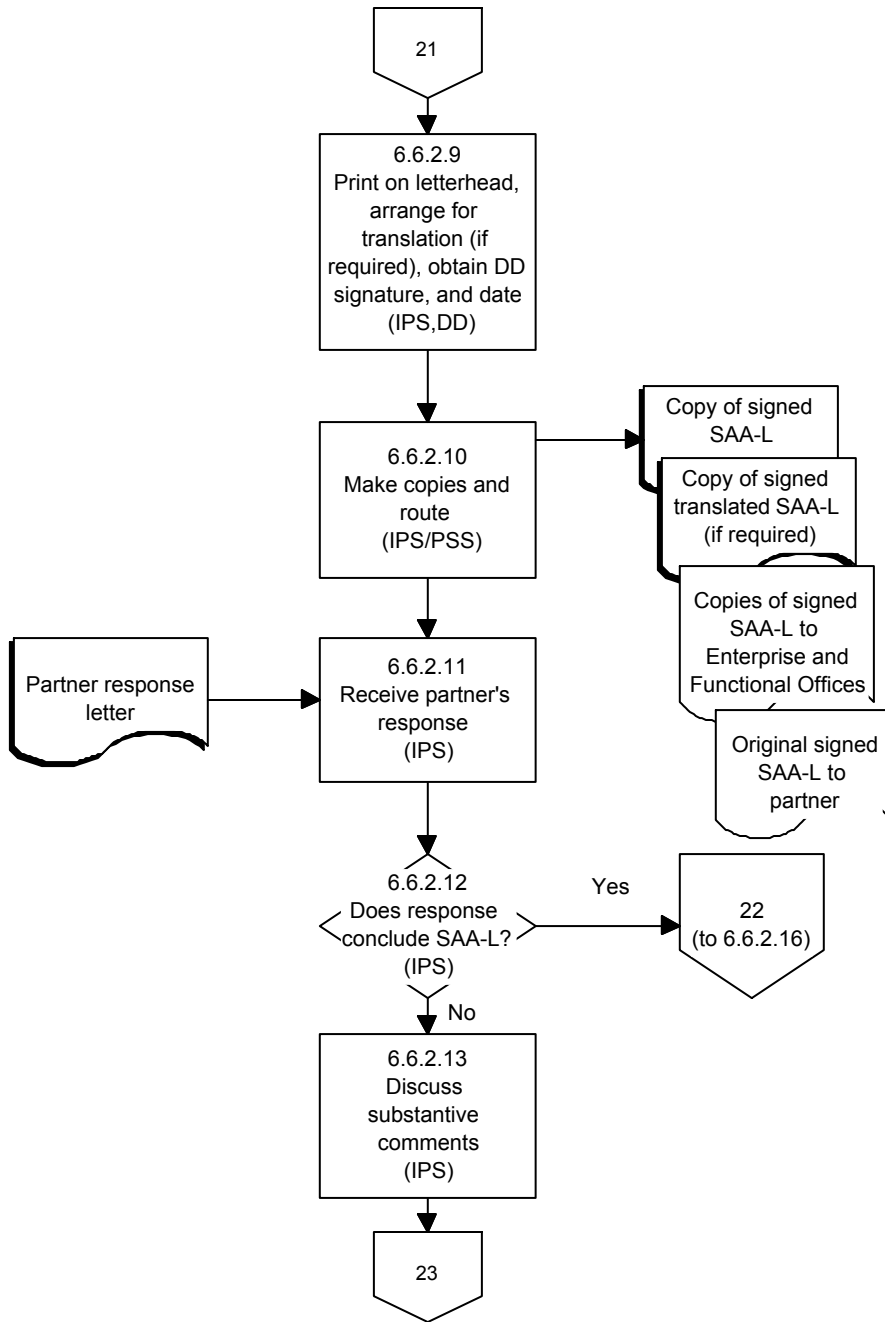
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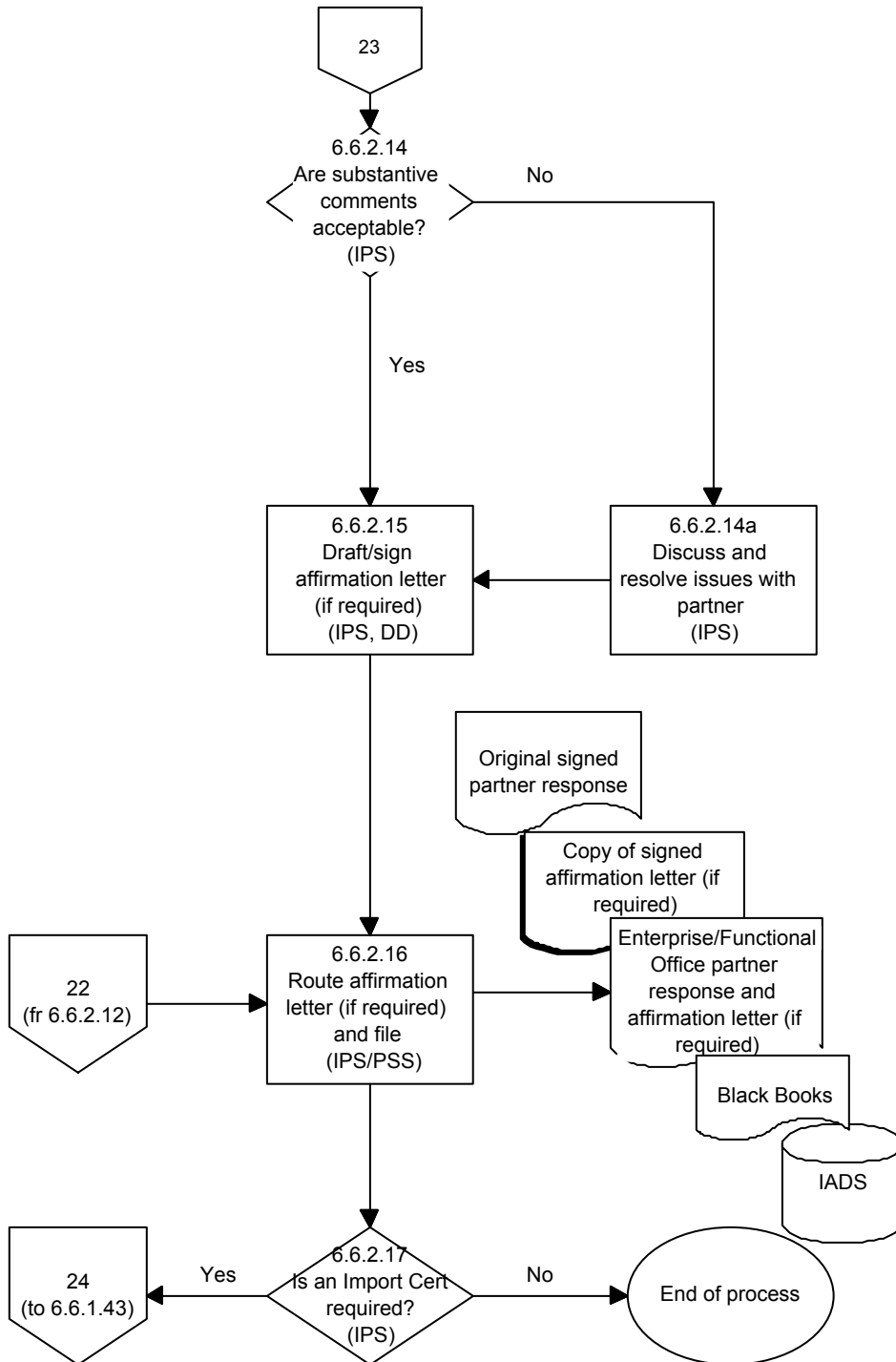
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6. Procedure

<u>Step</u>	<u>Actionee</u>	<u>Action</u>
6.1	IPS	Receive request (or proposal) from an Enterprise to initiate an international cooperative or reimbursable activity (includes such things as directions from the Administrator through the Enterprise, Announcements of Opportunity, and NASA Research Announcements).
6.2	IPS	Review request for proposed activity to determine if action from Code I is appropriate. Review the proposed cooperation in terms of: conformance to U.S. foreign policy, NASA policies and strategic plans; the necessity of having a Space Act Agreement (SAA) in force in order to undertake the proposed activity; previously-established SAA's in the same field of cooperative research/activity; and the lack of any existing SAA that could cover the proposed activity. If the proposed activity does not conform to U.S. and NASA policies and plans or the proposed activity involves the exchange of general, public information, go to 6.3. Advice is provided through verbal or other form of communication, depending on factors such as sensitivity and time. If an SAA exists that covers the nature and activity of the proposed cooperation, go to 6.4. If an SAA is required but no SAA currently exists to cover the scope of the proposed activity, go to 6.5.
6.3	IPS	Verbally inform the Enterprise that no SAA will be drafted. The decision is based on the nature of the proposed activity; either the proposed activity is to involve information that is already available to the general public or the proposed cooperative activity is inconsistent with U.S. and NASA policies and strategic plans.
6.4	IPS	Verbally inform the Enterprise that an SAA currently exists and is in force which will cover the proposed activity.
6.5	IPS	Verbally inform the Enterprise that an SAA will need to be drafted.

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6.6 IPS Determine if the proposed activity is significant, and thus requires an SAA-M that is subject to the Case-Zablocki Act, such as an MOU, amendment to an existing MOU, or other type of significant agreement (see section 3.2 of NPG 1050.1). If yes, go to 6.6.1.1. If no, go to 6.6.2.1.

SAA-M

6.6.1.1 IPS DD Determine if time or other factors warrant the development/conclusion of an interim SAA-L which would allow the collaboration to begin until the SAA-M is established. If no, go to 6.6.1.2. If yes, discuss with DD and if approved, go to 6.6.2.1, SAA-L.

6.6.1.2 IPS After obtaining necessary technical/budgetary informational input, draft the technical description or, if proposed technical description is received from the potential partner, review and amend the proposed technical description, and incorporate relevant clauses from NPD 1050.1 to create the draft SAA-M (Note: An SAA-M is also referred to as a Memorandum of Understanding and by other titles). Information usually is obtained from several sources, including the Enterprise, NASA Center/or the Jet Propulsion Laboratory (JPL), potential partner, and existing materials such as NPG 1050.1. Information in the draft SAA-M will conform with NPD 1050.1.

6.6.1.3 IPS Circulate the draft SAA-M within NASA -- NASA Enterprise, NASA Center/JPL, and Functional Offices (e.g., Codes G, ID, and B, and the CU), for review and comment.

6.6.1.4 IPS Receive feedback, review comments, discuss with NASA offices affected by/involved in the agreement process, and revise the draft SAA-M as necessary.

6.6.1.5 IPS After ensuring that all comments have been addressed and incorporated into the draft SAA-M, should the draft be re-circulated for further NASA review? If yes, go to 6.6.1.3. If no, go to 6.6.1.6.

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- 6.6.1.6 IPS Provide only the technical description portion of the draft SAA-M, not the relevant clauses from NPD 1050, to partner to ensure that the overall scope of the cooperation is understood.
- 6.6.1.7 IPS Review any partner comments, discuss with partner and internal NASA entities affected by/involved in the agreement process, and revise the technical description portion of the SAA-M as necessary.
- 6.6.1.8 IPS Is re-circulation within NASA necessary (does the draft text accurately reflect the proposed collaboration)? If no, go to 6.6.1.9. If yes, go to 6.6.1.3.
- 6.6.1.9 IPS Prepare and route a C-175 package, with the concurrence sheet, for concurrence (see section 3.5). If applicable, enclose a draft Diplomatic Note (see section 3.13).
- 6.6.1.10 IPS After receiving approval of the C-175 package, ensure that all NASA concurrences are on the C-175 concurrence sheet. Then, recommend that DD sign the transmittal memo.
 DD DD signs transmittal memo.
- 6.6.1.11 IPS Route the C-175 package to the DOS. Send an advance copy of the draft SAA-M to CU. File a copy, with the C-175 Concurrence sheet, usually containing original signatures but a copy of signatures is acceptable (see 6.6.1.10) as a quality record.
- 6.6.1.12 IPS Receive and review any DOS comments on/approval of the C-175 package, and CU comments on the draft SAA-M; discuss comments with NASA entities; incorporate changes into draft SAA-M as necessary. File the DOS comments as a quality record.
- 6.6.1.13 IPS Determine if acceptance/rejection of DOS requires re-circulation of draft SAA-M to DOS. If "Authority to Negotiate," or "Authority to Negotiate and Conclude" was provided by DOS, no re-circulation is necessary, go to 6.6.1.14. If draft SAA-M needs to be re-circulated to DOS, go to 6.6.1.9.

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- 6.6.1.14 IPS Provide the draft SAA-M to the prospective partner.
- 6.6.1.15 IPS Negotiate, with support from NASA entities, the draft SAA-M text with the prospective partner.
- 6.6.1.16 IPS Based on the negotiations, does the draft SAA-M text need to be revised? If yes (revisions are needed), go to 6.6.1.17. If no, i.e. NASA and the partner reach consensus on the text and no further revisions are required, go to 6.6.1.20.
- 6.6.1.17 IPS Forward proposed changes to the draft SAA-M to relevant NASA offices (e.g., Enterprise(s)/NASA Centers/JPL, Code G) for review.
- 6.6.1.18 IPS Receive comments from NASA offices and revise the draft SAA-M.
- 6.6.1.19 IPS Based on NASA comments, determine if any text revisions are sufficiently substantive to require further partner review/comment. If yes, send the draft SAA-M to partner and go to 6.6.1.14. If no, go to 6.6.1.20.
- 6.6.1.20 IPS Reach ad referendum agreement with foreign partner on the SAA-M and determine whether "alternat" format will be used.
- 6.6.1.21 IPS Does the SAA-M need to be re-circulated to DOS? If yes, go to 6.6.1.22. If no, go to 6.6.1.25.
- 6.6.1.22 IPS Prepare and route a cover memo and the SAA-M to DOS. After signature of the cover memo, file a copy of the memo with the SAA-M attached as a quality record.
DD DD signs memo.
- 6.6.1.23 IPS Receive and review DOS response to the cover memo and attached SAA-M. File the response as a quality record.
- 6.6.1.24 IPS Renegotiate the SAA-M text with partner? If yes, go to 6.6.1.14. If no, go to 6.6.1.25.

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- 6.6.1.25 IPS Does the text of the SAA-M need to be translated prior to signature? If yes, go to 6.6.1.26. If no, go to 6.6.1.31.
- 6.6.1.26 IPS Forward the SAA-M to partner for translation and request that two translated copies be prepared.
- 6.6.1.27 IPS Receive two copies of SAA-M translated by partner into partner's native language.
- 6.6.1.28 IPS Route a translated SAA-M package to DOS for language conformance (review and certification). This package consists of a cover memo, an SAA-M foreign language text, and an SAA-M English language text. After cover memo signature, file a copy of this package as a quality record.
DD DD signs cover memo.
- 6.6.1.29 IPS Receive DOS comments regarding conformance of SAA-M text language. File this as a quality record.
- 6.6.1.30 IPS Are any of the discrepancies substantive in nature? If yes, go to 6.6.1.26. If no, go to 6.6.1.31.
- 6.6.1.31 IPS Prepare a Form NHQ 117 package (see section 3.20) and route for AA concurrence. File a "hold copy." Route an advance, English-language copy of the SAA-M to CU.
AA AA's sign NHQ 117.
- 6.6.1.32 IPS Receive/review the NHQ 117 package to ensure that all concurrences are provided.
- 6.6.1.33 IPS Route the final NHQ 117 package (the final package contains all concurrences) to CU for CU's information, and for the Administrator's signature if no signing ceremony (see 6.6.1.35) is envisioned.
- 6.6.1.34 IPS Receive a copy of final NHQ 117 from CU (CU retains original with concurrences) with the original SAA-M's, and ensure that the Administrator has signed all copies unless a signing ceremony is envisioned (see 6.6.1.35). The NHQ 117 copy is a quality record.

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- 6.6.1.35 IPS Will the document be signed at a signing ceremony? If yes, go to 6.6.1.36. If no, go to 6.6.1.38.
- 6.6.1.36 IPS Arrange signing ceremony logistics including venue, folders, pens, treaty paper, flags, photographer, and presentation items (if needed).
- 6.6.1.37 IPS Ensure that the signatories sign all copies of the SAA-M. Go to 6.6.1.40.
- 6.6.1.38 IPS Mail NASA-signed SAA-M (two English and two translated copies) to partner for its signature. Ask partner to sign all four copies and send an English and translated version of the SAA-M back to NASA. (Note: If "alternat" format is used, the official NASA copy has the U.S. signature block on the left.)
- 6.6.1.39 IPS Receive both-parties-signed SAA-M and ensure that Administrator and partner signatures are affixed. If needed, receive a copy of the completed Diplomatic Notes from DOS. The signed SAA-M, signed translated SAA-M, if required, and copy of the Diplomatic Notes are filed as quality records. (The original signed SAA-M is usually the quality record but a copy is acceptable.)
- 6.6.1.40 IPS
 or
 PSS Produce SAA-M and any Diplomatic Notes copies and distribute copies to the Enterprise and Functional Offices. Produce an International Agreement Data Base (IADS) Entry Sheet or input directly into IADS. Place a copy in the Black Books.
- 6.6.1.41 IPS Prepare a certified copy package and forward it to DOS. File a copy of the certified copy package as a quality record.
 DD DD signs the transmittal memo.
- 6.6.1.42 IPS Determine from technical description in SAA-M (or SAA-L, if applicable), if the proposed activity requires shipment into the U.S. of equipment or related goods. If yes, an Import Certificate is required. Go to 6.6.1.43. If no, end of process.

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- 6.6.1.43 IPS Receive input from Enterprise and/or NASA Center/JPL and prepare Import Certificate. Forward draft Import Certificate to NASA offices for review/comment. Obtain concurrence of Codes GS and ID.
- 6.6.1.44 IPS Revise Import Certificate based upon feedback from NASA offices and finalize for signature.
- 6.6.1.45 IPS Recommend that the DD sign the Import Certificate, if required.
 DD DD signs Import Certificate.
- 6.6.1.46 IPS Route a copy of the signed Import Certificate to the relevant program executive/manager and file this as a quality record.

SAA-L

- 6.6.2.1 IPS Receive technical input from Enterprise, program office, NASA Center/JPL, or proposed technical input from potential partner, and draft SAA-L (also referred to as a Letter of Agreement or LOA; or Letter of Agreement amendment or LOA amendment).
- 6.6.2.2 IPS Route draft SAA-L concurrence package for intra-NASA review and concurrence. This package consists of the draft SAA-L and the concurrence sheet. If a reimbursable activity, include Code B.
- 6.6.2.3 IPS Receive comments and signed concurrence sheet from reviewing NASA officials. Revise draft SAA-L as necessary. File the concurrence sheet, usually containing original signatures but a copy of signatures is acceptable as a quality record (with the SAA-L copy - see 6.6.2.10).
- 6.6.2.4 IPS Based on the nature and scope of revisions proposed by NASA reviewing officials, does the draft need to be re-circulated for further intra-NASA review? If yes, go to 6.6.2.2. If no, go to 6.6.2.5.

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- 6.6.2.5 IPS Determine if an advance copy of the draft SAA-L should be routed to the partner for review. If yes, go to 6.6.2.6. If no, go to 6.6.2.8.
- 6.6.2.6 IPS Route the draft SAA-L to the partner.
- 6.6.2.7 IPS After receiving from the partner its comments on the draft SAA-L, review proposed change(s) and consult with relevant NASA offices about the acceptability of the proposed change(s).
- 6.6.2.8 IPS Based on the nature and scope of any partner comments, does the draft need to be re-circulated for further intra-NASA review? If yes, go to 6.6.2.2. If no, go to 6.6.2.9.
- 6.6.2.9 IPS Print the SAA-L on letterhead, arrange for translation (if required), and route to the DD; date stamp following signature.
 DD DD signs SAA-L.
- 6.6.2.10 IPS Produce copies, send the signed SAA-L and translated SAA-L (if required) to partner and distribute copies to relevant NASA offices.
 or
 PSS File a copy as a quality record (with the concurrence sheet - see 6.6.2.3).
- 6.6.2.11 IPS Receive and review partner's response letter to the NASA-signed SAA-L. File this as a quality record.
- 6.6.2.12 IPS Does the partner's response conclude the SAA-L? If yes, go to 6.6.2.16. If no, go to 6.6.2.13.
- 6.6.2.13 IPS Discuss substantive comments with NASA offices affected by/involved in the agreement process.
- 6.6.2.14 IPS Are the substantive comments acceptable? If no, go to 6.6.2.14a. If yes, go to 6.6.2.15.
- 6.6.2.14a IPS Discuss and resolve any issues with the partner.
- 6.6.2.15 IPS Draft affirmation letter detailing any negotiated changes to the SAA-L, if required.
 DD DD signs affirmation letter.

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- 6.6.2.16 IPS Send the signed affirmation (if required) letter
 or to the partner. Route copies of the partner response
 PSS letter (from 6.6.2.12) and if required, the signed
 affirmation letter to NASA offices (if reimbursable,
 include Code B for billing purposes). File a copy of the
 affirmation letter, if required, as a quality record, and
 enter data on the IADS Entry Sheet or directly into
 IADS. File a copy in the Black Books.
- 6.6.2.17 IPS Does the proposed activity require an Import
 Certification (see 6.6.1.42 for exception criteria)? If
 yes, go to (6.6.1.43). If no, end of process.

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7. Quality Records

<u>Record ID</u>	<u>Owner</u>	<u>Location</u>	<u>Media</u>	<u>Schedule Number and Item Number</u>	<u>Retention Disposition</u>
SAA-M's:					
C-175 Concurrence sheet (6.6.1.10)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule#1 UFI#34	Permanent; transfer to NARA when activity ceases, or when 30 years old.
Copy of C-175 package (6.6.1.11)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule#1 UFI#34	Permanent; transfer to NARA when activity ceases, or when 30 years old.
DOS comments/ approval on C-175 package (6.6.1.12)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule#1 UFI#34	Permanent; transfer to NARA when activity ceases, or when 30 years old.
Copy of cover memo and SAA-M (6.6.1.22)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule#1 UFI#34	Permanent; transfer to NARA when activity ceases, or when 30 years old.
DOS response (6.6.1.23)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule#1 UFI#34	Permanent; transfer to NARA when activity ceases, or when 30 years old.
Copy of translated SAA-M package (if required) (6.6.1.28)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule#1 UFI#34	Permanent; transfer to NARA when activity ceases, or when 30 years old.
DOS comments re: conformance (if required) (6.6.1.29)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule#1 UFI#34	Permanent; transfer to NARA when activity ceases, or when 30 years old.

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7. Quality Records (continued)

<u>Record ID</u>	<u>Owner</u>	<u>Location</u>	<u>Media</u>	<u>Schedule Number and Item Number</u>	<u>Retention Disposition</u>
SAA-M (continued)					
Copy of final NHQ 117 (6.6.1.34)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule#1 UFI#34	Permanent; transfer to NARA when activity ceases, or when 30 years old.
Both-parties-signed SAA-M (6.6.1.40)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule #1 UFI#6	Permanent; retire custody of NASA archivist or historian. They will transfer to NARA when no longer needed to prepare NASA histories or when 10 years old, whichever is sooner.
Diplomatic Notes (if required) (6.6.1.40)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule #1 UFI#6	Permanent; retire custody of NASA archivist or historian. They will transfer to NARA when no longer needed to prepare NASA histories or when 10 years old, whichever is sooner.
Both-parties-signed translated SAA-M, (if required) (6.6.1.40)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule #1 UFI#6	Permanent; retire custody of NASA archivist or historian. They will transfer to NARA when no longer needed to prepare NASA histories or when 10 years old, whichever is sooner.

Responsible Office: Code IS/Space Science and Aeronautics Division
 Subject: Formulation and Approval of International Space Act Agreements

7. Quality Records (continued)

<u>Record ID</u>	<u>Owner</u>	<u>Location</u>	<u>Media</u>	<u>Schedule Number and Item Number</u>	<u>Retention Disposition</u>
SAA-M (continued)					
Copy of certified copy package (6.6.1.41)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule #1 UFI#6	Permanent; retire custody of NASA archivist or historian. They will transfer to NARA when no longer needed to prepare NASA histories or when 10 years old, whichever is sooner.
Signed Import Certificate (if required) (6.6.1.46)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule #1 UFI#34	Permanent; transfer to NARA when activity ceases, or when 30 years old.

Responsible Office: Code IS/Space Science and Aeronautics Division
 Subject: Formulation and Approval of International Space Act Agreements

7. Quality Records (continued)

<u>Record ID</u>	<u>Owner</u>	<u>Location</u>	<u>Media</u>	<u>Schedule Number and Item Number</u>	<u>Retention Disposition</u>
SAA-L's:					
Concurrence sheet (6.6.2.3)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule #1 UFI#6	Permanent; retire to custody of NASA archivist who will transmit to NARA when no longer needed.
Copy of signed SAA-L (6.6.2.10)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule #1 UFI#6	Permanent; retire to custody of NASA archivist who will transmit to NARA when no longer needed.
Copy of signed translated SAA-L (if required) (6.6.2.10)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule #1 UFI#6	Permanent; retire to custody of NASA archivist who will transmit to NARA when no longer needed.
Partner response letter (6.6.2.11)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule #1 UFI#6	Permanent; retire to custody of NASA archivist who will transmit to NARA when no longer needed.
Copy of signed affirmation letter (if required) (6.6.2.16)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule #1 UFI#6	Permanent; retire to custody of NASA archivist who will transmit to NARA when no longer needed.
Signed Import Certificate (if required) (6.6.1.46)	Code I	Code I	Hardcopy	NPG 1441.1B Schedule #1 UFI#34	Permanent; transfer to NARA when activity ceases, or when 30 years old.