

FOIA Marker

This is not a textual record. This FOIA Marker indicates that material has been removed during FOIA processing by George W. Bush Presidential Library staff.

National Security Council - Defense Policy and Strategy

Klinger, Gil

Stack:	Row:	Sect.:	Shelf:	Pos.:	FRC ID:	Location or Hollinger ID:
V	8	6	11	2	37072	100000224

Folder Title:

U.S. Space Transportation \ EELV (Evolved Expendable Launch Vehicle) 2002 - 2004: Launch [1]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
011	Draft	U.S. Space Transportation Policy	1	N.D.	P5;
013	Draft	U.S. Space Transportation Policy	1	N.D.	P5;
014	Memorandum	Space Transportation National Security Presidential Directive (NSPD) - To: POTUS - From: Condoleezza Rice	3	12/14/2004	P5;
015	Memorandum	Space Transportation National Security Presidential Directive (NSPD) - To: Condoleezza Rice - From: Gil Klinger	2	11/29/2004	P5;
016	Memorandum	Space Transportation National Security Presidential Directive (NSPD) - To: POTUS - From: Condoleezza Rice	2	N.D.	P5;
017	Draft	U.S. Space Transportation Policy	12	N.D.	P5;

COLLECTION TITLE:

National Security Council - Defense Policy and Strategy

SERIES:

Klinger, Gil

FOLDER TITLE:

U.S. Space Transportation \ EELV (Evolved Expendable Launch Vehicle) 2002 - 2004: Launch [1]

FRC ID:

37072

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
022	Email	RE: Questions on Space Transportation Draft NSPD - To: Klinger, Gil - From: Burks, Jonathan	1	11/24/2004	P5;

COLLECTION TITLE:

National Security Council - Defense Policy and Strategy

SERIES:

Klinger, Gil

FOLDER TITLE:

U.S. Space Transportation \ EELV (Evolved Expendable Launch Vehicle) 2002 - 2004: Launch [1]

FRC ID:

37072

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM, Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

THE WHITE HOUSE

WASHINGTON

December 21, 2004

NATIONAL SECURITY PRESIDENTIAL DIRECTIVE/NSPD-40

MEMORANDUM FOR THE VICE PRESIDENT

THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF COMMERCE
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
THE SECRETARY OF HOMELAND SECURITY
CHIEF OF STAFF TO THE PRESIDENT
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY
AFFAIRS
ASSISTANT TO THE PRESIDENT FOR ECONOMIC POLICY
ASSISTANT TO THE PRESIDENT FOR DOMESTIC POLICY
ASSISTANT TO THE PRESIDENT FOR HOMELAND SECURITY
DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY POLICY
UNITED STATES TRADE REPRESENTATIVE
DIRECTOR OF CENTRAL INTELLIGENCE
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION
DIRECTOR, NATIONAL SCIENCE FOUNDATION

SUBJECT: U.S. Space Transportation Policy

This directive establishes national policy, guidelines, and implementation actions for United States space transportation programs and activities to ensure the Nation's ability to maintain access to and use space for U.S. national and homeland security, and civil, scientific, and commercial purposes. This directive supersedes Presidential Decision Directive/National Science and Technology Council-4, National Space Transportation Policy, dated August 5, 1994, in whole, and the following portions of Presidential Decision Directive/National Science and Technology Council-8/National Security Council-49, National Space Policy, dated September 14, 1996, that pertain to space transportation programs and activities: Civil Space Guideline 3b, Defense Space Sector Guideline c, Commercial Space Guideline 5, and Intersector Guideline 2.

Background

For over four decades, U.S. space transportation capabilities have helped the Nation secure peace and protect national security, enabled the Nation to lead the exploration of our solar system and beyond, and increased economic prosperity and our knowledge of the Earth and its environment. Today, vital national security, homeland security, and economic interests are increasingly dependent on United States Government and commercial space assets. U.S. space transportation capabilities -- encompassing access to, transport through, and return from space -- are the critical foundation upon which U.S. access to and use of space depends.

In accordance with my direction in National Security Presidential Directive-31, U.S. Space Exploration Policy, dated January 14, 2004, the United States is embarking on a robust space exploration program to advance U.S. scientific, security, and economic interests. A central component of this program is to extend human presence across the solar system, starting with a human return to the Moon by the year 2020, in preparation for human exploration of Mars and other destinations. The Space Shuttle will be returned to flight as soon as practical, based on the recommendations of the Columbia Accident Investigation Board; used to complete assembly of the International Space Station, planned for the end of this decade; and then retired. A new crew exploration vehicle will be developed to provide crew transportation for missions beyond low Earth orbit.

Access to space through U.S. space transportation capabilities is essential to: (1) place critical United States Government assets and capabilities into space; (2) augment space-based capabilities in a timely manner in the event of increased operational needs or minimize disruptions due to on-orbit satellite failures, launch failures, or deliberate actions against U.S. space assets; and (3) support government and commercial human space flight. The United States, therefore, must maintain robust, responsive, and resilient U.S. space transportation capabilities to assure access to space. In doing so, the United States will emphasize safety in flight and on the ground.

Assuring access to space requires maintaining a viable space transportation industrial and technology base. A significant downturn in the market for commercial launch services has undermined for the time being the ability of industry to recoup its significant investment in current launch systems and effectively precludes industry from sustaining a robust

industrial and technology base sufficient to meet all United States Government needs. To assure access to space for United States Government payloads, therefore, the United States Government must provide sufficient and stable funding for acquisition of U.S. space transportation capabilities in order to create a climate in which a robust space transportation industrial and technology base can flourish.

To exploit space to the fullest extent, however, requires a fundamental transformation in U.S. space transportation capabilities and infrastructure. In that regard, the United States Government must capitalize on the entrepreneurial spirit of the U.S. private sector, which offers new approaches and technology innovation in U.S. space transportation, options for enhancing space exploration activities, and opportunities to open new commercial markets, including public space travel. Further, dramatic improvements in the reliability, responsiveness, and cost of space transportation would have a profound impact on the ability to protect the Nation, explore the solar system, improve lives, and use space for commercial purposes. While there are both technical and budgetary obstacles to achieving such capabilities in the near term, a sustained national commitment to developing the necessary technologies can enable a decision in the future to develop such capabilities.

Goal and Objectives

The fundamental goal of this policy is to ensure the capability to access and use space in support of national and homeland security, civil, scientific, and economic interests. To achieve this goal, the United States Government shall:

- 1) Ensure the availability of U.S. space transportation capabilities necessary to provide reliable and affordable space access, including access to, transport through, and return from space;
- 2) Demonstrate an initial capability for operationally responsive access to and use of space -- providing capacity to respond to unexpected loss or degradation of selected capabilities, and/or to provide timely availability of tailored or new capabilities -- to support national security requirements;
- 3) Develop space transportation capabilities to enable human space exploration beyond low Earth orbit, consistent with the

direction contained in National Security Presidential Directive-31, U.S. Space Exploration Policy, dated January 14, 2004;

4) Sustain a focused technology development program for next-generation space transportation capabilities that dramatically improve the reliability, responsiveness, and cost of access to, transport through, and return from space, and enables a decision to acquire these capabilities in the future;

5) Encourage and facilitate the U.S. commercial space transportation industry to enhance the achievement of national security and civil space transportation objectives, benefit the U.S. economy, and increase the industry's international competitiveness; and

6) Sustain and promote a domestic space transportation industrial base, including launch systems, infrastructure, and workforce, necessary to meet ongoing United States Government national security and civil requirements.

Implementation of this directive shall be within the overall policy and resource guidance of the President, the availability of appropriations, and applicable law and regulations.

Implementation Guidelines

To achieve the goals of this directive, departments and agencies shall take the following actions:

I. Assuring Access to Space

- 1) "Assured access" is a requirement for critical national security, homeland security, and civil missions and is defined as a sufficiently robust, responsive, and resilient capability to allow continued space operations, consistent with risk management and affordability. The Secretary of Defense and the Administrator of the National Aeronautics and Space Administration, as appropriate, are responsible for assuring access to space.
- 2) The Secretary of Defense shall be the launch agent for the national security sector and shall maintain the capability to develop, evolve, operate, and purchase services for those space transportation systems, infrastructure, and support activities necessary to meet national security requirements.

- 3) The Administrator of the National Aeronautics and Space Administration shall be the launch agent for the civil sector and shall maintain the capability to develop, evolve, operate, and purchase services for those space transportation systems, infrastructure, and support activities necessary to meet civil requirements, including the capability to conduct human and robotic space flight for exploration, scientific, and other civil purposes. The National Aeronautics and Space Administration shall engage in development activities only for those requirements that cannot be met by capabilities being used by the national security or commercial sectors.
- 4) For the foreseeable future, the capabilities developed under the Evolved Expendable Launch Vehicle program shall be the foundation for access to space for intermediate and larger payloads for national security, homeland security, and civil purposes to the maximum extent possible consistent with mission, performance, cost, and schedule requirements. New U.S. commercial space transportation capabilities that demonstrate the ability to reliably launch intermediate or larger payloads will be allowed to compete on a level playing field for United States Government missions.
 - a) The Secretary of Defense shall maintain overall management responsibilities for the Evolved Expendable Launch Vehicle program and shall fund the annual fixed costs for both launch services providers unless or until such time as the Secretary of Defense, following coordination with the Director of Central Intelligence and the Administrator of the National Aeronautics and Space Administration, certifies to the President that a capability that reliably provides assured access to space can be maintained without two Evolved Expendable Launch Vehicle providers.
 - b) Not later than 2010, the Secretary of Defense, the Director of Central Intelligence, and the Administrator of the National Aeronautics and Space Administration shall evaluate the long-term requirements, funding, and management responsibilities for the Evolved Expendable Launch Vehicle system(s) and infrastructure. That evaluation shall include recommending a proportionate shift of the existing funding responsibility of the Secretary of Defense to reflect any change to the balance between national security and civil missions employing an Evolved Expendable Launch Vehicle.

- c) Any department or agency seeking to significantly modify or develop new launch systems derived from the Evolved Expendable Launch Vehicles or its major components, including human rating, shall be responsible for any necessary funding arrangements and shall coordinate with the Secretary of Defense and, as appropriate, the Secretaries of Commerce and Transportation and the Administrator of the National Aeronautics and Space Administration.
- 5) Before 2010, the United States shall demonstrate an initial capability for operationally responsive access to and use of space to support national security requirements. In that regard, the Secretary of Defense, in coordination with the Director of Central Intelligence, shall:
 - a) Develop the requirements and concept of operations for launch vehicles, infrastructure, and spacecraft to provide operationally responsive access to and use of space to support national security, including the ability to provide critical space capabilities in the event of a failure of launch or on-orbit capabilities; and
 - b) Identify the key modifications to space launch, spacecraft, or ground operations capabilities that will be required to implement an operationally responsive space launch capability.
- 6) The Federal space launch bases and ranges are vital components of the U.S. space transportation infrastructure and are national assets upon which access to space depends for national security, civil, and commercial purposes. The Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall operate the Federal launch bases and ranges in a manner so as to accommodate users from all sectors; and shall transfer these capabilities to a predominantly space-based range architecture to accommodate, among others, operationally responsive space launch systems and new users.

II. Space Exploration

- 1) The space transportation capabilities necessary to carry out space exploration will be developed consistent with National Security Presidential Directive-31, U.S. Space Exploration Policy, dated January 14, 2004.

- 2) Consistent with that direction, the Administrator of the National Aeronautics and Space Administration shall develop, in cooperation with the Secretary of Defense as appropriate, options to meet potential exploration-unique requirements for heavy lift beyond the capabilities of the existing Evolved Expendable Launch Vehicles.
 - a) These options will emphasize the potential for using derivatives of the Evolved Expendable Launch Vehicles to meet space exploration requirements. In addition, the Administrator shall evaluate the comparative costs and benefits of a new dedicated heavy-lift launch vehicle or options based on the use of Shuttle-derived systems.
 - b) The Administrator and the Secretary shall jointly submit to me a recommendation regarding the preferred option to meet future heavy-lift requirements. This recommendation will include an assessment of the impact on national security, civil, and commercial launch activities and the space transportation industrial base.

III. Transformation of Space Transportation Capabilities

- 1) The United States shall sustain a focused technology development program for next-generation space transportation capabilities to transform U.S. access to and use of space. In that regard, the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration, in cooperation with industry as appropriate, shall:
 - a) Within two years of the date of this directive develop the requirements, concept of operations, technology roadmaps, and investment strategy for next-generation space transportation capabilities with the objective of dramatically improving the reliability, responsiveness, and cost of Earth-to-orbit space transportation for deployment of spacecraft and other payloads in Earth orbit, exclusive of human space flight; and
 - b) Pursue research and development of in-space transportation capabilities to enable responsive space transportation capabilities and the transformation of the Nation's ability to navigate in space. These efforts shall include, but not be limited to: automated rendezvous and docking, and the ability to deploy, service, and retrieve payloads or spacecraft in Earth orbit. The Administrator of the National Aeronautics and

Space Administration, in cooperation with the Secretary of Energy and other departments and agencies as appropriate, shall pursue research and development of space nuclear power and advanced propulsion technologies to more quickly, affordably, and safely expand the reach of exploration into the solar system and beyond.

IV. Commercial Space Transportation

- 1) The United States Government is committed to encouraging and facilitating a viable U.S. commercial space transportation industry that supports U.S. space transportation goals, benefits the U.S. economy, and is internationally competitive. Toward that end, United States Government departments and agencies shall:
 - a) Purchase commercially available U.S. space transportation products and services to the maximum extent possible, consistent with mission requirements and applicable law;
 - b) Provide a timely and responsive regulatory environment for licensing commercial space launch and reentry activities;
 - c) Maintain, subject to periodic review and the competitiveness of U.S. industry, the liability risk-sharing regime for U.S. commercial space transportation activities set forth in the Commercial Space Launch Act, as amended (49 USC, Subtitle IX, Chapter 701), including provisions for indemnification by the United States Government;
 - d) Refrain from conducting activities with commercial applications that preclude, deter, or compete with U.S. commercial space transportation activities, unless required by national security;
 - e) Involve the U.S. private sector in the design and development of space transportation capabilities to meet United States Government needs;
 - f) Provide stable and predictable access to the Federal space launch bases and ranges, and other government facilities and services, as appropriate, for commercial purposes on a direct-cost basis, as defined in the Commercial Space Launch Act, as amended (49 USC, Subtitle IX, Chapter 701). The United States Government reserves the right to use such facilities and services on a

priority basis to meet national security and critical civil mission requirements;

- g) Encourage private sector and state and local government investment and participation in the development and improvement of space infrastructure, including non-Federal launch and reentry sites; and
 - h) Provide for the private sector retention of technical data rights in acquiring space transportation capabilities, limited only to the extent necessary to meet United States Government needs.
- 2) The Secretary of Transportation shall license and have safety oversight responsibility for commercial launch and reentry operations and for operation of non-Federal launch and reentry sites, as set forth in the Commercial Space Launch Act, as amended (49 USC, Subtitle IX, Chapter 701), and Executive Order 12465. The Secretary of Transportation shall coordinate with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, and other United States Government departments and agencies, as appropriate.
- a) The Secretaries of Transportation and Defense shall establish common public safety requirements and other common standards, as appropriate, taking into account launch vehicle type and concept of operation, for launches from Federal and non-Federal launch sites. The Secretaries of Transportation and Defense shall coordinate these requirements with the Administrator of the National Aeronautics and Space Administration and other departments and agencies as appropriate.
- 3) The Secretaries of Commerce and Transportation shall encourage, facilitate, and promote U.S. commercial space transportation activities, including commercial human space flight.

V. U.S. Space Transportation Industrial and Technology Base

- 1) A viable domestic industrial and technology base is the foundation of a successful U.S. space transportation capability and is critical to assuring access to space for national security and civil purposes. To assure access to space and ensure national security and civil space transportation needs will continue to be met in the future:

a) United States Government payloads shall be launched on space launch vehicles manufactured in the United States, unless exempted by the Director of the Office of Science and Technology Policy, in consultation with the Assistant to the President for National Security Affairs.

- This policy does not apply to use of foreign launch vehicles on a no-exchange-of-funds basis to support the following: flight of scientific instruments on foreign spacecraft, international scientific programs, or other cooperative government-to-government programs. This policy also does not apply to the use of foreign launch vehicles to launch United States Government secondary scientific payloads for which no U.S. launch service is available.

- The proposed use of a non-U.S.-manufactured launch vehicle will be subject to interagency coordination as early in the program as possible and prior to the sponsoring department's or agency's request for authority to negotiate and conclude an agreement. Interagency coordination will take into account national security and foreign policy concerns, civil and scientific interests, and the performance, availability, and economic and budgetary considerations associated with use of the proposed launch vehicle.

b) The use of foreign components or technologies, and the participation of foreign governments and entities, in current and future U.S. space transportation systems is permitted consistent with U.S. law and regulations, as well as nonproliferation, national security, and foreign policy goals and commitments and U.S. obligations under the Strategic Arms Reduction Treaty, Intermediate Nuclear Forces Treaty, and the Missile Technology Control Regime. Such use or participation will not be permitted where it could result in critical national security or civil space launches being jeopardized by delays or disruptions in receipt of foreign-produced systems, components, technology, or expertise.

VI. Nonproliferation and Use of Excess Ballistic Missiles

1) In order to prevent the proliferation of missile technology and to limit the adverse impact of use of excess ballistic missiles on U.S. space transportation capabilities:

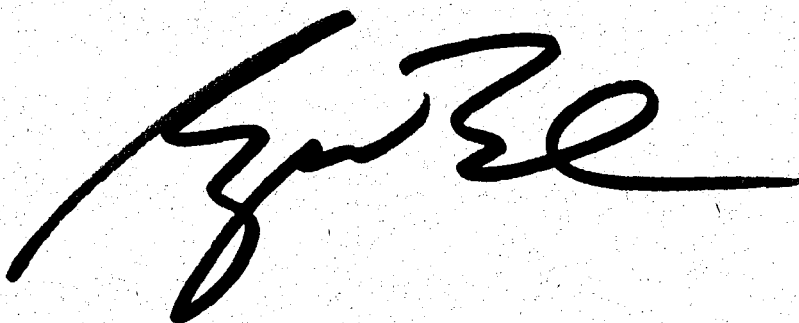
- a) Excess U.S. ballistic missiles shall either be retained for government use or destroyed. United States Government agencies may use such assets to launch payloads into orbit on a case-by-case basis, with the approval of the Secretary of Defense, when the following conditions are met: (1) the payload supports the sponsoring agency's mission; (2) such use is consistent with the obligations of the United States under treaties and other international agreements to which the United States is a party, including the Missile Technology Control Regime guidelines, the Strategic Arms Reduction Treaty, and the Intermediate Nuclear Forces Treaty; and (3) the sponsoring agency certifies that such use results in a cost savings to the United States Government compared to the use of available commercial launch services that would also meet mission requirements, including performance, schedule, and risk, and limits the impact on the U.S. space transportation industry;
- b) The United States Government encourages other nations that possess excess ballistic missiles to limit their use to government purposes only or destroy them. The United States Government will consider on a case-by-case basis requests from U.S. companies to use foreign excess ballistic missiles for space launch purposes. Any such use must be in conformity with arms control agreements, U.S. nonproliferation policies, U.S. technology transfer policies, and the Missile Technology Control Regime guidelines; and
- c) The United States Government shall consider on a case-by-case basis requests to launch foreign space transportation systems in the United States for commercial purposes, including exhibitions and demonstrations. Any such use shall be subject to interagency coordination and must be in conformity with U.S. national security and foreign policy interests, arms control agreements, U.S. nonproliferation policies, U.S. technology transfer policies, the Missile Technology Control Regime guidelines, and launch and re-entry licensing regulations.

Implementing Actions

Within 180 days from the date of this directive, the Secretaries of Defense, Commerce, and Transportation, the Director of Central Intelligence, and the Administrator of the National Aeronautics and Space Administration, as appropriate, shall

jointly submit to me a national space transportation strategy that includes requirements, implementation plans, schedules, and resources required for:

- 1) Reliable and affordable space access, including assuring access to space for critical national security and civil missions. The strategy shall address how the Evolved Expendable Launch Vehicle program will be managed through 2009, and efforts to modernize the Federal space launch bases and ranges;
- 2) Demonstration of an initial capability for operationally responsive access to and use of space to support national security requirements;
- 3) Access to, transport through, and return from space for space exploration, including options to meet exploration-unique requirements for heavy lift beyond the capabilities of existing launch vehicles;
- 4) Focused technology development efforts to transform U.S. access to and use of space, including development of next-generation space transportation capabilities for deployment of spacecraft or other payloads in Earth orbit and in-space transportation; and
- 5) Measures to encourage and facilitate the U.S. commercial space transportation industry to enhance the achievement of national security and civil space transportation objectives, benefit the U.S. economy, and increase the industry's international competitiveness. The strategy shall consider the development of markets and plans for commercial human space flight.

A large, stylized handwritten signature in black ink, appearing to read "Gore".

THE WHITE HOUSE

WASHINGTON

December 21, 2004

NATIONAL SECURITY PRESIDENTIAL DIRECTIVE/NSPD-40

MEMORANDUM FOR THE VICE PRESIDENT

THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF COMMERCE
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
THE SECRETARY OF HOMELAND SECURITY
CHIEF OF STAFF TO THE PRESIDENT
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY
AFFAIRS
ASSISTANT TO THE PRESIDENT FOR ECONOMIC POLICY
ASSISTANT TO THE PRESIDENT FOR DOMESTIC POLICY
ASSISTANT TO THE PRESIDENT FOR HOMELAND SECURITY
DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY POLICY
UNITED STATES TRADE REPRESENTATIVE
DIRECTOR OF CENTRAL INTELLIGENCE
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION
DIRECTOR, NATIONAL SCIENCE FOUNDATION

SUBJECT: U.S. Space Transportation Policy

This directive establishes national policy, guidelines, and implementation actions for United States space transportation programs and activities to ensure the Nation's ability to maintain access to and use space for U.S. national and homeland security, and civil, scientific, and commercial purposes. This directive supersedes Presidential Decision Directive/National Science and Technology Council-4, National Space Transportation Policy, dated August 5, 1994, in whole, and the following portions of Presidential Decision Directive/National Science and Technology Council-8/National Security Council-49, National Space Policy, dated September 14, 1996, that pertain to space transportation programs and activities: Civil Space Guideline 3b, Defense Space Sector Guideline c, Commercial Space Guideline 5, and Intersector Guideline 2.

Background

For over four decades, U.S. space transportation capabilities have helped the Nation secure peace and protect national security, enabled the Nation to lead the exploration of our solar system and beyond, and increased economic prosperity and our knowledge of the Earth and its environment. Today, vital national security, homeland security, and economic interests are increasingly dependent on United States Government and commercial space assets. U.S. space transportation capabilities -- encompassing access to, transport through, and return from space -- are the critical foundation upon which U.S. access to and use of space depends.

In accordance with my direction in National Security Presidential Directive-31, U.S. Space Exploration Policy, dated January 14, 2004, the United States is embarking on a robust space exploration program to advance U.S. scientific, security, and economic interests. A central component of this program is to extend human presence across the solar system, starting with a human return to the Moon by the year 2020, in preparation for human exploration of Mars and other destinations. The Space Shuttle will be returned to flight as soon as practical, based on the recommendations of the Columbia Accident Investigation Board; used to complete assembly of the International Space Station, planned for the end of this decade; and then retired. A new crew exploration vehicle will be developed to provide crew transportation for missions beyond low Earth orbit.

Access to space through U.S. space transportation capabilities is essential to: (1) place critical United States Government assets and capabilities into space; (2) augment space-based capabilities in a timely manner in the event of increased operational needs or minimize disruptions due to on-orbit satellite failures, launch failures, or deliberate actions against U.S. space assets; and (3) support government and commercial human space flight. The United States, therefore, must maintain robust, responsive, and resilient U.S. space transportation capabilities to assure access to space. In doing so, the United States will emphasize safety in flight and on the ground.

Assuring access to space requires maintaining a viable space transportation industrial and technology base. A significant downturn in the market for commercial launch services has undermined for the time being the ability of industry to recoup its significant investment in current launch systems and effectively precludes industry from sustaining a robust

industrial and technology base sufficient to meet all United States Government needs. To assure access to space for United States Government payloads, therefore, the United States Government must provide sufficient and stable funding for acquisition of U.S. space transportation capabilities in order to create a climate in which a robust space transportation industrial and technology base can flourish.

To exploit space to the fullest extent, however, requires a fundamental transformation in U.S. space transportation capabilities and infrastructure. In that regard, the United States Government must capitalize on the entrepreneurial spirit of the U.S. private sector, which offers new approaches and technology innovation in U.S. space transportation, options for enhancing space exploration activities, and opportunities to open new commercial markets, including public space travel. Further, dramatic improvements in the reliability, responsiveness, and cost of space transportation would have a profound impact on the ability to protect the Nation, explore the solar system, improve lives, and use space for commercial purposes. While there are both technical and budgetary obstacles to achieving such capabilities in the near term, a sustained national commitment to developing the necessary technologies can enable a decision in the future to develop such capabilities.

Goal and Objectives

The fundamental goal of this policy is to ensure the capability to access and use space in support of national and homeland security, civil, scientific, and economic interests. To achieve this goal, the United States Government shall:

- 1) Ensure the availability of U.S. space transportation capabilities necessary to provide reliable and affordable space access, including access to, transport through, and return from space;
- 2) Demonstrate an initial capability for operationally responsive access to and use of space -- providing capacity to respond to unexpected loss or degradation of selected capabilities, and/or to provide timely availability of tailored or new capabilities -- to support national security requirements;
- 3) Develop space transportation capabilities to enable human space exploration beyond low Earth orbit, consistent with the

direction contained in National Security Presidential Directive-31, U.S. Space Exploration Policy, dated January 14, 2004;

4) Sustain a focused technology development program for next-generation space transportation capabilities that dramatically improve the reliability, responsiveness, and cost of access to, transport through, and return from space, and enables a decision to acquire these capabilities in the future;

5) Encourage and facilitate the U.S. commercial space transportation industry to enhance the achievement of national security and civil space transportation objectives, benefit the U.S. economy, and increase the industry's international competitiveness; and

6) Sustain and promote a domestic space transportation industrial base, including launch systems, infrastructure, and workforce, necessary to meet ongoing United States Government national security and civil requirements.

Implementation of this directive shall be within the overall policy and resource guidance of the President, the availability of appropriations, and applicable law and regulations.

Implementation Guidelines

To achieve the goals of this directive, departments and agencies shall take the following actions:

I. Assuring Access to Space

- 1) "Assured access" is a requirement for critical national security, homeland security, and civil missions and is defined as a sufficiently robust, responsive, and resilient capability to allow continued space operations, consistent with risk management and affordability. The Secretary of Defense and the Administrator of the National Aeronautics and Space Administration, as appropriate, are responsible for assuring access to space.
- 2) The Secretary of Defense shall be the launch agent for the national security sector and shall maintain the capability to develop, evolve, operate, and purchase services for those space transportation systems, infrastructure, and support activities necessary to meet national security requirements.

- 3) The Administrator of the National Aeronautics and Space Administration shall be the launch agent for the civil sector and shall maintain the capability to develop, evolve, operate, and purchase services for those space transportation systems, infrastructure, and support activities necessary to meet civil requirements, including the capability to conduct human and robotic space flight for exploration, scientific, and other civil purposes. The National Aeronautics and Space Administration shall engage in development activities only for those requirements that cannot be met by capabilities being used by the national security or commercial sectors.
- 4) For the foreseeable future, the capabilities developed under the Evolved Expendable Launch Vehicle program shall be the foundation for access to space for intermediate and larger payloads for national security, homeland security, and civil purposes to the maximum extent possible consistent with mission, performance, cost, and schedule requirements. New U.S. commercial space transportation capabilities that demonstrate the ability to reliably launch intermediate or larger payloads will be allowed to compete on a level playing field for United States Government missions.
 - a) The Secretary of Defense shall maintain overall management responsibilities for the Evolved Expendable Launch Vehicle program and shall fund the annual fixed costs for both launch services providers unless or until such time as the Secretary of Defense, following coordination with the Director of Central Intelligence and the Administrator of the National Aeronautics and Space Administration, certifies to the President that a capability that reliably provides assured access to space can be maintained without two Evolved Expendable Launch Vehicle providers.
 - b) Not later than 2010, the Secretary of Defense, the Director of Central Intelligence, and the Administrator of the National Aeronautics and Space Administration shall evaluate the long-term requirements, funding, and management responsibilities for the Evolved Expendable Launch Vehicle system(s) and infrastructure. That evaluation shall include recommending a proportionate shift of the existing funding responsibility of the Secretary of Defense to reflect any change to the balance between national security and civil missions employing an Evolved Expendable Launch Vehicle.

- c) Any department or agency seeking to significantly modify or develop new launch systems derived from the Evolved Expendable Launch Vehicles or its major components, including human rating, shall be responsible for any necessary funding arrangements and shall coordinate with the Secretary of Defense and, as appropriate, the Secretaries of Commerce and Transportation and the Administrator of the National Aeronautics and Space Administration.
- 5) Before 2010, the United States shall demonstrate an initial capability for operationally responsive access to and use of space to support national security requirements. In that regard, the Secretary of Defense, in coordination with the Director of Central Intelligence, shall:
- a) Develop the requirements and concept of operations for launch vehicles, infrastructure, and spacecraft to provide operationally responsive access to and use of space to support national security, including the ability to provide critical space capabilities in the event of a failure of launch or on-orbit capabilities; and
 - b) Identify the key modifications to space launch, spacecraft, or ground operations capabilities that will be required to implement an operationally responsive space launch capability.
- 6) The Federal space launch bases and ranges are vital components of the U.S. space transportation infrastructure and are national assets upon which access to space depends for national security, civil, and commercial purposes. The Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall operate the Federal launch bases and ranges in a manner so as to accommodate users from all sectors; and shall transfer these capabilities to a predominantly space-based range architecture to accommodate, among others, operationally responsive space launch systems and new users.

II. Space Exploration

- 1) The space transportation capabilities necessary to carry out space exploration will be developed consistent with National Security Presidential Directive-31, U.S. Space Exploration Policy, dated January 14, 2004.

- 2) Consistent with that direction, the Administrator of the National Aeronautics and Space Administration shall develop, in cooperation with the Secretary of Defense as appropriate, options to meet potential exploration-unique requirements for heavy lift beyond the capabilities of the existing Evolved Expendable Launch Vehicles.
 - a) These options will emphasize the potential for using derivatives of the Evolved Expendable Launch Vehicles to meet space exploration requirements. In addition, the Administrator shall evaluate the comparative costs and benefits of a new dedicated heavy-lift launch vehicle or options based on the use of Shuttle-derived systems.
 - b) The Administrator and the Secretary shall jointly submit to me a recommendation regarding the preferred option to meet future heavy-lift requirements. This recommendation will include an assessment of the impact on national security, civil, and commercial launch activities and the space transportation industrial base.

III. Transformation of Space Transportation Capabilities

- 1) The United States shall sustain a focused technology development program for next-generation space transportation capabilities to transform U.S. access to and use of space. In that regard, the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration, in cooperation with industry as appropriate, shall:
 - a) Within two years of the date of this directive develop the requirements, concept of operations, technology roadmaps, and investment strategy for next-generation space transportation capabilities with the objective of dramatically improving the reliability, responsiveness, and cost of Earth-to-orbit space transportation for deployment of spacecraft and other payloads in Earth orbit, exclusive of human space flight; and
 - b) Pursue research and development of in-space transportation capabilities to enable responsive space transportation capabilities and the transformation of the Nation's ability to navigate in space. These efforts shall include, but not be limited to: automated rendezvous and docking, and the ability to deploy, service, and retrieve payloads or spacecraft in Earth orbit. The Administrator of the National Aeronautics and

Space Administration, in cooperation with the Secretary of Energy and other departments and agencies as appropriate, shall pursue research and development of space nuclear power and advanced propulsion technologies to more quickly, affordably, and safely expand the reach of exploration into the solar system and beyond.

IV. Commercial Space Transportation

- 1) The United States Government is committed to encouraging and facilitating a viable U.S. commercial space transportation industry that supports U.S. space transportation goals, benefits the U.S. economy, and is internationally competitive. Toward that end, United States Government departments and agencies shall:
 - a) Purchase commercially available U.S. space transportation products and services to the maximum extent possible, consistent with mission requirements and applicable law;
 - b) Provide a timely and responsive regulatory environment for licensing commercial space launch and reentry activities;
 - c) Maintain, subject to periodic review and the competitiveness of U.S. industry, the liability risk-sharing regime for U.S. commercial space transportation activities set forth in the Commercial Space Launch Act, as amended (49 USC, Subtitle IX, Chapter 701), including provisions for indemnification by the United States Government;
 - d) Refrain from conducting activities with commercial applications that preclude, deter, or compete with U.S. commercial space transportation activities, unless required by national security;
 - e) Involve the U.S. private sector in the design and development of space transportation capabilities to meet United States Government needs;
 - f) Provide stable and predictable access to the Federal space launch bases and ranges, and other government facilities and services, as appropriate, for commercial purposes on a direct-cost basis, as defined in the Commercial Space Launch Act, as amended (49 USC, Subtitle IX, Chapter 701). The United States Government reserves the right to use such facilities and services on a

priority basis to meet national security and critical civil mission requirements;

- g) Encourage private sector and state and local government investment and participation in the development and improvement of space infrastructure, including non-Federal launch and reentry sites; and
 - h) Provide for the private sector retention of technical data rights in acquiring space transportation capabilities, limited only to the extent necessary to meet United States Government needs.
- 2) The Secretary of Transportation shall license and have safety oversight responsibility for commercial launch and reentry operations and for operation of non-Federal launch and reentry sites, as set forth in the Commercial Space Launch Act, as amended (49 USC, Subtitle IX, Chapter 701), and Executive Order 12465. The Secretary of Transportation shall coordinate with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, and other United States Government departments and agencies, as appropriate.
- a) The Secretaries of Transportation and Defense shall establish common public safety requirements and other common standards, as appropriate, taking into account launch vehicle type and concept of operation, for launches from Federal and non-Federal launch sites. The Secretaries of Transportation and Defense shall coordinate these requirements with the Administrator of the National Aeronautics and Space Administration and other departments and agencies as appropriate.
- 3) The Secretaries of Commerce and Transportation shall encourage, facilitate, and promote U.S. commercial space transportation activities, including commercial human space flight.

V. U.S. Space Transportation Industrial and Technology Base

- 1) A viable domestic industrial and technology base is the foundation of a successful U.S. space transportation capability and is critical to assuring access to space for national security and civil purposes. To assure access to space and ensure national security and civil space transportation needs will continue to be met in the future:

- a) Excess U.S. ballistic missiles shall either be retained for government use or destroyed. United States Government agencies may use such assets to launch payloads into orbit on a case-by-case basis, with the approval of the Secretary of Defense, when the following conditions are met: (1) the payload supports the sponsoring agency's mission; (2) such use is consistent with the obligations of the United States under treaties and other international agreements to which the United States is a party, including the Missile Technology Control Regime guidelines, the Strategic Arms Reduction Treaty, and the Intermediate Nuclear Forces Treaty; and (3) the sponsoring agency certifies that such use results in a cost savings to the United States Government compared to the use of available commercial launch services that would also meet mission requirements, including performance, schedule, and risk, and limits the impact on the U.S. space transportation industry;
- b) The United States Government encourages other nations that possess excess ballistic missiles to limit their use to government purposes only or destroy them. The United States Government will consider on a case-by-case basis requests from U.S. companies to use foreign excess ballistic missiles for space launch purposes. Any such use must be in conformity with arms control agreements, U.S. nonproliferation policies, U.S. technology transfer policies, and the Missile Technology Control Regime guidelines; and
- c) The United States Government shall consider on a case-by-case basis requests to launch foreign space transportation systems in the United States for commercial purposes, including exhibitions and demonstrations. Any such use shall be subject to interagency coordination and must be in conformity with U.S. national security and foreign policy interests, arms control agreements, U.S. nonproliferation policies, U.S. technology transfer policies, the Missile Technology Control Regime guidelines, and launch and re-entry licensing regulations.

Implementing Actions

Within 180 days from the date of this directive, the Secretaries of Defense, Commerce, and Transportation, the Director of Central Intelligence, and the Administrator of the National Aeronautics and Space Administration, as appropriate, shall

~~SECRET~~
NSC/RMO PROFILE

RECORD ID: 0406926
RECEIVED: 23 Sep 04
DOC DATE: 21 Dec 2004
SOURCE REF:

TO: AGENCIES (MISC)

FROM: PRESIDENT (MISC)

KEYWORDS: NSPD SPACE PROGRAMS

PERSONS:

SUBJECT: NSPD ON SPACE TRANSPORTATION

ACTION: PRES SGD NSPD-40	DUE DATE: 27 Sep 04	STATUS: C
STAFF OFFICER: KLINGER (NSC)	FILES: IFD	
LOGREF: 0408769		

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELLINGER
KLINGER
NSC CHRON

COMMENTS:

DISPATCHED BY: _____ DATE: _____ BY HAND W/ATTACH
 OPENED BY: NSC\HearnE CLOSED BY: WHITEHOUSE\DarnesV DOC 3 of 3

~~SECRET~~

DECLASSIFIED
White House Guidelines
E.O. 13526, SEC 3.4(B), Sept. 11, 2006
By MAC NARA, Date 03/23/2016

ACTION DATA SUMMARY REPORT

<u>DOC</u>	<u>ACTION OFFICER</u>	<u>CAO</u>	<u>ASSIGNED</u>	<u>ACTION REQUIRED</u>
1	KLINGER	Z	120604 12	FOR FURTHER ACTION
1	RICE	X	120704 11	FWD TO PRESIDENT FOR SIGNATURE
2	PRESIDENT	X	121404 14	FOR SIGNATURE
3		X	122804 15	PRES SGD NSPD-40

DISPATCH DATA SUMMARY REPORT

<u>DOC</u>	<u>DATE</u>	<u>DISPATCH OFFICER</u>	<u>DISPATCH ACTION</u>
2	121404	LIBBY, L	Info
2	121404	VICE PRESIDENT	Info
2	121404	WHITE HOUSE CHIEF OF STAFF	Info
3	122104	ABRAHAM, S	Action
3	122104	ASHCROFT, J	Action
3	122104	CARD, A	Action
3	122104	CHENEY, R	Action
3	122104	EVANS, D	Action
3	122104	FRIEDMAN, S	Action
3	122104	MARBURGER, J	Action
3	122104	MINETA, N	Action
3	122104	MYERS, R	Action
3	122104	O'KEEFE, S	Action
3	122104	POWELL, C	Action
3	122104	RICE, C	Action
3	122104	RIDGE, T	Action
3	122104	RUMSFELD, D	Action
3	122104	SNOW, J	Action
3	122104	SPELLINGS, M	Action
3	122104	ZOELLICK, R	Action
3	122104	BOLTEN, J	Action
3	122104	TOWNSEND, F	Action
3	122104	GOSS, P	Action
3	122104	BEMENT, A	Action

National Security Council

The White House

Proofed by: _____

Log # 6926

Urgent Not Proofed: _____

System ERS INT ARS

Bypassed WW Desk: _____

Doclog fr A/O _____

bb

	Sequence to	Initial/Date	Disposition
Haines	_____	_____	_____
Smith	_____	_____	_____
Wisecup	_____	_____	_____
Grady	<u>1</u>	<u>1/27</u>	_____
Schulte	_____	_____	_____
Shirzad	_____	_____	_____
Hadley	<u>2</u>	<u>APR 12/7</u>	_____
Rice	<u>3</u>	<u>Mo CR 12/14</u>	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>4</u>	_____	_____
Records Mgmt.	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

A = Action I = Information D = Dispatch R = Retain N = No Further Action

CC: *MADEO 7/10/17*

Comments:

Exec Sec Office has Diskette Yes

National Security Council

The White House

Proofed by: _____

Log # 6926

Urgent Not Proofed: _____

System **PRS** **INT** **ARS**

Bypassed WW Desk: _____

Doclog _____ A/O _____

bb

	Sequence to	Initial/Date	Disposition
Haines	_____	_____	_____
Smith	_____	_____	_____
Wisecup	_____	_____	_____
Grady	<u>1</u>	<u>11.20</u>	_____
Schulte	_____	_____	_____
Shirzad	_____	_____	_____
Hadley	<u>2</u>	<u>✓</u>	_____
Rice	_____	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>3</u>	_____	_____
Records Mgmt	_____	_____	_____
<u>Defense</u>	<u>4</u>	_____	<u>Redo</u>
_____	_____	_____	_____
_____	_____	_____	_____

A = Action I = Information D = Dispatch R = Retain N = No Further Action

CC:

Comments: 5/17

Exec Sec Office has Diskette Yes

National Security Council

The White House

Proofed by: _____

Log # 6926

Urgent Not Proofed: _____

System RRS INT ARS

Bypassed WW Desk: _____

Doclog 8 A/O _____

	Sequence to	Initial/Date	Disposition
Haines	_____	_____	_____
Burnett	_____	_____	_____
Wisecup	_____	_____	_____
Grady	_____	_____	_____
Schulte	_____	_____	_____
Shirzad	_____	_____	_____
Hadley	_____	_____	_____
Rice	_____	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	_____	_____	_____
Records Mgmt.	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

A = Action I = Information D = Dispatch R = Retain N = No Further Action

CC:

Comments:

*2 FDD cover: NSPD 40
DONE*

104 DEC 21 1966

Exec Sec Office has Diskette _____

Steve,

Is this all consistent

W/ our discussions of

OMB?

NATIONAL SECURITY COUNCIL


WASHINGTON, D.C. 20504

December 27, 2004

MEMORANDUM FOR RECIPIENTS OF NSPD-40

SUBJECT: Distribution of NSPD-40

Attached is your agency's copy of National Security Presidential Directive-40. Although the text of NSPD-40 is unclassified, we ask that the distribution of this document be strictly controlled in order to protect the format (which will be used for subsequent National Security Presidential Directives). Your cooperation is appreciated.


Gregory L. Schulte
Executive Secretary

National Security Council

Date: 28-December-2004

Distribution Receipt

Package Number: 0406926

Subject: NSPD ON SPACE TRANSPORTATION

Document Classification: SECRET

External Distribution:

Full Name: R CHIENEY (VICE PRESIDENT)

Agency Name: OFFICE OF THE VICE PRESIDENT

Address:

State:

Country:

Email:

Date Time Signature

Print Last Name: _____

Copy: 1

External Distribution:

Full Name: C POWELL (SECRETARY)

Agency Name: DEPARTMENT OF STATE

Address:

State:

Country:

Email:

Date Time Signature

Print Last Name: _____

Copy: 1

External Distribution:

Full Name: J SNOW (SECRETARY)

Agency Name: DEPARTMENT OF THE TREASURY

Address: 1500 PENNSLYVANIA AVENUE, NW

State: WASHINGTON, DC 20220

Country:

Email:

Date Time Signature

Print Last Name: _____

Copy: 1

External Distribution:

Full Name: D RUMSFELD (SECRETARY)

Agency Name: DEPARTMENT OF DEFENSE

Address:

State:

Country:

Email:

Date Time Signature

Print Last Name: _____

Copy: 1

Date, Time, Sign the receipt and return to: NSC RECORDS MGNT, ROOM 377 EEOB

Distribution Receipt

Package Number: 0406926

Subject: NSPD ON SPACE TRANSPORTATION

Document Classification: SECRET

External Distribution:

Full Name: J ASHCROFT (ATTORNEY GENERAL)

Agency Name: DEPARTMENT OF JUSTICE

Address:

State:

Country:

Email:

Date Time Signature

Print Last Name: _____

Copy: 1

External Distribution:

Full Name: D EVANS (SECRETARY)

Agency Name: DEPARTMENT OF COMMERCE

Address:

State:

Country:

Email:

Date Time Signature

Print Last Name: _____

Copy: 1

External Distribution:

Full Name: N MINETA (SECRETARY)

Agency Name: DEPARTMENT OF TRANSPORTATION

Address:

State:

Country:

Email:

Date Time Signature

Print Last Name: _____

Copy: 1

External Distribution:

Full Name: S ABRAHAM (SECRETARY)

Agency Name: DEPARTMENT OF ENERGY

Address:

State:

Country:

Email:

Date Time Signature

Print Last Name: _____

Copy: 1

National Security Council

Date: 28-December-2004

Distribution Receipt

Package Number: 0406926

Subject: NSPD ON SPACE TRANSPORTATION

Document Classification: SECRET

External Distribution:

Date _____ Time _____ Signature _____

Full Name: T RIDGE (SECRETARY)

Print Last Name: _____

Agency Name: DEPARTMENT OF HOMELAND SECURITY

Copy: 1

Address:

State:

Country:

Email:

External Distribution:

Date _____ Time _____ Signature _____

Full Name: A CARD (CHIEF OF STAFF)

Print Last Name: _____

Agency Name: WHITE HOUSE

Copy: 1

Address:

State:

Country:

Email:

External Distribution:

Date _____ Time _____ Signature _____

Full Name: JOSH BOLTEN (DIRECTOR)

Print Last Name: _____

Agency Name: OFFICE OF MANAGEMENT & BUDGET

Copy: 1

Address:

State:

Country:

Email:

External Distribution:

Date _____ Time _____ Signature _____

Full Name: C RICE (NATL SECURITY ADVISER)

Print Last Name: _____

Agency Name: NATIONAL SECURITY COUNCIL

Copy: 1

Address:

State:

Country:

Email:

Date, Time, Sign the receipt and return to: NSC RECORDS MGNT, ROOM 377 EEOB

National Security Council

Date: 28-December-2004

Distribution Receipt

Package Number: 0406926

Subject: NSPD ON SPACE TRANSPORTATION

Document Classification: SECRET

External Distribution: _____ Date _____ Time _____ Signature _____
Full Name: S FRIEDMAN (ASSISTANT FOR ECONOMIC POLIC
Agency Name: NATIONAL ECONOMIC COUNCIL Print Last Name: _____
Address: _____ Copy: 1
State: _____
Country: _____
Email: _____

External Distribution: _____ Date _____ Time _____ Signature _____
Full Name: M SPELLINGS
Agency Name: _____ Print Last Name: _____
Address: _____ Copy: 1
State: _____
Country: _____
Email: _____

External Distribution: _____ Date _____ Time _____ Signature _____
Full Name: FRANCES TOWNSEND (HOMELAND SECURITY
Agency Name: HOMELAND SECURITY COUNCIL Print Last Name: _____
Address: _____ Copy: 1
State: _____
Country: _____
Email: _____

External Distribution: _____ Date _____ Time _____ Signature _____
Full Name: J MARBURGER (DIRECTOR)
Agency Name: OFFICE OF SCIENCE & TECHNOLOGY POLICY Print Last Name: _____
Address: _____ Copy: 1
State: _____
Country: _____
Email: _____

Date, Time, Sign the receipt and return to: NSC RECORDS MGMT, ROOM 377 EEOB

National Security Council

Date: 28-December-2004

Distribution Receipt

Package Number: 0406926

Subject: NSPD ON SPACE TRANSPORTATION

Document Classification: SECRET

External Distribution:

Full Name: R ZOELICK (TRADE REPRESENTATIVE)

Agency Name: UNITED STATES TRADE REPRESENTATIVE

Address:

State:

Country:

Email:

Date Time Signature

Print Last Name: _____

Copy: 1

External Distribution:

Full Name: PORTER GOSS (DIRECTOR)

Agency Name: CENTRAL INTELLIGENCE AGENCY

Address:

State:

Country:

Email:

Date Time Signature

Print Last Name: _____

Copy: 1

External Distribution:

Full Name: R MYERS (CHAIRMAN)

Agency Name: JOINT CHIEFS OF STAFF

Address:

State:

Country:

Email:

Date Time Signature

Print Last Name: _____

Copy: 1

External Distribution:

Full Name: S O'KEEFE (ADMINISTRATOR)

Agency Name: NATIONAL AERONAUTICS AND SPACE

Address:

State:

Country:

Email:

Date Time Signature

Print Last Name: _____

Copy: 1

National Security Council

Date: 28-December-2004

Distribution Receipt

Package Number: 0406926

Subject: NSPD ON SPACE TRANSPORTATION

Document Classification: SECRET

External Distribution:

Full Name: ARDEN BEMENT (DIRECTOR)

Agency Name: NATIONAL SCIENCE FOUNDATION

Address:

State:

Country:

Email:

Date

Time

Signature

Print Last Name: _____

Copy: 1

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	U.S. Space Transportation Policy	1	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - Defense Policy and Strategy

SERIES:

Klinger, Gil

FOLDER TITLE:

U.S. Space Transportation \ EELV (Evolved Expendable Launch Vehicle) 2002 - 2004: Launch [1]

FRC ID:

37072

FOIA IDs and Segments:

2014-0427-F

OA Num.:

NSC 2834

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

THE WHITE HOUSE

WASHINGTON

December 21, 2004

NATIONAL SECURITY PRESIDENTIAL DIRECTIVE/NSPD-40

MEMORANDUM FOR THE VICE PRESIDENT

- THE SECRETARY OF STATE
- THE SECRETARY OF THE TREASURY
- THE SECRETARY OF DEFENSE
- THE ATTORNEY GENERAL
- THE SECRETARY OF COMMERCE
- THE SECRETARY OF TRANSPORTATION
- THE SECRETARY OF ENERGY
- THE SECRETARY OF HOMELAND SECURITY
- CHIEF OF STAFF TO THE PRESIDENT
- DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
- ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS
- ASSISTANT TO THE PRESIDENT FOR ECONOMIC POLICY
- ASSISTANT TO THE PRESIDENT FOR DOMESTIC POLICY
- ASSISTANT TO THE PRESIDENT FOR HOMELAND SECURITY
- DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY POLICY
- UNITED STATES TRADE REPRESENTATIVE
- DIRECTOR OF CENTRAL INTELLIGENCE
- CHAIRMAN OF THE JOINT CHIEFS OF STAFF
- ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
- DIRECTOR, NATIONAL SCIENCE FOUNDATION

SUBJECT: U.S. Space Transportation Policy

This directive establishes national policy, guidelines, and implementation actions for United States space transportation programs and activities to ensure the Nation's ability to maintain access to and use space for U.S. national and homeland security, and civil, scientific, and commercial purposes. This directive supersedes Presidential Decision Directive/National Science and Technology Council-4, National Space Transportation Policy, dated August 5, 1994, in whole, and the following portions of Presidential Decision Directive/National Science and Technology Council-8/National Security Council-49, National Space Policy, dated September 14, 1996, that pertain to space transportation programs and activities: Civil Space Guideline 3b, Defense Space Sector Guideline c, Commercial Space Guideline 5, and Intersector Guideline 2.

Background

For over four decades, U.S. space transportation capabilities have helped the Nation secure peace and protect national security, enabled the Nation to lead the exploration of our solar system and beyond, and increased economic prosperity and our knowledge of the Earth and its environment. Today, vital national security, homeland security, and economic interests are increasingly dependent on United States Government and commercial space assets. U.S. space transportation capabilities -- encompassing access to, transport through, and return from space -- are the critical foundation upon which U.S. access to and use of space depends.

In accordance with my direction in National Security Presidential Directive-31, U.S. Space Exploration Policy, dated January 14, 2004, the United States is embarking on a robust space exploration program to advance U.S. scientific, security, and economic interests. A central component of this program is to extend human presence across the solar system, starting with a human return to the Moon by the year 2020, in preparation for human exploration of Mars and other destinations. The Space Shuttle will be returned to flight as soon as practical, based on the recommendations of the Columbia Accident Investigation Board; used to complete assembly of the International Space Station, planned for the end of this decade; and then retired. A new crew exploration vehicle will be developed to provide crew transportation for missions beyond low Earth orbit.

Access to space through U.S. space transportation capabilities is essential to: (1) place critical United States Government assets and capabilities into space; (2) augment space-based capabilities in a timely manner in the event of increased operational needs or minimize disruptions due to on-orbit satellite failures, launch failures, or deliberate actions against U.S. space assets; and (3) support government and commercial human space flight. The United States, therefore, must maintain robust, responsive, and resilient U.S. space transportation capabilities to assure access to space. In doing so, the United States will emphasize safety in flight and on the ground.

Assuring access to space requires maintaining a viable space transportation industrial and technology base. A significant downturn in the market for commercial launch services has undermined for the time being the ability of industry to recoup its significant investment in current launch systems and effectively precludes industry from sustaining a robust

industrial and technology base sufficient to meet all United States Government needs. To assure access to space for United States Government payloads, therefore, the United States Government must provide sufficient and stable funding for acquisition of U.S. space transportation capabilities in order to create a climate in which a robust space transportation industrial and technology base can flourish.

To exploit space to the fullest extent, however, requires a fundamental transformation in U.S. space transportation capabilities and infrastructure. In that regard, the United States Government must capitalize on the entrepreneurial spirit of the U.S. private sector, which offers new approaches and technology innovation in U.S. space transportation, options for enhancing space exploration activities, and opportunities to open new commercial markets, including public space travel. Further, dramatic improvements in the reliability, responsiveness, and cost of space transportation would have a profound impact on the ability to protect the Nation, explore the solar system, improve lives, and use space for commercial purposes. While there are both technical and budgetary obstacles to achieving such capabilities in the near term, a sustained national commitment to developing the necessary technologies can enable a decision in the future to develop such capabilities.

Goal and Objectives

The fundamental goal of this policy is to ensure the capability to access and use space in support of national and homeland security, civil, scientific, and economic interests. To achieve this goal, the United States Government shall:

- 1) Ensure the availability of U.S. space transportation capabilities necessary to provide reliable and affordable space access, including access to, transport through, and return from space;
- 2) Demonstrate an initial capability for operationally responsive access to and use of space -- providing capacity to respond to unexpected loss or degradation of selected capabilities, and/or to provide timely availability of tailored or new capabilities -- to support national security requirements;
- 3) Develop space transportation capabilities to enable human space exploration beyond low Earth orbit, consistent with the

direction contained in National Security Presidential Directive-31, U.S. Space Exploration Policy, dated January 14, 2004;

4) Sustain a focused technology development program for next-generation space transportation capabilities that dramatically improve the reliability, responsiveness, and cost of access to, transport through, and return from space, and enables a decision to acquire these capabilities in the future;

5) Encourage and facilitate the U.S. commercial space transportation industry to enhance the achievement of national security and civil space transportation objectives, benefit the U.S. economy, and increase the industry's international competitiveness; and

6) Sustain and promote a domestic space transportation industrial base, including launch systems, infrastructure, and workforce, necessary to meet ongoing United States Government national security and civil requirements.

Implementation of this directive shall be within the overall policy and resource guidance of the President, the availability of appropriations, and applicable law and regulations.

Implementation Guidelines

To achieve the goals of this directive, departments and agencies shall take the following actions:

I. Assuring Access to Space

- 1) "Assured access" is a requirement for critical national security, homeland security, and civil missions and is defined as a sufficiently robust, responsive, and resilient capability to allow continued space operations, consistent with risk management and affordability. The Secretary of Defense and the Administrator of the National Aeronautics and Space Administration, as appropriate, are responsible for assuring access to space.
- 2) The Secretary of Defense shall be the launch agent for the national security sector and shall maintain the capability to develop, evolve, operate, and purchase services for those space transportation systems, infrastructure, and support activities necessary to meet national security requirements.

- 3) The Administrator of the National Aeronautics and Space Administration shall be the launch agent for the civil sector and shall maintain the capability to develop, evolve, operate, and purchase services for those space transportation systems, infrastructure, and support activities necessary to meet civil requirements, including the capability to conduct human and robotic space flight for exploration, scientific, and other civil purposes. The National Aeronautics and Space Administration shall engage in development activities only for those requirements that cannot be met by capabilities being used by the national security or commercial sectors.
- 4) For the foreseeable future, the capabilities developed under the Evolved Expendable Launch Vehicle program shall be the foundation for access to space for intermediate and larger payloads for national security, homeland security, and civil purposes to the maximum extent possible consistent with mission, performance, cost, and schedule requirements. New U.S. commercial space transportation capabilities that demonstrate the ability to reliably launch intermediate or larger payloads will be allowed to compete on a level playing field for United States Government missions.
 - a) The Secretary of Defense shall maintain overall management responsibilities for the Evolved Expendable Launch Vehicle program and shall fund the annual fixed costs for both launch services providers unless or until such time as the Secretary of Defense, following coordination with the Director of Central Intelligence and the Administrator of the National Aeronautics and Space Administration, certifies to the President that a capability that reliably provides assured access to space can be maintained without two Evolved Expendable Launch Vehicle providers.
 - b) Not later than 2010, the Secretary of Defense, the Director of Central Intelligence, and the Administrator of the National Aeronautics and Space Administration shall evaluate the long-term requirements, funding, and management responsibilities for the Evolved Expendable Launch Vehicle system(s) and infrastructure. That evaluation shall include recommending a proportionate shift of the existing funding responsibility of the Secretary of Defense to reflect any change to the balance between national security and civil missions employing an Evolved Expendable Launch Vehicle.

- c) Any department or agency seeking to significantly modify or develop new launch systems derived from the Evolved Expendable Launch Vehicles or its major components, including human rating, shall be responsible for any necessary funding arrangements and shall coordinate with the Secretary of Defense and, as appropriate, the Secretaries of Commerce and Transportation and the Administrator of the National Aeronautics and Space Administration.
- 5) Before 2010, the United States shall demonstrate an initial capability for operationally responsive access to and use of space to support national security requirements. In that regard, the Secretary of Defense, in coordination with the Director of Central Intelligence, shall:
 - a) Develop the requirements and concept of operations for launch vehicles, infrastructure, and spacecraft to provide operationally responsive access to and use of space to support national security, including the ability to provide critical space capabilities in the event of a failure of launch or on-orbit capabilities; and
 - b) Identify the key modifications to space launch, spacecraft, or ground operations capabilities that will be required to implement an operationally responsive space launch capability.
 - 6) The Federal space launch bases and ranges are vital components of the U.S. space transportation infrastructure and are national assets upon which access to space depends for national security, civil, and commercial purposes. The Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall operate the Federal launch bases and ranges in a manner so as to accommodate users from all sectors; and shall transfer these capabilities to a predominantly space-based range architecture to accommodate, among others, operationally responsive space launch systems and new users.

II. Space Exploration

- 1) The space transportation capabilities necessary to carry out space exploration will be developed consistent with National Security Presidential Directive-31, U.S. Space Exploration Policy, dated January 14, 2004.

- 2) Consistent with that direction, the Administrator of the National Aeronautics and Space Administration shall develop, in cooperation with the Secretary of Defense as appropriate, options to meet potential exploration-unique requirements for heavy lift beyond the capabilities of the existing Evolved Expendable Launch Vehicles.
 - a) These options will emphasize the potential for using derivatives of the Evolved Expendable Launch Vehicles to meet space exploration requirements. In addition, the Administrator shall evaluate the comparative costs and benefits of a new dedicated heavy-lift launch vehicle or options based on the use of Shuttle-derived systems.
 - b) The Administrator and the Secretary shall jointly submit to me a recommendation regarding the preferred option to meet future heavy-lift requirements. This recommendation will include an assessment of the impact on national security, civil, and commercial launch activities and the space transportation industrial base.

III. Transformation of Space Transportation Capabilities

- 1) The United States shall sustain a focused technology development program for next-generation space transportation capabilities to transform U.S. access to and use of space. In that regard, the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration, in cooperation with industry as appropriate, shall:
 - a) Within two years of the date of this directive develop the requirements, concept of operations, technology roadmaps, and investment strategy for next-generation space transportation capabilities with the objective of dramatically improving the reliability, responsiveness, and cost of Earth-to-orbit space transportation for deployment of spacecraft and other payloads in Earth orbit, exclusive of human space flight; and
 - b) Pursue research and development of in-space transportation capabilities to enable responsive space transportation capabilities and the transformation of the Nation's ability to navigate in space. These efforts shall include, but not be limited to: automated rendezvous and docking, and the ability to deploy, service, and retrieve payloads or spacecraft in Earth orbit. The Administrator of the National Aeronautics and

Space Administration, in cooperation with the Secretary of Energy and other departments and agencies as appropriate, shall pursue research and development of space nuclear power and advanced propulsion technologies to more quickly, affordably, and safely expand the reach of exploration into the solar system and beyond.

IV. Commercial Space Transportation

- 1) The United States Government is committed to encouraging and facilitating a viable U.S. commercial space transportation industry that supports U.S. space transportation goals, benefits the U.S. economy, and is internationally competitive. Toward that end, United States Government departments and agencies shall:
 - a) Purchase commercially available U.S. space transportation products and services to the maximum extent possible, consistent with mission requirements and applicable law;
 - b) Provide a timely and responsive regulatory environment for licensing commercial space launch and reentry activities;
 - c) Maintain, subject to periodic review and the competitiveness of U.S. industry, the liability risk-sharing regime for U.S. commercial space transportation activities set forth in the Commercial Space Launch Act, as amended (49 USC, Subtitle IX, Chapter 701), including provisions for indemnification by the United States Government;
 - d) Refrain from conducting activities with commercial applications that preclude, deter, or compete with U.S. commercial space transportation activities, unless required by national security;
 - e) Involve the U.S. private sector in the design and development of space transportation capabilities to meet United States Government needs;
 - f) Provide stable and predictable access to the Federal space launch bases and ranges, and other government facilities and services, as appropriate, for commercial purposes on a direct-cost basis, as defined in the Commercial Space Launch Act, as amended (49 USC, Subtitle IX, Chapter 701). The United States Government reserves the right to use such facilities and services on a

priority basis to meet national security and critical civil mission requirements;

- g) Encourage private sector and state and local government investment and participation in the development and improvement of space infrastructure, including non-Federal launch and reentry sites; and
 - h) Provide for the private sector retention of technical data rights in acquiring space transportation capabilities, limited only to the extent necessary to meet United States Government needs.
- 2) The Secretary of Transportation shall license and have safety oversight responsibility for commercial launch and reentry operations and for operation of non-Federal launch and reentry sites, as set forth in the Commercial Space Launch Act, as amended (49 USC, Subtitle IX, Chapter 701), and Executive Order 12465. The Secretary of Transportation shall coordinate with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, and other United States Government departments and agencies, as appropriate.
- a) The Secretaries of Transportation and Defense shall establish common public safety requirements and other common standards, as appropriate, taking into account launch vehicle type and concept of operation, for launches from Federal and non-Federal launch sites. The Secretaries of Transportation and Defense shall coordinate these requirements with the Administrator of the National Aeronautics and Space Administration and other departments and agencies as appropriate.
- 3) The Secretaries of Commerce and Transportation shall encourage, facilitate, and promote U.S. commercial space transportation activities, including commercial human space flight.

V. U.S. Space Transportation Industrial and Technology Base

- 1) A viable domestic industrial and technology base is the foundation of a successful U.S. space transportation capability and is critical to assuring access to space for national security and civil purposes. To assure access to space and ensure national security and civil space transportation needs will continue to be met in the future:

a) United States Government payloads shall be launched on space launch vehicles manufactured in the United States, unless exempted by the Director of the Office of Science and Technology Policy, in consultation with the Assistant to the President for National Security Affairs.

- This policy does not apply to use of foreign launch vehicles on a no-exchange-of-funds basis to support the following: flight of scientific instruments on foreign spacecraft, international scientific programs, or other cooperative government-to-government programs. This policy also does not apply to the use of foreign launch vehicles to launch United States Government secondary scientific payloads for which no U.S. launch service is available.

- The proposed use of a non-U.S.-manufactured launch vehicle will be subject to interagency coordination as early in the program as possible and prior to the sponsoring department's or agency's request for authority to negotiate and conclude an agreement. Interagency coordination will take into account national security and foreign policy concerns, civil and scientific interests, and the performance, availability, and economic and budgetary considerations associated with use of the proposed launch vehicle.

b) The use of foreign components or technologies, and the participation of foreign governments and entities, in current and future U.S. space transportation systems is permitted consistent with U.S. law and regulations, as well as nonproliferation, national security, and foreign policy goals and commitments and U.S. obligations under the Strategic Arms Reduction Treaty, Intermediate Nuclear Forces Treaty, and the Missile Technology Control Regime. Such use or participation will not be permitted where it could result in critical national security or civil space launches being jeopardized by delays or disruptions in receipt of foreign-produced systems, components, technology, or expertise.

VI. Nonproliferation and Use of Excess Ballistic Missiles

1) In order to prevent the proliferation of missile technology and to limit the adverse impact of use of excess ballistic missiles on U.S. space transportation capabilities:


- a) Excess U.S. ballistic missiles shall either be retained for government use or destroyed. United States Government agencies may use such assets to launch payloads into orbit on a case-by-case basis, with the approval of the Secretary of Defense, when the following conditions are met: (1) the payload supports the sponsoring agency's mission; (2) such use is consistent with the obligations of the United States under treaties and other international agreements to which the United States is a party, including the Missile Technology Control Regime guidelines, the Strategic Arms Reduction Treaty, and the Intermediate Nuclear Forces Treaty; and (3) the sponsoring agency certifies that such use results in a cost savings to the United States Government compared to the use of available commercial launch services that would also meet mission requirements, including performance, schedule, and risk, and limits the impact on the U.S. space transportation industry;
- b) The United States Government encourages other nations that possess excess ballistic missiles to limit their use to government purposes only or destroy them. The United States Government will consider on a case-by-case basis requests from U.S. companies to use foreign excess ballistic missiles for space launch purposes. Any such use must be in conformity with arms control agreements, U.S. nonproliferation policies, U.S. technology transfer policies, and the Missile Technology Control Regime guidelines; and
- c) The United States Government shall consider on a case-by-case basis requests to launch foreign space transportation systems in the United States for commercial purposes, including exhibitions and demonstrations. Any such use shall be subject to interagency coordination and must be in conformity with U.S. national security and foreign policy interests, arms control agreements, U.S. nonproliferation policies, U.S. technology transfer policies, the Missile Technology Control Regime guidelines, and launch and re-entry licensing regulations.

Implementing Actions

Within 180 days from the date of this directive, the Secretaries of Defense, Commerce, and Transportation, the Director of Central Intelligence, and the Administrator of the National Aeronautics and Space Administration, as appropriate, shall

jointly submit to me a national space transportation strategy that includes requirements, implementation plans, schedules, and resources required for:

- 1) Reliable and affordable space access, including assuring access to space for critical national security and civil missions. The strategy shall address how the Evolved Expendable Launch Vehicle program will be managed through 2009, and efforts to modernize the Federal space launch bases and ranges;
- 2) Demonstration of an initial capability for operationally responsive access to and use of space to support national security requirements;
- 3) Access to, transport through, and return from space for space exploration, including options to meet exploration-unique requirements for heavy lift beyond the capabilities of existing launch vehicles;
- 4) Focused technology development efforts to transform U.S. access to and use of space, including development of next-generation space transportation capabilities for deployment of spacecraft or other payloads in Earth orbit and in-space transportation; and
- 5) Measures to encourage and facilitate the U.S. commercial space transportation industry to enhance the achievement of national security and civil space transportation objectives, benefit the U.S. economy, and increase the industry's international competitiveness. The strategy shall consider the development of markets and plans for commercial human space flight.

A large, stylized handwritten signature in black ink, appearing to read "Gore".

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	U.S. Space Transportation Policy	1	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - Defense Policy and Strategy

SERIES:

Klinger, Gil

FOLDER TITLE:

U.S. Space Transportation \ EELV (Evolved Expendable Launch Vehicle) 2002 - 2004: Launch [1]

FRC ID:

37072

FOIA IDs and Segments:

2014-0427-F

OA Num.:

NSC 2834

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Space Transportation National Security Presidential Directive (NSPD) - To: POTUS - From: Condoleezza Rice	3	12/14/2004	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - Defense Policy and Strategy

SERIES:

Klinger, Gil

FOLDER TITLE:

U.S. Space Transportation \ EELV (Evolved Expendable Launch Vehicle) 2002 - 2004: Launch [1]

FRC ID:

37072

FOIA IDs and Segments:

2014-0427-F

OA Num.:

NSC 2834

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Space Transportation National Security Presidential Directive (NSPD) - To: Condoleezza Rice - From: Gil Klinger	2	11/29/2004	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - Defense Policy and Strategy

SERIES:

Klinger, Gil

FOLDER TITLE:

U.S. Space Transportation \ EELV (Evolved Expendable Launch Vehicle) 2002 - 2004: Launch [1]

FRC ID:

37072

FOIA IDs and Segments:

2014-0427-F

OA Num.:

NSC 2834

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Space Transportation National Security Presidential Directive (NSPD) - To: POTUS - From: Condoleezza Rice	2	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - Defense Policy and Strategy

SERIES:

Klinger, Gil

FOLDER TITLE:

U.S. Space Transportation \ EELV (Evolved Expendable Launch Vehicle) 2002 - 2004: Launch [1]

FRC ID:

37072

FOIA IDs and Segments:

2014-0427-F

OA Num.:

NSC 2834

NARA Num.:**RESTRICTION CODES****Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	U.S. Space Transportation Policy	12	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - Defense Policy and Strategy

SERIES:

Klinger, Gil

FOLDER TITLE:

U.S. Space Transportation \ EELV (Evolved Expendable Launch Vehicle) 2002 - 2004: Launch [1]

FRC ID:

37072

FOIA IDs and Segments:

2014-0427-F

OA Num.:

NSC 2834

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

UNCLASSIFIED//FOR OFFICIAL USE ONLY

Director of Central Intelligence
Washington, D.C. 20505

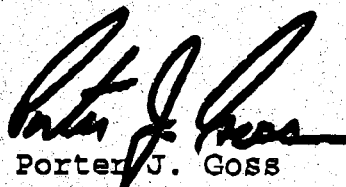
28 October 2004

MEMORANDUM FOR: Condoleezza Rice
Assistant to the President
for National Security Affairs

SUBJECT: U.S. Space Transportation Policy

REFERENCE: Your memo to DCI, dtd 15 Sept 04,
Same Subject

(FOUO) I appreciate the opportunity to review and coordinate on the draft National Security Presidential Directive on Space Transportation Policy. The continued assurance of access to and utilization of space are important factors in the Intelligence Community's capability to carry out its mission in meeting today's and future national and homeland security challenges. I concur with the draft policy.



Porter J. Goss

UNCLASSIFIED//FOR OFFICIAL USE ONLY



#6019

The Secretary of Energy
Washington, DC 20585

October 25, 2004

The Honorable Condoleezza Rice
Assistant to the President
for National Security Affairs
The White House
Washington, DC 20500

Dear Dr. Rice:

We have reviewed and concur with the proposed U. S. Space Transportation Policy provided in your September 15, 2004, letter. The Department of Energy will support the National Aeronautics and Space Administration in the development of the national space transportation strategy prescribed in the policy, with the understanding that the National Aeronautics and Space Administration will bear appropriate costs for system development efforts.

Sincerely,

A handwritten signature in black ink that reads "Spencer Abraham".

Spencer Abraham



Printed on recycled paper

DOT

30

Alexander, Bretton S. (OSTP)

From: Robinson, Maurice C. (RECORDS)
Sent: Friday, October 01, 2004 11:56 AM
To: @Defense
Cc: @EXECSEC; @APNSA; @West Wing Desk
Subject: Pkg #6019 - U. S. Space Transportation Policy [UNCLASSIFIED, Record]

Per Matthew Vachon, the Secretary of Transportation concurs with Pkg #6019, U.S Space Transportation Policy



Homeland Security

October 15, 2004

MEMORANDUM FOR GREGORY L. SCHULTE
THE EXECUTIVE SECRETARY
NATIONAL SECURITY COUNCIL

SUBJECT: Concurrence on the Draft NSPD on Space Transportation

Please accept this response to the memorandum dated September 15, 2004, from Dr. Condoleezza Rice, Assistant to the President for National Security Affairs. The Secretary and the Department of Homeland Security (DHS) concur with the draft NSPD on U.S. Space Transportation Policy.

A handwritten signature in black ink that reads "Ken Hill".

Kenneth J. Hill
Executive Secretary

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	RE: Questions on Space Transportation Draft NSPD - To: Klinger, Gil - From: Burks, Jonathan	1	11/24/2004	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - Defense Policy and Strategy

SERIES:

Klinger, Gil

FOLDER TITLE:

U.S. Space Transportation \ EELV (Evolved Expendable Launch Vehicle) 2002 - 2004: Launch [1]

FRC ID:

37072

FOIA IDs and Segments:

2014-0427-F

OA Num.:

NSC 2834

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Klinger, Gil I.

From: Grady, Christopher W.
Sent: Wednesday, October 06, 2004 1:40 PM
To: DL-NSC-Defense Policy and Arms Control; DL-NSC-West Wing Desk
Cc: DL-NSC-Executive Secretary
Subject: FW: draft NSPD on Space Transportation

USTR clears!

v/r
Chris

C. W. GRADY
CDR USN
Deputy Executive Secretary
National Security Council

-----Original Message-----

From: Thompson, Kimberly
Sent: Wednesday, October 06, 2004 1:29 PM
To: Grady, Christopher W.
Subject: FW: draft NSPD on Space Transportation

Chris-- USTR clears on the NSPD on Space Transportation.

Also, Ambassador Zoellick is traveling next week and the beginning of the following week, as we discussed.

Thanks, Kimberly

-----Original Message-----

From: Schagrin, Kenneth
Sent: Wednesday, October 06, 2004 12:27 PM
To: Thompson, Kimberly
Cc: Alexander, Bretton S.
Subject: draft NSPD on Space Transportation

Kimberly:

I received this from the NSC dated September 15, it looks ok to me, so USTR can send its concurrence to the NSC exec sec. Thanks.

Ken

10/6/2004

Klinger, Gil I. (DEFENSE)

From: Werkhoven, Kristin M. (RECORDS)
Sent: Tuesday, October 05, 2004 4:00 PM
To: Klinger, Gil I. (DEFENSE)
Cc: @West Wing Desk; @EXECSEC; @Defense
Subject: 6019-- Commerce Clearance for NSPD on Space Transportation [UNCLASSIFIED, Record]

Per Ed Levy of Commerce (202-482-3934), Commerce has no comments for this tasker.




EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

September 30, 2004

MEMORANDUM FOR CONDOLEEZZA RICE

FROM:

Joshua B. Bolten 

SUBJECT:

Coordination for a Draft National Security Presidential Directive (NSPD) on Space Transportation

I am responding to your memorandum of September 15, 2004 seeking concurrence on the Draft Space Transportation NSPD. I commend your staff for their excellent effort in developing this NSPD and working through a host of complex issues affecting space transportation. I concur with the current draft.

Klinger, Gil I.

From: Millison, Cathy L.
Sent: Thursday, September 30, 2004 3:40 PM
To: DL-NSC-Defense Policy and Arms Control
Cc: DL-NSC-Executive Secretary; DL-NSC-Records Management
Subject: FW: Draft NSPD on Space Transportation

FYI

-----Original Message-----

From: Langer, Elliott M.
Sent: Thursday, September 30, 2004 3:35 PM
To: DL-NSC-Executive Secretary
Cc: DL-HSC-EXECSEC
Subject: Draft NSPD on Space Transportation

HSC clears with out comment. Thanks

Elliott

200422163



United States Department of State

Washington, D.C. 20520

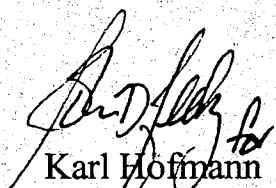
September 30, 2004

UNCLASSIFIED

MEMORANDUM FOR GREGORY L. SCHULTE
EXECUTIVE SECRETARY
NATIONAL SECURITY COUNCIL

SUBJECT: National Space Transportation Policy

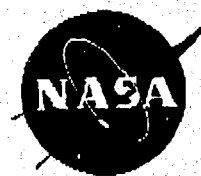
The State Department concurs with the draft National Security Presidential Directive on National Space Transportation Policy that was distributed by the President's Assistant for National Security Affairs on September 15, 2004.



Karl Hofmann
Executive Secretary

UNCLASSIFIED

National Aeronautics and
Space Administration
Office of the Administrator
Washington, DC 20546-0001



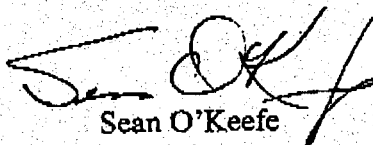
September 20, 2004

Dr. Condoleezza Rice
Assistant to the President for National Security Affairs
The National Security Council
Executive Office of the President
Washington, DC 20504

Dear Dr. Rice:

In response to your memorandum dated September 15, 2004, the National Aeronautics and Space Administration is pleased to concur with the draft National Security Presidential Directive on Space-Based Positioning, Navigation, and Timing.

Cordially,


Sean O'Keefe
Administrator

6019 27

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

September 24, 2004

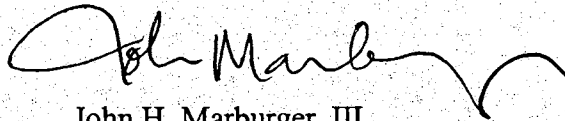
MEMORANDUM FOR CONDOLEEZZA RICE

Assistant to the President for National Security Affairs

SUBJECT: U.S. Space Transportation Policy

The Office of Science and Technology Policy concurs with on the draft National Security Presidential Directive on U.S. Space Transportation Policy, dated September 15, 2004.

Sincerely,



John H. Marburger, III
Director



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
2900 DEFENSE PENTAGON
WASHINGTON, DC 20301-2900

16 NOV 2004

INTERNATIONAL SECURITY
POLICY

MEMORANDUM FOR NATIONAL SECURITY COUNCIL, DIRECTOR FOR
SPACE POLICY

SUBJECT: Review of Draft National Security Presidential Directive (NSPD) on
U.S. Space Transportation Policy

The Department has reviewed the draft NSPD on U.S. Space Transportation Policy and concurs subject to the inclusion of the attached changes. These changes reflect those originally provided to your office by Dr. Ryan Henry, PDUSD (Policy), on November 8, 2004 and subsequently amended by Dr. Cambone, USD (Intelligence) on November 10, 2004. These changes also reflect the position of the Joint Staff.

A handwritten signature in black ink, appearing to read "David P. Trottier", written over a horizontal line.

DAVID P. TROTTIER
Colonel, USAF
Director, Space Policy

*Changes
made
cek 11/17*

