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~~(S)~~ NATIONAL RECONNAISSANCE OFFICE
WASHINGTON, D.C.

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September 29, 1970

MEMORANDUM FOR MR. CARL DUCKETT, DEPUTY DIRECTOR, CIA
(SCIENCE AND TECHNOLOGY)

SUBJECT: International Participation in the Post-APOLLO
Space Program

I have recently reviewed a set of "Guidelines for
Technical Exchange Under An Agreement for Post-APOLLO
Cooperation (Period 2)," being proposed for consideration
by the NSDM 72 Ad Hoc Interagency Group (TAB A).

The workings of this group clearly have implications
for the NRP. Beyond that, the proposed international
technical exchange (as set forth in the Guidelines) has
more broad, long-term implications. If not properly
controlled, such a program could lead to a slow, impercep-
tible erosion of the overall technological superiority of
the US.

Although the NRO has not been called upon to contribute
its views, I have taken the liberty of commenting on the
Guidelines to Grant Hansen, Assistant Secretary of the
Air Force (Research and Development). I have expressed my
concerns to him and asked that he keep me informed of con-
tinuing developments. As DOD Co-Chairman of the NASA-USAF
Joint Committee on the Space Transportation System, Grant
has been tasked to undertake the screening of technical data
that NASA wants to release to foreign participants.

I thought that you especially should be aware of the
potential, long-term implications of the proposed program.

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I am attaching for your review a package of materials (TAB B) which will provide background in the matter, with the thought in mind that you may want to interject CIA views in the proposal.



F. Robert Naka
Deputy Director

- 2 Attachments
1. Guidelines
 2. Folder of Materials

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**GUIDELINES FOR TECHNICAL EXCHANGE UNDER AN AGREEMENT
FOR POST-APOLLO COOPERATION (PERIOD 2)**

The objective of these guidelines is to provide for timely and effective exchange of technical information necessary to support development of elements of the Post-Apollo Program by foreign governments and international organizations participating in that Program under cooperative arrangements with the United States, while at the same time ensuring protection of the US national interest.

It is intended that (1) these guidelines shall be reflected in any agreements between NASA and counterpart foreign space agencies, (2) the specific terms of the agreements will be coordinated with the appropriate agencies of the US Government and shall be subject to confirmation by executive agreement at the government-to-government level, (3) such agreements will be implemented both by agency-to-agency arrangements and by subcontracts between NASA contractors and foreign aerospace firms, and (4) such subcontracts shall be reviewed under provisions control regulations and procedures and approved when they conform to the substantive parameters of the government-level agreements.

The exchange of technical information shall be governed by the following principles:

PURPOSE

1. The central purpose of the effort is to develop foreign participation in the Post-Apollo Program and to generate foreign contributions to

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2.

that program, rather than to dispense US technology abroad. Foreign participation and contributions could include: facilities and geographic sites; scientific and applications experiments; design, development and production of component systems or subsystems (e.g., for the space shuttle and/or the space station).

2. Recognizing that advanced technology associated with the space program is a national asset, such of it important to our national security, the release of US technology in the course of such an international program should be carefully considered so that the overall benefits warrant the risks, particularly to our military security.

3. Unclassified US technical data (other than design, development or production information sufficiently detailed to convey commercial know-how) on all or any part of the Post-Apollo Program, may be released to foreign governments, agencies and their contractors contributing to the program in any of the ways outlined in paragraph 1 above.

4. All US classified information, and that unclassified information which conveys commercial know-how in design, development or production, will be released only to the extent necessary on technical grounds, and under appropriate safeguards.

5. All such releases will be pursuant to terms of government-to-government agreement(s) requiring assurance as to transfers to countries not participating in the agreement or agreements.

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3.

6. The NSDM-72 Ad Hoc Interagency Group shall identify, with the assistance of the NASA-USAF Joint Committee on the Space Transportation System, those specific areas of technical information which are sensitive in terms of US national security.

7. Technical information (classified or unclassified) which has been determined to be of a sensitive nature in terms of national security shall be exchanged under the conditions set forth in paragraphs 4 and 5 above, and additionally, under the provisions of such safeguards as the United States considers fully adequate to protect its national interest and to which the foreign government or agency concerned agrees. Such safeguards shall normally include provision that:

(a) No information regarding such technology or its existence will be transferred to any nationals of non-participating countries without the prior approval of the US Government.

(b) Access to such technical information may be limited to those individuals or teams clearly identified as requiring it and its availability may be restricted to the location where the work for which it is necessary is being carried out.

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4.

(c) Access to any such sensitive technical information which may bear a US security classification will be limited to those personnel actually requiring knowledge thereof for use in the Post-Apollo Program and to countries and firms whose security clearances and protective custody procedures are acceptable to the US.

8. Should a situation arise where adequate safeguards cannot be agreed upon for access to technical information necessary for development of an element in the program which has been agreed, a hardware end-product may be substituted for the technology itself, on a "black box" basis if appropriate.

PROPRIETARY RIGHTS

9. "Proprietary Rights" (Innovations, Inventions, Data and Copyrights) of all concerned shall be protected as follows:

"Each party shall obtain sufficient rights, established in accordance with its domestic law and practice, to any invention, innovation, technical data or copy right, produced or generated by said party or its contractors in the course of work under the post-Apollo participation program, and shall grant, upon request an irrevocable, non-exclusive, royalty free license to any other party to this agreement on said invention, innovation, technical data, or copyright for the purpose only of permitting its manufacture, use, or reproduction for furthering the post-Apollo participation program."

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Arrangements for utilization of such "Proprietary Rights" for purposes outside of the post-Apollo participation program would be made following normal commercial practice.

10. Although there should be no areas of technology from which foreign participation is a priori excluded, contributions which will require access to US design, development or production information in certain critical areas of sensitive data listed below (to be identified as precisely as possible) will not be sought or agreed to unless it can be clearly demonstrated that (1) better technology and know-how exists in the prospective contributing country or, (2) in the case of only equivalent technology and know-how, there are overriding reasons to seek foreign participation in these areas, and (3) neither the US technology nor end products resulting from it will be transferred to any third country, nor applied to, nor in any other way drawn upon by the recipient for use in the development of strategic weapons delivery systems.

This provision is based on the following considerations:

(a) In the critical areas to be identified, the technology is closely aligned with, or directly applicable and critical to current US strategic delivery or military space systems.

(b) To serve the basic goal of foreign participation there are adequate non-critical areas of technology to which foreign participation can be directed.

11. (a) The US shall require all information, classified and unclassified, including design development and production data, necessary to fulfill its role as systems integrater.

(b) The US should accept no foreign restriction upon its use of the Space Transportation System and Space Station.

(c) It is not considered necessary to provide for a clause banning strategic delivery applications of any data exchanged inasmuch as guideline No. 10 has the effect of excluding the transfer of such data by the United States. Furthermore, it is undesirable that the US place itself in the position of accepting restrictions upon its use of data received, as might be the case if reciprocal prohibitions upon strategic applications were framed in the agreement.

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