

Copy to D
SCX
File



DEPARTMENT OF STATE
ACTION MEMORANDUM

7312729 Sp-3
SCI FILE COPY

S/S
Rom

JUL 12 1973

7/12/73

7/13

COPIES TO:

- EUR
- H
- L
- PM
- SCI
- RF
- D

~~UNCLASSIFIED~~

To: The Acting Secretary
From: SCI - Herman Pollack

Circular 175: Request for Authority to Negotiate and Conclude an Agreement with Certain Western European Governments for a Cooperative Program Concerning the Development, Procurement and Use of a Space Laboratory in Conjunction with the Space Shuttle System

Background

Space cooperation between the US and the nations of Western Europe has been mutually beneficial and continuous over the past decade. In 1969, the Administrator of NASA extended an invitation to the countries of Western Europe, Canada, Australia and Japan to consider opportunities to participate in the development and use of the US post-Apollo systems including the Space Shuttle. Canada, Australia and Japan have not to date expressed interest in undertaking major development tasks but probably will use the Space Shuttle system when it is operational.

A positive response from Europe, however, resulted in extensive discussion in the intervening years. These discussions focused in June 1972 on the design, development and production in Europe of a space laboratory (Spacelab) for use in conjunction with the Space Shuttle. On December 20, 1972 the Ministerial-level European Space Conference (ESC) adopted a resolution which endorsed the Spacelab concept and designated the European Space Research Organization (ESRO) to undertake its development as a Special Project.

~~UNCLASSIFIED~~

SP 10 WS

SP 12
SP 11 Euro
SP 6

SP 10 WS
SP 6 EUR
SP 11 ESSR

B

SP 6 EUR

SP 11 Euro

SCI/SAM: WGB

[REDACTED]

association with US planning and management of the Space Shuttle systems; and (7) apportionment of liability arising from damages incurred in the development or use of the Spacelab.

This agreement would remain in force for five years after the first Spacelab flight (or until 1985) and could be extended by mutual agreement.

There is to be no exchange of funds. The obligations of the two sides are subject to their respective funding procedures.

Any US technology which the Europeans need to successfully complete the development of the Spacelab is to be jointly defined and agreed. It will be made available on a commercial basis in accordance with applicable US laws and regulations and its use will be limited to development and production tasks in the Spacelab program. If any other use is desired by the Europeans it will be subject to a case-by-case determination per normal practice. Except with prior approval, any US technology will not be transferred or made available outside of ESRO or the participating states.

As long as Europe continues to develop and produce the first and subsequent Spacelab units needed by the US in accordance with agreed specification, schedules and reasonable costs, the US will refrain for the period of the agreement from separate and independent development of Spacelabs duplicating the capabilities of the first unit.

The Space Shuttle and Spacelab, when completed, will be available for space missions of the participating countries either on a cooperative or cost reimbursable basis in accordance with the statement made by President

[REDACTED]

~~SECRET~~

Nixon on October 9, 1972 concerning launch assistance for space missions of foreign countries.

A memorandum concerning the legal aspects of the proposed agreement is attached (Tab C).

Recommendation:

That, pursuant to Circular 175, you authorize:

The negotiation and conclusion of an agreement with certain Western European nations who elect to participate in the ESRO Special Spacelab Project for cooperation in the development, production and use of a Spacelab along the lines set forth at Tabs A and B, subject to the approval of the final text by the Director of SCI and with the concurrence of the Assistant Secretary of EUR, the Office of the Legal Adviser, the Director of PM, and NASA.

Approve

V.K.P.

JUL 18 1973

Disapprove

Attachments:

- Tab A - Draft Intergovernmental Agreement
- Tab B - Draft MOU between NASA and ESRO
- Tab C - Legal Memorandum

~~SECRET~~

Drafted: SCI/SAM:WGBastedo:baj
x23622 6/14/73

Concurrences: NASA/I:AFrutkin *AF*
PM/AE:HHandyside *HH*
H:JMacKensie *JM*

EUR/RPE:ALiebowitz *AL*
L/SCI:EMaurer *EM*
DOD/ISA:MMountain *MM*
L/T:SENilsen *SEN*