MEMORANDUM FOR THE PRESIDENT

THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF HEALTH AND HUMAN SERVICES
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET
ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY
UNITED STATES TRADE REPRESENTATIVE
ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS
DIRECTOR OF CENTRAL INTELLIGENCE
DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY
CHAIRMAN, THE COUNCIL OF ENVIRONMENTAL QUALITY
DIRECTOR, THE ARMS CONTROL AND DISARMAMENT AGENT
Chief of Staff
ADMINISTRATOR OF THE NATIONAL AND AERONAUTICS AND SPACE ADMINISTRATION
CHAIRMAN OF THE NUCLEAR REGULATORY COMMISSION
DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION

SUBJECT:
Reviselul to NSC/PD-25, dated December 14, 1977, entitled Scientific or Technological Experiments with Subscale Large-Scale Adverse Environmental Effects and Launch of Nuclear Systems into Space.

As a result of an interagency review, updating the technical criteria for the launch of radioactive sources into space, the following changes are directed to NSC/PD-25, dated December 14, 1977, which is now unclassified. These changes, based upon the unanimous consent of the interagency review, modify the directives to reflect current international practice and standards.

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Paragraph 9 of NSC/PD-5 is replaced by the paragraph below:

9. A separate procedure will be followed for launching nuclear systems. An environmental impact analysis or nuclear safety evaluation report, as appropriate, will be prepared. The President’s approval is required for launches of spacecraft utilizing reactors and other devices with a potential for criticality and radioactive sources containing total quantities greater than 1,000 times the A2 value listed in Table I of the International Atomic Energy Agency’s Safety Series No. 6, Regulations for the Safe Transport of Radioactive Materials, 1985 Edition (as amended 1990). Launch of sources containing quantities greater than 0.1 percent of the A2 value from this table will be forecasted quarterly to the Office of Science and Technology Policy (OSTP). This report is for information, and is not intended to introduce a new approval procedure. An Interagency Nuclear Safety Review Panel, which will report to the OSTP and consisting of members from the Department of Defense, Department of Energy, National Aeronautics and Space Administration and the Environmental Protection Agency, will evaluate the risks associated with missions requiring the President’s approval and prepare a Nuclear Safety Evaluation Report. The Nuclear Regulatory Commission will participate as a technical advisor to the panel as appropriate. The head of the sponsoring agency will request the President’s approval for the flight through the Office of Science and Technology Policy. The Director is authorized to render approval for such launchings, unless he considers it advisable to forward the matter to the President for a decision.

All other paragraphs of NSC/PD-25 (1977) remain unchanged and in force.

Anthony Lake
Assistant to the President for National Security Affairs
Dear Dr. Gibbons:

Recently, staff from the National Aeronautics and Space Administration and the Department of Energy have expressed their concern regarding the May 17, 1995 revision to Paragraph 9 of Presidential Directive NSC/ PD-25. Their concern was that the term "ad hoc" was removed as a qualifier for the Interagency Nuclear Safety Review Panel, implying that we are now a standing committee, and also that the revised paragraph states explicitly that the Panel "will report to the OSTP." It is our understanding, based on past experience and recent conversations (e.g., during a meeting on December 12, 1994) with you, your predecessors, and your staff, that we are an independent panel and accountable directly to OSTP and not to the Agency(ies) requesting launch approval.

It is our understanding that OSTP may again revise Paragraph 9 and include the words "ad hoc" and strike the words "will report to the OSTP." We are concerned that this second revision, if it occurs, will send an entirely wrong signal and lead to confusion as to whom INSRP is accountable. The issue of INSRP accountability was raised in the 1980s for the Galileo and Ulysses missions and has continued into the Cassini safety reviews. We do not object to including the term "ad hoc".

We encourage you to give serious consideration to eliminating the clause "will report to the OSTP" and hope that we will be allowed to present our views to you on this issue in more detail before any action is taken.

Col. Burl E. Hickman, USAF
Department of Defense

Mr. David W. Pyatt, P.E.
Department of Energy

CAPT. G. Gerry Martin
Environmental Protection Agency

Mr. John W. Lyver, IV, C.S.P
National Aeronautics and Space Administration

Dr. Norman Eisenberg
Nuclear Regulatory Commission

cc: Jeff Hofgard, OSTP