



NATIONAL TRANSPORTATION SAFETY BOARD

Office of General Counsel

Memorandum

490 L'Enfant Plaza East, S.W.
Washington D.C. 20594-2000

(202) 314-6080
Fax (202) 314-6090

SUBJECT: Export Control Review of the SpaceShipTwo Investigative Documents

FROM: NTSB Office of General Counsel

DATE: July 27, 2015

In consultation with parties to the investigation Scaled Composites and Virgin Galactic, LLC, the National Transportation Safety Board (NTSB) determined export of certain information related to the investigation might have been restricted by export controls implemented in the International Traffic in Arms Regulations (ITAR)¹ or the Export Administration Regulations (EAR).² The ITAR require a license from the State Department to export services and technical data designated as defense articles and defense services on the U.S. Munitions List (USML).³ Particularly relevant to this investigation was USML Category XV(f), which defines the “furnishing of assistance (including training) in the launch failure analysis of a satellite or spacecraft,” as a defense service.

Though certain technical data may be covered by USML provisions, data that has been approved for public release by the Defense Office of Prepublication and Security Review (DOPSR) is exempt from ITAR licensing requirements.⁴ The NTSB contacted the State Department Directorate of Defense Trade Controls (DDTC) to address the process for reviewing NTSB reports prior to public release. DDTC identified DOPSR as the appropriate agency to approve public release of information from the SpaceShipTwo investigation that is otherwise restricted by either the ITAR or EAR. Therefore, the NTSB submitted a copy of all reports, attachments, appendices, and supporting factual material from the SpaceShipTwo accident investigation to DOPSR. The submitted documents included redactions of certain confidential commercial information of the parties. Through the attached letter, DOPSR approved the public release of the NTSB-submitted documents, as redacted.

¹ 22 C.F.R. Parts 120–130.

² 15 CFR Parts 703–774 and Supplements thereto.

³ 22 C.F.R. Part 121,

⁴ 22 C.F.R. § 125.4(b)(13) (referencing the “Office of Freedom of Information and Security Review,” now the Defense Office of Prepublication and Security Review); *see* <http://www.dtic.mil/whs/esd/osr/>.



DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF PREPUBLICATION AND SECURITY REVIEW
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

July 8, 2015
Ref: 15-S-1847

Ms. Ann G. Gawalt
National Transportation Safety Board
490 L'Enfant Plaza East, SW
Washington, DC 20594

Dear Ms. Gawalt:

This is in response to the enclosed June 22, 2015, correspondence requesting public release approval of the enclosed documents titled:

- "SpaceShipTwo Reports"

DoD has no objection to public release. Our concurrence for release does not imply DoD endorsement or factual accuracy of the material.

Should the NTSB receive a FOIA request in the future and find any redacted information responsive and wish to seek a DoD consultation or determination, the NTSB should contact the Office of the Secretary and Joint Staff (OSD/JS) FOIA Requestor Service Center. Additional information is available on their website at <http://www.dod.mil/pubs/foi/>

Please contact Senior FOIA Advisor Aaron Graves at [REDACTED] if you have a question regarding which DoD organization or component should assist you.

Please direct any questions regarding this case to Mr. Donald Kluzik at [REDACTED], [REDACTED]

Sincerely,

[REDACTED]
(b) (6)

for
M. M. Langerman
Chief

Enclosures:
As stated

SpaceShipTwo
Investigation

DVD



NTSB Submission
DCA15 MA019
6/22/2015