

UNCLASSIFIEDNATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

July 17, 1970

National Security Decision Memorandum 72

TO: The Secretary of State
The Secretary of Defense
The Administrator, National Aeronautics
and Space Administration
The Executive Secretary, National Aeronautics
and Space Council

SUBJECT: Exchange of Technical Data between the United States
and the International Space Community


The President has reiterated his desire that the United States should encourage and provide ample opportunities for international cooperation in space activities such as the post-Apollo program.

In furtherance of this objective, the President has directed the establishment of an ad hoc interagency group to review the policy aspects of, and establish procedures for, a program of technical data exchange between the United States and those foreign governments and agencies desirous of entering into cooperative arrangements with us.

Initially, but not exclusively, the group will concentrate on guidance and procedures for future European cooperation in the space program of the United States. The guidelines and procedures so devised for the post-Apollo and other cooperative programs will be designed to provide for timely and effective interchange of technical information between the parties, while at the same time insuring protection of the U.S. national interest.

The Group will be chaired by a representative of the Administrator, NASA, and will comprise senior designees of the Secretaries of State and Defense, the Assistant to the President for National Security Affairs, and the Executive Secretary, National Aeronautics and Space Council.

An initial report will be submitted for consideration of the President by August 1, 1970.



Henry A. Kissinger

cc: Director, Office of Science and Technology
Director, Office of Management and Budget
Mr. Peter M. Flanigan

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NSA Space Council
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MEMORANDUM FOR The President

NSDM 72, July 17, 1970, directed an Ad Hoc Interagency Group, chaired by a representative of the Administrator of NASA, to review policies and develop procedures for technical exchanges related to international participation in post-Apollo programs. The NSDM requested an initial report by August 1, 1970. I am attaching herewith that report.

As you know, I have taken considerable personal interest in expanding international participation in the post-Apollo programs and I am pleased to see progress in the practical steps which are necessary if we are to develop fully the growing potential for such participation.

Original signed by:
T. O. Paine
Administrator

Enclosure

cc: The Secretary of State
The Secretary of Defense
The Executive Secretary, National Aeronautics and Space Council

A, Ad + ADA

I/AWF:cc - 7/31/70
XC:RE:CHRON:FILE

Handcarried by Code I

CLASSIFICATION CHANGE
To *Unclassified*
By authority of *GDS*
Changed by *AKD* Date *3-18-77*

Subject *ADS*
of *EO 11652*
W. Gordon 1/24/75
Dist. 7/12/31/76

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
WASHINGTON, D.C. 20546

REPLY TO
ATTN OF: I

JUL 31 1970

MEMORANDUM FOR A/Dr. T. O. Paine

SUBJECT: First report of the NSDM 72 Ad Hoc Interagency Group

This is the initial report of the Ad Hoc Interagency Group established pursuant to National Security Decision Memorandum 72 to review the policy aspects of, and establish procedures for, a program of technical data exchange between the United States and foreign governments and agencies interested in participation in post-Apollo programs.

The Group agreed that the exchanges should be handled in two phases:

The first phase, covering the period prior to possible international agreement, relates to the transfer of technical documentation required to assist the nations of Western Europe, Australia, Canada, and Japan in considering possible substantial commitments to post-Apollo programs. For this phase, the Group agreed on (1) a determination of the type of technical material to be provided, (2) routing of requests to NASA for consideration under the cognizance of the Administrator, (3) rapid Department of Defense review prior to release. (The agreed procedure may be found at Attachment A.)

The concepts and policies embodied in this procedure have been reported to our Embassies in Western Europe, Australia, Canada, and Japan. These Embassies, for the time being excluding Embassy Tokyo, have been requested to obtain assurances from the respective host governments that the documentation provided will not be transferred to non-participating nations without prior US approval.

The second phase, to cover the period which would begin with any agreement on post-Apollo participation, requires the prior development of policies and terms under which foreign participating organizations would be permitted actual

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CLASSIFICATION CHANGE -	
To	<i>Declassified</i>
By authority of	<i>GDJ</i>
Changed by	<i>CRW</i> Date

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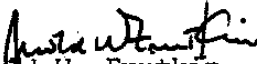
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access to US hardware and know-how. To prepare for its work on this question, the Group has consulted with the Atomic Energy Commission on the nuclear materials safeguard program and its possible relevance to post-Apollo space cooperation.

The Group has also requested the NASA-USAF Joint Committee on the Space Transportation System to assist it by defining those particular areas in the development of the space shuttle where disclosures could adversely affect the national security if not adequately protected. (See Attachment B.)

The Group will continue to pursue the development of guidance and procedures for this second phase and will report on its progress.


Arnold W. Frutkin
Chairman, NSDM 72
Ad Hoc Interagency Group

Attachments:

- A - NSDM 72 procedure for documentation
- B - AWF Memo 29 Jul to Myers/Hansen re NSDM 72

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Attachment A

NSDM-72 AD HOC INTERAGENCY GROUP

Procedure for the Timely Supply of Technical Documentation
to Foreign Agencies Considering Participation in
Post-Apollo Programs

The Group distinguishes two phases in the task of achieving the policy objectives of NSDM 72: (1) a pre-agreement phase in which it is necessary and appropriate to make available pre-development technical documentation (as distinct from hardware and know-how) to assist the nations of ESRO and ELDO, Canada, and Japan in considering possible substantial commitments to post-Apollo programs, and (2) a negotiation/agreement phase in which it would be necessary to negotiate and reduce to terms foreign access to hardware and know-how, some of which could be sensitive.

~~Regarding the first phase, the Group concludes that the timely supply of documentation necessary for foreign decision-making requires that the following unclassified technical documentation should in principle be released: NASA advanced planning materials (including NASA-funded studies) relating to the concepts, preliminary design, uses, operation, and economics primarily of the reusable space shuttle and the multi-purpose space station.~~

The agreed procedure for such releases is as follows: Requests for documentation in the pre-agreement phase will be referred by contractors and others to the NASA Office of International Affairs. The Administrator of NASA, utilizing the review procedure described below, will authorize such release where he considers it necessary to permit foreign consideration of participation in the post-Apollo program. The Department of Defense, through a designated point of contact, will review the documentation within 72 hours, whereupon it will be released in the absence of objection. The DOD review will consider whether the documentation has military application which would significantly affect the National security. (This procedure will not apply to documentation which would normally be released to foreign nationals without review.) NASA will inform the members of the Group, on a timely basis, of documentation released under this procedure.

The Department of State will obtain assurances from the respective recipient governments regarding reexport as a condition to release.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
WASHINGTON, D.C. 20546

REPLY TO
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Attachment B

July 29, 1970

TO : Messrs Dale Myers & Grant Hansen
Co-Chairmen, NASA-USAF Joint Committee
on Space Transportation System

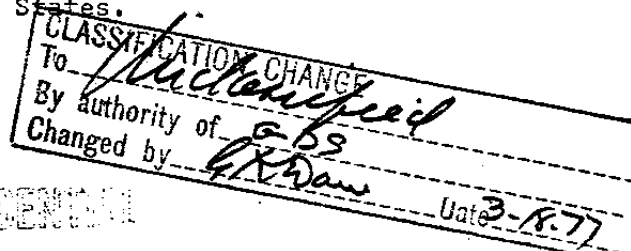
FROM : Chairman, Interagency Ad Hoc Group
on NSDM 72

SUBJECT: Request for assistance to NSDM 72 Ad Hoc Inter-
agency Group

NSDM 72 (attached) directs the establishment of an Interagency Group to review policy, develop guidance, and establish procedures for timely and effective technical data exchange with nations desiring cooperation in post-Apollo and other programs. I am attaching Dr. Paine's response of July 21.

To permit other nations to give adequate study to future participation in post-Apollo programs, the Ad Hoc Group has provided for the transfer of technical documentation in the current pre-agreement, pre-development phase. We are now turning to the more difficult question of technology access and exchange under any agreement that may be reached with foreign nations actually to participate in these programs.

The Ad Hoc Group considers that it may become necessary to provide for special procedures and safeguards to the extent that sensitive information is involved. Accordingly, I would be grateful if your Committee would undertake to provide assistance to the Group by defining to the extent possible those particular areas in the development of a space shuttle which might be considered "sensitive" because they could be expected to contribute significantly to military applications adversely affecting the security of the United States.

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For your information, the countries of immediate concern are those of Western Europe and Canada and it is expected that assurances would be required against technology transfers to non-participating countries. To be of maximum assistance, the information you provide should be given in two categories, areas for which classification might be unavoidable and areas which, while not classified, might still require restricted handling with respect to end-use or transfer to third countries.

Original signed by:

Arnold W. Frutkin

Enclosures

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