



25 September 2013

Dr. David J. McComas  
Chair, NASA Advisory Council Science Committee  
Southwest Research Institute

Dear Dave,

The NASA Advisory Council's Astrophysics Subcommittee (APS) met via telecon on 20 September 2013 to consider an issue regarding data rights connected with the *NuSTAR* satellite. In attendance for the meeting were APS members Jaime Bock, Gary Bernstein, Joel Bregman, Julianne Dalcanton, Giovanni Fazio, Scott Gaudi, Gabriela Gonzalez, Fiona Harrison, John Nousek, Terry Oswalt, Paul Ray, Ken Sembach, Karl Stapelfeldt, and myself as Chair. Also in attendance were Paul Hertz (Director, NASA Astrophysics Division [ApD]) and Hashima Hasan (NASA ApD) sitting in for APS Executive Secretary Joan Centrella. APS members Edna DeVore, Chryssa Kouveliotou, and Gary Melnick were unable to attend.

*NuSTAR* is an Explorer-class mission to observe astrophysical sources at high X-ray energies, 6-79 keV. It was launched in 2012 June and designed to have a two-year primary mission. The *NuSTAR* team expects to complete their primary mission within two years of launch and is now prepared to make *NuSTAR* available to Guest Observers (GOs) on a competitive basis, initially in conjunction with *XMM-Newton* and the *Chandra X-Ray Observatory*. In the future, the *NuSTAR* Principal Investigator (PI) will propose, through the Senior Review process, an independent *NuSTAR* GO program, but for the time being, time will be made available to the community for joint observations with both *XMM* and *Chandra*.

The APS was asked to consider the question of exclusive-use data rights for *NuSTAR* GOs. Specifically, the *NuSTAR* PI has requested that all *NuSTAR* observational data that have been competitively selected as part of a GO program during the baseline mission be given a one year period of limited use starting with delivery of the data to the proposer. This exclusive-use period is the same as that of *XMM* and *Chandra*. The APS considered this request and voted to support it; the vote was 10 in favor, 2 opposed, and two abstaining (Fiona Harrison abstained as she is the *NuSTAR* PI).

**Recommendation:**

The APS recommends that NASA modify the data policy for *NuSTAR* so that all *NuSTAR* observational data competitively selected as part of a GO program during the baseline mission be given a one year period of limited use starting with delivery of the data to the proposer.

Sincerely, on behalf of the APS,

Bradley M. Peterson, Chair  
NAC Astrophysics Subcommittee