



Export Administration Regulations (EAR): Final Rule, Interim Final Rule, and Proposed Rule

**Public Briefing on Revisions to Space-Related Export Controls under the Export
Administration Regulations and International Traffic in Arms Regulations**

November 6, 2024



Space Export Control Reform

- Culmination of 2019 Advanced Notice of Proposed Rulemakings (ANPRM) effort by Commerce and State (March 8, 2019, 84 FR 8485 and 84 FR 8486).
- VPOTUS on December 20, 2023, directed the U.S. Government to “[c]onduct a review of space export controls to enable a globally competitive U.S. industrial base while protecting our national security and foreign policy interests.”
- BIS published three rules on October 23, 2024 (final rule, interim final rule (IFR), and proposed rule)
 - Removal of License Requirements for Certain Spacecraft and Related Items for Australia, Canada, and the United Kingdom, *a.k.a.*, [Space 1 final rule](#) (89 FR 84766).
 - Revisions to Space-Related Export Controls, *a.k.a.*, [Space 2 IFR](#) (89 FR 84770).
 - Revisions to Space-Related Export Controls, Including Addition of License Exception Commercial Space Activities (CSA), *a.k.a.*, [Space 3 proposed rule](#) (89 FR 84784).
- Department of State also published a proposed rule
 - International Traffic in Arms Regulations (ITAR): U.S. Munitions List Categories IV and XV, *a.k.a.*, [State Categories IV and XV proposed rule](#) (89 FR 84482).



Types of Rulemakings and Key Dates for Space Rules

Space rule	Published date and FR cite	Effective date	Public comment date	www.regulations.gov ID and RIN
Space 1 final rule	October 23, 2024 (89 FR 84766)	October 23, 2024	N/A	N/A RIN 0694-AJ85
Space 2 IFR	October 23, 2024 (89 FR 84770)	October 23, 2024	Comments must be received by November 22, 2024	BIS-2024-0031 RIN 0694-AJ87
Space 3 proposed rule	October 23, 2024 (89 FR 84784)	N/A	Comments must be received by November 22, 2024	BIS-2018-0029 RIN 0694-AH66
State Categories IV and XV proposed rule	October 23, 2024 (89 FR 84482)	N/A	Comments must be received by November 22, 2024	DOS-2024-0035 RIN 1400-AE73

Note: See the Addresses section of each Space rule for additional guidance on submitting comments, as applicable.

Space 1: Export Administration Regulations: Removal of License Requirements for Certain Spacecraft and Related Items for Australia, Canada, and the United Kingdom



“Through AUKUS, our governments will strengthen the ability of each to support our security and defense interests, building on our longstanding and ongoing bilateral ties. We will promote deeper information and technology sharing. We will foster deeper integration of security and defense-related science, technology, industrial bases, and supply chains.”

- Joint Leaders Statement on AUKUS, September 15, 2021

- Removes license requirements for remote sensing and space-based logistics, servicing, and assembly spacecraft and related items classified under items classified under ECCN 9A515.a.1, a.2, a.3, a.4, .g to Australia, Canada, and the UK to strengthen the AUKUS partnership and the National Technology and Industrial Base.
 - This change is made under § 742.6 (Regional stability), paragraph (a)(9) (Special RS Column 1 license requirement applicable to certain spacecraft and related items).
- Includes conforming changes for removal of license requirements for Australia, Canada and the UK:
 - Revises License Requirement Note in ECCNs 9A515 and 9E515 to reflect that this final rule removes Australia, Canada, and UK from the scope of the worldwide license requirement described in the License Requirement Note included in each of these respective ECCNs.
- Published as a Final Rule.

BIS estimates the removal of this license requirement for Australia, Canada, and the United Kingdom under § 742.6(a)(9) will result in a reduction of 90 license applications being submitted to BIS annually

Space 2: Export Administration Regulations: Revisions to Space-Related Export Controls



Reduces license requirements on less-sensitive items to reflect the close relations with certain countries and to better facilitate space collaboration with those countries while continuing to protect U.S. national security and foreign policy interests.

- Changing the 9A515.x and 9A004.v and .x, as well as for new 9A004.s, license requirement from **NS1 and RS1** to **NS2 and RS2**.
 - Removes license requirements under .x for some less sensitive space related items like solar arrays to about 40 Wassenaar partner countries (basically the EU, New Zealand, Japan, ROK, and South Africa).
- Any 9A515.x items BIS determines continue to warrant the higher NS1 and RS1 controls will be added to a separate 9A515 “items” paragraph (*i.e.*, new 9A515.w or otherwise enumerated under 9A515) which this IFR adds and reserves as a placeholder to control commodities that warrant higher-level NS1 and RS1 controls.

Destinations not requiring a license for NS2 and RS2: (1) Argentina; (2) Australia; (3) Austria; (4) Belgium; (5) Bulgaria; (6) Canada; (7) Croatia; (8) Czech Republic; (9) Denmark; (10) Estonia; (11) Finland; (12) France; (13) Germany; (14) Greece; (15) Hungary; (16) Iceland; (17) India; (18) Ireland; (19) Italy; (20) Japan; (21) South Korea; (22) Latvia; (23) Liechtenstein; (24) Lithuania; (25) Luxembourg; (26) Mexico; (27) Netherlands; (28) New Zealand; (29) Norway; (30) Poland; (31) Portugal; (32) Romania; (33) Slovakia; (34) Slovenia; (35) South Africa; (36) Spain; (37) Sweden; (38) Switzerland; (39) Türkiye; and (40) United Kingdom

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Reduces license requirements on less-sensitive items to reflect the close relations with certain countries and to better facilitate space collaboration with those countries while continuing to protect U.S. national security and foreign policy interests.

- Adding additional .y items to 9A004, 9A515, and 9A604. BIS TACs and NASA helped identify these additional items to add to .y.
- Removes license requirements for the least sensitive and most commercially available items like space grade plugs and connectors to all countries except those subject to certain sanctions and embargoes by adding them to .y entries.
- These changes identify items would otherwise be within scope of 9A004.s or .x, 9A515.x, or 9A604.x, but that have been identified in interagency-cleared CCATS pursuant to § 748.3(e) as warranting control in 9A004.y, 9A515.y, or 9A604.x, respectively, by Commerce, State, and Defense **or** that have otherwise been determined by Commerce, State, and Defense as warranting control in 9A004.y, 9A515.x, or 9A604.y.

ECCN	New .y paragraphs
9A004	Adds paragraphs .y.1 through .y.63
9A515	Adds paragraphs .y.7 through .y.74
9A604	Adds .y.1 for “Parts” and minor “components” for landing leg assemblies

IFR also notes that an exporter, reexporter, or transferor classifying a commodity under a .y entry on the CCL does **not** need access to any related CCATS in order to classify an item under a .y entry.

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Reduces license requirements on less-sensitive items to reflect the close relations with certain countries and to better facilitate space collaboration with those countries while continuing to protect U.S. national security and foreign policy interests.

- Adds ECCNs 9D515 and 9E515 to the exclusion from license requirements when the release is for a “standards-related activity.”
- Specifically, in § 734.10 (Patents and standards-related activity), this IFR adds paragraph (b)(1)(iv) to add references to “software” that is classified under ECCN 9D515 (other than 9D515.d or .e); and “technology” classified under ECCN 9E515.a, .b, or .f (limited to technology for 9A515.a.4) when the release is for a “standards-related activity.”
- These software and technology, which include space-based servicing, assembly, and logistics are crucial in the furtherance of commercial spacecraft flight safety (specifically for in-space servicing, assembly, or logistics).
- Barriers to U.S. participation in the development of these standards would be detrimental and counterproductive to U.S. commercial spacecraft development and national security interests.

This IFR adds specific portions of ECCNs 9D515 and 9E515 to this exclusion under § 734.10, while maintaining existing controls on more sensitive software and technology related to radiation-hardened integrated circuits and remote sensing, consistent with U.S. national security and foreign policy interests.

Space 2: Export Administration Regulations: Revisions to Space-Related Export Controls



Refines and clarifies existing controls to make the controls easier to understand (e.g., clarifying certain ECCNs or the applicability of a license exception).

- Clarifications to spacecraft and related items on the CCL, such as:
- Addition of Note 5 to 9A004 to further specify control for items operating on other celestial bodies. Specifically, this IFR adds a new Note 5 to 9A004 to specify that an item, such as a rover, operating on any celestial body other than Earth is treated as if it is on Earth for classification purposes on the CCL. A similar Note 6 to 9A515 is also added to 9A515.
- Adding new 9A004.r for in-space habitats to the exclusion from 9A515.a.
- Removal of ECCN 9A604.a and .b to clarify the jurisdictional control status of certain thermal batteries.

Space 2: Export Administration Regulations: Revisions to Space-Related Export Controls



Refines and clarifies existing controls to make the controls easier to understand (e.g., clarifying certain ECCNs or the applicability of a license exception).

- Specifying the BIS determination that Space Act Agreements to which the NASA is a party meet the criteria under License Exception GOV under § 740.11(b)(2)(ii) and (b)(2)(iii)(B) and (C).
- Clarification on shipments to launch platforms located in international waters by adding Note 1 to paragraph (a) in § 744.7 to specify that “A shipment or transmission of items to a launch platform or facility in international waters is an “export” or “reexport” to the country or countries the platform or facility is owned by, controlled by, or being operated on behalf of.”
- Addition of License Exception GOV paragraph (e) eligibility for ECCN 9A004 when needed in Russia on short notice for launch to the International Space Station (ISS). Specifically, this IFR adds a sentence to the end of § 746.8(c)(2)(ii) to specify that License Exception GOV under § 740.11(e) may overcome the license requirements in paragraphs (a)(1) and (2) of § 746.8 for ECCN 9A004.

BIS estimates the changes in this Space 2 IFR will result in a reduction of 400 license applications being submitted to BIS annually

Space 3: Export Administration Regulations: Revisions to Space-Related Export Controls, Including Addition of License Exception Commercial Space Activities.



EAR changes to conform to ITAR changes related to USML Categories IV and XV.

- 9A515 - Broader control parameter for logistics and RPO spacecraft (a.4)
- 9A515 - Broader control for space qualified optics (.g.1)
- 9A515 - Enumerate electric thrusters, Control moment gyroscopes, and separation mechanisms (.i,.j..k)
- 9C515 – Addition of materials control for reducing in-orbit signatures
- 9D515 – Addition of Space Situational Awareness software.
- 9E515 – Addition of Technology controls for electric thrusters, Control moment gyroscopes, and separation mechanisms.

Space 3: Export Administration Regulations: Revisions to Space-Related Export Controls, Including Addition of License Exception Commercial Space Activities.



- New License Exemption Commercial Space Activity (CSA) for official space agency programs and space tourism and research
 - Eligible official space agency programs NASA’s Lunar Gateway;
 - NASA’s Mars Sample Return (a program that entails multiple spacecraft);
 - Nancy Grace Roman Telescope
 - The Orion spacecraft
 - Commercial Low Earth Orbit Development program
 - Habitable Worlds Observatory.
 - Authorization for Space Tourism and Research
- Other conforming changes from the USML Cat IV and XV rule.
- Space 3 proposed rule seek public comment on the transfer of certain space related items from State’s munitions list to Commerce’s control list. This will allow for more flexible export control policies for these increasingly commercially important items that no longer provide a critical military or intelligence advantage.
- Space 3 proposed rule does *not* solicit comments on any other additional items not described in the proposed rule that may warrant being moved from the USML to the CCL. Such comments on any additional spacecraft and related items the public believes may warrant being removed from the USML, should be directed to State in response to the State Cats IV and XV proposed rule.



For Further Contacts on the Space Rules

Contact for Commerce Space 1 final rule, Space 2 IFR, and Space 3 proposed rule:

- For technical questions, contact Joseph A. Cristofaro, Director, Sensors, Aerospace and Marine Division, Office of National Security Controls, Bureau of Industry and Security, U.S. Department of Commerce, at 202-482-2440 or by email: Joseph.Cristofaro@bis.doc.gov.
- For general questions, contact Regulatory Policy Division, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce at 202-482-2440 or by e-mail: RPD2@bis.doc.gov.

Note: *Contacts are the same for all three Commerce space rules.*

Contact for State Cats IV and XV proposed rule:

- Mr. Robert Rasmussen, Office of Defense Trade Controls Policy, Department of State, telephone (202) 663-2217; email DDTCCustomerService@state.gov; SUBJECT: International Traffic in Arms Regulations: USML Categories IV and XV (RIN 1400-AE73).