



February 19, 2020

Dr. Neil Jacobs
Assistant Secretary of Commerce for Environmental Observation and Prediction
Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

Dear Dr. Jacobs,

On behalf of the Aerospace Industries Association (AIA) and our more than 300 member companies, we appreciate the Department of Commerce's effort to update and streamline the current commercial remote sensing regulations.

This work is important for U.S. economic success and U.S. national security. As remote sensing capabilities grow worldwide, streamlining current regulations and maintaining a regulatory environment that can keep pace with industry innovation will help guarantee the U.S. remains at the forefront of this area. It will encourage cutting-edge companies to operate in the U.S., instead of in competing countries. It will help national security organizations that use U.S. commercial remote sensing products to protect our nation and inform our warfighters. And it will deepen an industrial base and workforce shared across commercial and national security space sectors.

NOAA's recent notice of proposed rulemaking on 'Licensing Private Remote Sensing Space Systems' provides a long-needed update to commercial remote sensing regulations that balances national security concerns with growing commercial applications for remote sensing technologies. The NPRM proposes categorizing remote sensing systems as 'low-risk' or 'high-risk' and establishing a consistent, predictable, and improved process, including a streamlined interagency review mechanism, for low-risk applications.

To maximize the potential economic and national security benefits of a revised rule, AIA strongly supports the adoption of a low-risk/high-risk classification system that results in most, if not all, proposed systems designated as low-risk. AIA also appreciates the proposed two-year refresh of the low-risk/high-risk criteria to ensure that the regulations keep pace with technology developments. A regulatory environment that accurately reflects the way remote sensing technologies are used is vital to ensuring a robust U.S. commercial remote sensing industry.

AIA members would like to offer additional suggestions on the proposed regulation:

1. A notification process, rather than a formal licensing regime, would be sufficient for low-risk systems.
2. A notification mechanism would provide the U.S. government sufficient awareness of non-earth imaging activities. The regulatory burden in this area may emerge as a competitive difference in regulatory regimes domestically and elsewhere.

3. While we appreciate that the revised regulation allows applicants to use an existing NIST-approved method to encrypt TT&C data (rather than requiring applicants to produce an individualized data protection plan), we suggest that this requirement should only apply to satellites that have propulsion, in both low-risk and high-risk systems.
4. The remote sensing definition should be updated and clarified to exclude data from an instrument that is physically attached to the primary object being sensed. The definition should exclude many cameras attached to robotic servicing vehicles and second-stage launch vehicles, where the camera primarily images the vehicles themselves.

We appreciate the effort that NOAA and the interagency have put into updating these commercial remote sensing regulations. A robust commercial remote sensing industry provides vital economic and national security benefits to the U.S, and we look forward to working with you on the regulatory and policy improvements that will ensure continued U.S. leadership in this area.

Sincerely,



Michael J. French
Vice President, Space Systems