



August 19, 2019

Mr. Randy Repcheck
Office of Commercial Space Transportation
Federal Aviation Administration
800 Independence Avenue SW
Washington, DC 20591

RE: Streamlined Launch and Reentry Licensing Requirements
[Docket No.: FAA-2019-0229; Notice No. 19-01]

Dear Mr. Repcheck

On behalf of the Aerospace Industries Association (AIA) and our member companies, we appreciate the opportunity to provide comments in response to the Federal Aviation Administration (FAA)'s Notice of Proposed Rulemaking (NPRM) titled, "Streamlined Launch and Reentry Licensing Requirements." We appreciate the effort that FAA has undertaken in streamlining current commercial launch regulations. Streamlining current regulations and maintaining a regulatory environment that can keep the pace of industry innovation is vital to continue the growth of our nation's space sector.

We would like to offer some comments on specific sections, below.

- **Critical Asset:** As we noted in our clarifying questions, submitted on July 29, 2019, it is not clear who is responsible for defining which assets are considered critical, or how that information, which is likely to be sensitive, will be made available to an applicant. We recommend that the definition include some bounds on who can deem an asset critical and to what extent they have the authority to do so. Further, as an asset is deemed critical based on its importance to national security, we recommend that the definition used in section 401.5 be consistent with the language used in *DCMA-MAN 3401-02 Defense Industrial Base Critical Asset Identification and Prioritization*, specifically "Critical assets include property, facilities, or infrastructure for which incapacitation or destruction would have a very serious, debilitating effect on national defense..." (edited language underlined).
- **Neighboring Operations:** We have similar concerns about the availability of information on neighboring operations as we do for critical assets. If multiple companies are working at a site, the specific information required here is likely to be sensitive or proprietary. This criteria needs to have an acceptable means of compliance that can be achieved in a generic, globally accepted, non-proprietary fashion.
- **Mishap Classes:** In our July 29 Clarifying Questions, we also asked for additional information on the mishap class definitions and how they are intended to be used. Without further definition in the regulation or the chance to review the Advisory Circular referenced in the supporting documents to this NPRM, we are limited in our ability to provide substantive feedback. Based on the information available, we note that the "failure of a safety organization" that is noted as criteria for mishap class 4 is



- unclear, and further that “failure to achieve mission objectives,” in that same class, is beyond the scope of the FAA.
- License modification: The language in 450.9 on the FAA’s ability to modify a vehicle operator license at any time should include a caveat on the reasonable notification time needed to resolve compliance. Industry requires appropriate notification time prior to implementation and a reasonable phase-in period in order to meet launch commitments.
 - Definitions of Launch and Launch Phases - as we noted in our Clarifying Questions, there are different definitions of launch and reentry found throughout the draft regulation, including in 501.5, 450.3, and 450.131. We suggest that the various definitions of launch and reentry be aligned throughout the draft regulation with an emphasis on when those activities have a potential impact of public safety.

Many AIA members will be submitting their own comments to this important regulation, however, the points raised above were common across our interested members. We look forward to continuing to work with the FAA. Thank you for your consideration,

A handwritten signature in black ink, which appears to read 'Ashley Bander', is positioned below the text.

Ashley Bander
Director, Space Systems
Aerospace Industries Association (AIA)