Aerospace Industries Association
Space Commerce Certificate Industry Comment

Mission Authorization Stakeholder Feedback Questionnaire:

Section 5 of Executive Order 14335, "Enabling Competition in the Commercial Space Industry," directs the U.S. Secretary of Commerce to develop and "propose a process for individualized mission authorizations for activities that are [...] not clearly or straightforwardly governed by existing regulatory frameworks, with the goal of expediting and streamlining authorizations to enable American space competitiveness and superiority." As it develops a concept for the eventual U.S. regulatory authorization of "novel space activities," the U.S. Department of Commerce's Office of Space Commerce (OSC) is seeking input and feedback from industry stakeholders.

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Organization/Name

Aerospace Industries Association, Space Systems Division

What sector of industry do you represent? (e.g., ISAM; LEO Destinations; Launch; etc.)

The Aerospace Industries Association (AIA) represents hundreds of aerospace and defense companies and the over 2 million U.S. workers they employ. Our members design, manufacture, and operate ground systems, launch vehicles, and spacecraft supporting commercial, civil, and national security space missions. AIA members are global leaders in the research, development, and operations of novel space systems, including human space capabilities and in-space servicing, assembly, and manufacturing technologies.

Do you have any specific feedback to particular elements of this proposal?

Mission Types – The Office of Space Commerce's (OSC) *opt-in* process for novel activities which would establish a "space commerce certification" should be structured to accommodate and certify a range of difference space missions and operations. At a minimum, it should address the following mission types and activities:

- In-Space Servicing, Assembly & Manufacturing (ISAM)
- Active Debris Removal (ADR)
- Space Situational Awareness (SSA) & Space Traffic Coordination (STC)
- Space Nuclear Power & Propulsion
- Suborbital Space Tourism & Human Spaceflights
- In-Situ Resource Utilization (Lunar ISRU & Asteroid Mining)
- Lunar and Deep-Space Operations

Presumption of Certification – Given the varied and novel nature of activities that have required and may continue to require, mission certification, coupled with the U.S.'s strong

interest in maintaining leadership in innovative space activity, submissions should be provided a presumption of certification in any proposed process. Under this presumption, the U.S. government would be required to justify a mission certification denial or delay. Submissions should generally be afforded a presumption of certification, subject to determinations related to national security, foreign policy, and treaty compliance. Certification criteria should be activity specific, recognizing the differing technical maturity, safety considerations, and national interest implications across mission types, and should avoid applying uniform requirements across fundamentally different activities. Any decision to delay or deny certification should be documented in writing, clearly tied to a specific national security, foreign policy, or international obligation concern, and reviewed at a senior departmental level.

Mission-Level Certification – Certifications should apply to all activities reasonably anticipated within the entire scope of a mission and should not require separate applications for each individual mission component. For example, a satellite servicing vehicle should be authorized for the full scope of servicing activities and should not require individual authorizations prior to each servicing operation.

Do you have any feedback on conditions that OSC should incorporate/consider to meet current U.S. statutory requirements?

60-Day Certification Timeline – The U.S. government should aim to complete certification reviews within 60 days, similar with the NOAA Commercial Remote Sensing licensing regime. If no U.S. government action is taken by the end of the 60-day period, the activity should be deemed authorized. Should the U.S. government determine an extension of the 60-day timeline is necessary, any extension should be limited (e.g., no more than 15 days) and only with the approval at the Under Secretary level of the authorizing department. This reflects the importance of the 60-day timeline and ensconces that extensions should be rare.

Transparency – The certification process should be guided by transparency between the submitter and the U.S. government. Submitters should be provided with a concise roadmap of the process and requirements from submission to certification. Submissions should be able to be completed electronically, with submitters able to track the status of their submissions via electronic platform. Should OSC or the interagency identify a concern with a submission, that concern should be communicated to the submitter as soon as possible. This should include a clear description of the concern, identification of the agency raising it, and a designated point of contact to facilitate direct discussions.

Existing Authorities – While Executive Orders provide interim authority, there is currently no direct statutory authority for mission authorization. Congress has considered action in this area, and eventual legislation will be necessary to establish a durable statutory framework. Given the lack of direct statutory authority, Executive Orders serve as directives to the executive branch including Section 5 of Executive Order 14335, “Enabling

Competition in the Commercial Space Industry," directs the U.S. Secretary of Commerce to develop and "propose a process for individualized mission authorizations for activities that are [...] not clearly or straightforwardly governed by existing regulatory frameworks, with the goal of expediting and streamlining authorizations to enable American space competitiveness and superiority."

Such policies should be explicitly and appropriately tailored for their purpose in implementing the Nation's obligations under Article VI of the Outer Space Treaty. Executive Order based processes should not introduce substantive regulatory obligations beyond those necessary to address safety, treaty compliance, and interagency coordination. The mission certification process should not be, or become, duplicative of processes already established in law, including those for launch and reentry licensing and permitting, spectrum use licensing, and remote sensing licensing.

Protect Proprietary Information – Under the OSC remote sensing licensing framework, the OSC has an obligation to keep confidential proprietary information submitted by licensees or potential licensees. Documents considered confidential or proprietary information may include foreign agreements and supporting documentation that are explicitly designated and marked as such by the applicant. The mission authorization certification process should contain similar safeguards for submitters or potential submitters.

No Additional Information Required – Submissions should not require any additional information beyond what is already required under the preexisting U.S. government space activity licensing processes. Across FCC, FAA, and NOAA required licensing processes, companies are required to provide extensive information on mission specifications and plans. This information should be sufficient to support mission authorization. If the U.S. government determines additional information is required for the certification process, the additional information sought and the justification for its collection should be posted for public review and comment under the signature of the head of the authorizing department.

Interagency Coordination – The certification process should clearly define the scope of information required by OSC and how resulting determinations will be relied upon by other agencies. Non-radio frequency issues and payload analyses addressed through OSC certification should not be revisited during subsequent FCC or FAA reviews once an application has been submitted.

> FCC: Additional clarity is needed regarding FCC and OSC approach to reviewing non-radio frequency activities within the certification process. OSC should clarify its approach to considering public interest obligations, space safety, deorbit plans, and foreign ownership—and the extent to which those determinations will be considered satisfied for purposes of FCC review.

FAA: The OSC process should clarify how the certification will function as a pre-review for novel space activities and what an expedited payload review will entail, including expectations for a predetermined timeline.

Continued Validity of Existing and Pending Authorizations – The U.S. government has provided mission certification to existing and planned space operations. Additional operations may also be under review through existing processes at the time a new framework is established. Any updated process should not have an impact on the validity of existing mission authorizations. Moreover, submissions currently under review at the time a new process is established should not be delayed and should be allowed to continue under preexisting processes if desired by the submitter.

Do you have any other general feedback/comments?

AIA appreciates that OSC will implement light-touch commitments that applicants must make to protect fundamental national interests, including but not limited to national security, international obligations, and safety of third parties.

Understanding companies can opt in or opt out of the space commerce certificate, it remains unclear how companies that opt out and pursue the traditional licensing pathway will be impacted in both the short and long term. It is also unclear if the space commerce certification will be a prerequisite for government contracts in the future.

AIA has asserted that the existing licensing system, which requires multiple agency licenses, can hinder innovation and timely mission approvals. While OSC intends to serve as the “one stop shop” to manage the interagency review process in this novel approach, it remains unclear the extent in which the interagency will coordinate and make final decisions, particularly with respect to adjudicating denials on the basis of national security.

AIA supports ongoing public reviews and opportunities for stakeholder feedback. Continuous engagement with industry should be required component of any key changes or updates to the space certification process and requirements.

AIA supports a “technical support” approach to certification. Submitters should be provided with a dedicated point of contact responsible for guiding the submitter from submission to authorization. This individual should be incentivized to provide timely, transparent communication with submitters on the status of their submission and steps required to achieve certification. However, ongoing budget and workforce uncertainty will create significant challenges to staffing this approach with highly skilled technical staff.

AIA supports the upholding of Article VI of the Outer Space Treaty which mandates that signatory states authorize and continuously supervise all national space activities, including those by private companies, to ensure they comply with the treaty's principles.

Mission supervision should be conducted through periodic oversight to verify continued compliance with safety, treaty, and national security obligations.