



AEROSPACE EXPORTS INCORPORATED

A Guide to ISO 9001:2008 Compliance and the ITAR How To Control Documents of External Origin

Explaining The Code of Federal Regulations

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How to Determine Status, Effective and Expiration Dates

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EXECUTIVE SUMMARY

Organizations new to United States Export Controls and the International traffic In Arms Regulations (ITAR) are often concern about what is required concerning compliance and how to implement these new requirements. Some immediately purchase an off the shelf compliance manual, some attend Bootcamps and Seminars and leave with a large binder of slides, while some simply do nothing. There are however those organizations who want to effectively and efficiently implement the processes to assure compliance. Most organizations who are well versed in the ISO Standards prefer to integrate these new regulations into their existing Management System. To these organizations is this paper intended.

This paper is the first in a series that will explain how to integrate the ITAR with ISO 9001:2008. This paper will explain how to comply with ISO 9001:2008 section 4.2.3 Control of Documents sub-paragraph (f) Documents of External Origin with regard to the Code of Federal Regulations, Title 22, Chapter I, Subchapter M, Parts 120-130 (The International Traffic In Arms Regulations).

INTRODUCTION

For those organizations tasked with being registered or compliant with the quality management system standard ISO 9001:2008, understanding how to efficiently control documents of external origin can be complex, especially when those documents are contained within the U.S. Code of Federal Regulations.

ISO 9001:2008 section 4.2.3 (Control of documents states) requires that documents shall be controlled which includes assuring that relevant versions are available for use. Specifically subsection (f) extends control to documents of external origin, that these documents are both identified and their distribution be controlled.

It is not enough for an organization to just print (or retrieve) a copy of the ITAR and claim compliance to 4.2.3(f). Personnel who must read and understand the content of these documents must understand their structures and how to navigate the Federal Register and Code of Federal Regulations.

This paper is intended to accelerate the learning process to achieve a practitioner's level in the use of the Federal Register and Code of Federal Regulations.

Starting with the basics the reader will learn how to use and navigate the FR and CFR including understanding their revision and effective date(s). Then once we understand how the FR and CFR are structured we will demonstrate an easy process any organization can apply to its management system to satisfy the ISO requirements regarding control of documents of external origin.

OVERVIEW OF THE CFR

The Code of Federal Regulations is a codification¹ of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

Title 1 through Title 16	as of January 1
Title 17 through Title 27	as of April 1
Title 28 through Title 41	as of July 1
Title 42 through Title 50	as of October 1

¹ The process of compiling, arranging, and systematizing the law of a given jurisdiction into an ordered code.

The Code of Federal Regulations is kept up to date by the individual issues of the Federal Register. These two publications must be used together to determine the latest version of any given rule.

To determine whether a Code volume has been amended since its revision date (For the ITAR that would be April 1, 2013), consult the “List of CFR Sections Affected (LSA)”, which is issued monthly, and the “Cumulative List of Parts Affected,” which appears in the Reader Aids section of the daily Federal Register. These two lists will identify the Federal Register page number of the latest amendment of any given rule.

EFFECTIVE & EXPIRATION DATES

Each volume of the Code contains amendments published in the Federal Register since the last revision of that volume of the Code. Source citation for the regulations are referred to by volume number and page number of the Federal Register and date of publication.

Publication dates and effective² dates are usually not the same and care must be exercised by the user in determining the actual effective date. In instances where the effective date is beyond the cutoff date for the Code a note has been inserted to reflect the future effective date.

² Rules are not effective until 30 days after publication, this may vary based on Rule Type and for “Good Cause”

In those instances where a regulation published in the Federal Register states a date certain for expiration, an appropriate note will be inserted following the text.

THE CFR NUMBERING SYSTEM

The CFR uses a uniform numbering system and most of the 50 titles conform to the system³. The section is the basic unit of the CFR. Cite the CFR by title and section 22 CFR 120.1, the text is divided into defending levels of units.

The Numbering System Example:

Title	22	Broad subject area of regulations
Chapter	I	Rules of individual agency ⁴
Part	120	Rules of a single program or function
Section	120.1	One provision of program/function rules
Paragraph	120.1(a)	Detailed, specific requirements

Sections may actually contain up to 6 levels of paragraphs:

<u>Paragraph</u>	<u>Designations</u>	<u>Cite paragraph as</u>
Level 1	(a), (b), etc.	§120.1(a)
Level 2	(1), (2), etc.	§120.1(a)(1)
Level 3	(i), (ii), etc.	§120.1(a)(1)(i)

³ Titles 3, 41 and 48 have significant variations

⁴ Subchapters may also be included, such as Title 22 Chapter I Subchapter M - The ITAR

CODE OF FEDERAL OF REGULATIONS

Each regulation falls under one of these 50 title numbers and subject areas:

<i>Title</i>	<i>Description</i>
1.	General Provisions
2.	Grants and Agreements
3.	The President
4.	Accounts
5.	Administrative Personnel
6.	Homeland Security
7.	Agriculture
8.	Aliens and Nationality
9.	Animals and Animal Products
10.	Energy
11.	Federal Elections
12.	Banks and Banking
13.	Business Credit and Assistance
14.	Aeronautics and Space
15.	Commerce and Foreign Trade
16.	Commercial Practices
17.	Commodity and Securities Exchanges
18.	Conservation of Power and Water Resources
19.	Customs Duties
20.	Employees' Benefits
21.	Food and Drugs
22.	Foreign Relations ⁵
23.	Highways
24.	Housing and Urban Development
25.	Indians
26.	Internal Revenue
27.	Alcohol, Tobacco Products and Firearms
28.	Judicial Administration
29.	Labor—OSHA
30.	Mineral Resources
31.	Money and Finance: Treasury
32.	National Defense
33.	Navigation and Navigable Waters
34.	Education
35.	(Reserved)
36.	Parks, Forests, and Public Property
37.	Patents, Trademarks, and Copyrights
38.	Pensions, Bonuses and Veterans' Relief
39.	Postal Service

⁵ The ITAR falls under Title 22, Volume 1, Chapter I, Subchapter M, Parts 120-130

<i>Title</i>	<i>Description</i>
40.	Protection of Environment—EPA
41.	Public Contracts and Property Management
42.	Public Health
43.	Public Lands: Interior
44.	Emergency Management and Assistance
45.	Public Welfare
46.	Shipping
47.	Telecommunication
48.	Federal Acquisition Regulations System
49.	Transportation—DOT
50.	Wildlife and Fisheries

QUICK ISO COMPLIANCE TIPS

One process for control can be to purchase a bound copy of the pertinent CFR then maintain all related FR's amending or revising the text. A less cumbersome method would be to utilize the e-CFR. The U.S. Government Printing Office provides electronic access to the CFR. It is strongly recommended that organizations utilize this valuable resource. See Exhibit "A" for using the e-CFR, this shows the reader which FR's have been applied and which will apply to this rule. To view a list of FR Notices that contain information regarding the ITAR, see Exhibit "B".

EXHIBIT A: e-CFR PAGE FORMAT

Below is a screen shot of Part 125 of the ITAR. Using this website can be an effective method of control of this document of external origin as long as the user understands the revision and applicability notices listed on the page. Below are three areas that compliance officers, users and document control personnel should be aware:

<http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=45d98f022acf28efc6d2234e8882dcd9&r=PART&n=22y1.0.1.13.62>

The screenshot shows the GPO's Federal Digital System interface. The main content area is titled "ELECTRONIC CODE OF FEDERAL REGULATIONS" and displays "PART 125--LICENSES FOR THE EXPORT OF TECHNICAL DATA AND CLASSIFIED DEFENSE ARTICLES". A red banner at the top of the content area states "e-CFR Data is current as of January 9, 2014". Below this, there is a section for "§125.1 Exports subject to this part." with a link to an amendment published at 79 FR 47, January 2, 2014. The text of the regulation includes several paragraphs (a) through (e) detailing export controls. At the bottom of the regulation text, there is a link to amendments published at 58 FR 39310, July 22, 1993, as amended at 71 FR 20544, Apr. 21, 2006; 78 FR 40933, July 8, 2013. The page also features a sidebar with navigation and search options, and a footer with contact information and a disclaimer.



Warning, users of the e-CFR site should understand that the date listed as "Current" may be lagging, so document users must use the FR Notices to know if any amendments may apply.



This link is a Notice of an amendment in which an effective date has been set. As a part of an organization's planning process, the amendment should be read to determine if any processes are



Applicable FR Notices, use these to research the amendments, revisions or corrections. These are used similar to a Revision Table in some Controlled Procedures.

EXHIBIT B: ITAR SPECIFIC FEDERAL NOTICES

The DDTC provides a page dedicated to listing the FR Notices pertaining to the ITAR:

<http://www.pmddtc.state.gov/FRN.html>

Daily Press Briefing | Other State News



U.S. DEPARTMENT OF STATE DIRECTORATE OF DEFENSE TRADE CONTROLS

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Printer Friendly Version

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Federal Register Notices

The following Federal Register notices pertain to the work and activities of the Directorate of Defense Trade Controls, and include amendments to the International Traffic in Arms Regulations, policy notices, Defense Trade Advisory Group (DTAG) meeting notices, and other relevant notices. While this page will be updated periodically, for a complete listing, please consult the *Federal Register*.

[2014](#) | [2013](#) | [2012](#) | [2011](#) | [2010](#) | [2009](#) | [2008](#)

2014

[79 FR 34, January 2, 2014, Public Notice 8580.](#)
Amendment to the International Traffic in Arms Regulations: Third Rule Implementing Export Control Reform
As part of the President's Export Control Reform (ECR) effort, the Department of State is amending the International Traffic in Arms Regulations (ITAR) to revise five more U.S. Munitions List (USML) categories and provide other changes. The revisions contained in this rule are part of the Department of State's retrospective plan under E.O. 13563.

[79 FR 26, January 2, 2014, Public Notice 8566.](#)
Amendment to the International Traffic in Arms Regulations: Continued Implementation of Export Control Reform; Correction
The Department of State is correcting a final rule that appeared in the Federal Register of July 8, 2013 (78 FR 40922). That rule amended the International Traffic in Arms Regulations (ITAR) to revise four U.S. Munitions List (USML) categories and provide new and revised definitions.

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2013

[78 FR 72745, December 3, 2013, Public Notice 8540.](#)
Administrative Debarment of LeAnne Lesmeister Under the Arms Export Control Act and the International Traffic in Arms Regulations
Notice is hereby given that the Department of State has imposed administrative debarment pursuant to section 127.7(a) of the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120 to 130) on LeAnne Lesmeister.

[78 FR 71022, November 27, 2013, Public Notice 8534.](#)
Defense Trade Advisory Group; Notice of Open Meeting
The Defense Trade Advisory Group (DTAG) will meet in open session from 9:00 a.m. until 12:00 p.m. and 1:15 p.m. until 4:00 p.m. on Thursday, January 16, 2014 in the Dean Acheson Auditorium, Harry S. Truman Building, U.S. Department of State, 2201 C Street N.W., Washington, DC 20520. Entry and registration will begin at 8:30 a.m. The membership of this advisory committee consists of private sector defense trade representatives, appointed by the Assistant Secretary of State for Political-Military Affairs, who advise the Department on policies, regulations, and technical issues affecting defense trade.

COMMONLY USED TERMS & SYMBOLS

An organization new to export controls and the ITAR must begin to assimilate the appropriate terms into the process documentation and daily use. Below are some common abbreviations/symbols and latin terms used within CFR:

§ - An abbreviation for Section.

¶ - An abbreviation for Paragraph

et seq. - And those pages or sections that follow <Arms Export Control Act (22 U.S.C. 2151 **et seq.** and 22 U.S.C. 2751 **et seq.**)>.

de minimis - (Of a fact or thing) so insignificant that a court may overlook it in deciding an issue or case.⁶

⁶ Black's Law Dictionary 9th Edition