



April 1, 2024

Before the
DEPARTMENT OF COMMERCE
Washington, D.C. 20230

In the Matter of:)
)
Request for Information on)
Private Remote Sensing Satellite Disposal and)
Debris Mitigation)
)

COMMENTS OF THE CONSORTIUM FOR THE EXECUTION OF RENDEZVOUS AND SERVICING
OPERATIONS

I. SUMMARY

The Consortium for Execution of Rendezvous and Servicing Operations (CONFERS) hereby submits comments to the Commercial Remote Sensing and Regulatory Affairs’ (CRSRA) Request for Information on Private Remote Sensing Satellite Disposal and Debris Mitigation.¹ CONFERS supports CRSRA’s efforts to clarify the current uncertainty that exists for US space companies to have their satellite-disposal and debris-mitigation plans reviewed by CRSRA, particularly those that do not hold a license by the Federal Communications Commission (FCC). To this end, CRSRA believes the most effective pathway would be to issue a narrow rulemaking pertaining to the subsection (b)(4) requirement for only those satellites without FCC licenses.

II. INTRODUCTION

As part of its remote-sensing licensing requirements, CRSRA includes a requirement in all licenses that the licensee shall “upon termination of operation under the license, make disposition of any satellites in a manner satisfactory to the President” (hereinafter referred to as subsection (b)(4)). Subsection (b)(4)

¹ *Request for Information: Private Remote Sensing Satellite Disposal and Debris Mitigation*, Notice by the National Oceanic and Atmospheric Association, Docket Number 2024-05004 (released 8 March 2024), hereinafter referred to as the *Request*.

includes both the responsible disposal of on-orbit systems at the end of life and the mitigation of orbital debris and survivability of such upon reentry. From 2000 to 2020, CRSRA required all applicants for a remote-sensing license to submit plans for both disposal and debris mitigation. In 2020, CRSRA observed that *nearly all* applicants were also FCC applicants, and the FCC also required the submission of disposal and debris-mitigation plans. To avoid a duplication of efforts, CRSRA ceased requiring submission of disposal and debris-mitigation plans, deferring to the FCC process.

III. REGULATORY UNCERTAINTY

As noted by CRSRA already in 2020, not *all* applicants for a remote-sensing license hold an FCC license. In this context, CONFERS represents a diverse group of industry stakeholders from around the world, each with a unique set of requirements for licensing purposes. In some cases, our members may have a remote-sensing license from CRSRA as well as a foreign telecommunication license. Such companies, including US-based ones, may have legitimate business needs that do not require the use of US ground-stations nor US telecom market access, making a separate license from the FCC, in addition to their CRSRA license, unnecessary.

However, these companies do not, at present, have a clear process for having their end-of-life disposal plans reviewed outside of the FCC licensing process. Without such a review, US companies may face a situation where the US Department of State will refuse to register their spacecraft on the United Nations Registry for Space Objects, since no official US regulatory entity has reviewed the company's disposal plan or debris-mitigation plan. The result of such refusal by the State Department may be an inability to launch the spacecraft. Such a result does not serve US interests as it penalizes companies that may have both disposal and debris-mitigation plans but do not hold (or need) an FCC license.

In light of the foregoing circumstances, without an alternative review process, any company wishing to launch as a US spacecraft must have an FCC license.

IV. MUCH-NEEDED CLARIFICATION

In order to close the regulatory gap described above, CRSRA has proposed the following options:

- A narrow rulemaking pertaining to subsection (b)(4) license requirements for all of its licenses;
- A narrow rulemaking pertaining to subsection (b)(4) requirements for only those satellites without FCC licenses; or
- Narrow guidance not rising to the level of rulemaking for licenses without FCC licenses, to clarify acceptable means of compliance with their existing license condition.

To ensure that all CRSRA licensees are able to meet the requirements in subsection (b)(4) as well as the US State Department's criteria, CRSRA should issue a narrow rulemaking pertaining to subsection (b)(4) requirements for only those satellites without FCC licenses. This will ensure that there is a formal process whereby companies may submit their disposal and debris-mitigation plans to CRSRA in accordance with the terms of their remote-sensing license. Moreover, it is important that there be formal assurances that this official process will be sufficient for the US State Department to register the spacecraft in the UN Registry.

In terms of adopting standards and best practices for disposal and orbital debris mitigation, the US Orbital Debris Mitigation Standard Practices (ODMSP) already serve as a standard across all US government

departments and agencies, including those providing oversight of US companies. We believe that the existing ODMSP standard practices are sufficient at this time and there is no need for CRSRA to develop their own standards. Doing so could delay this further than necessary, could result in conflicting requirements to those already put in place by other US government regulators, either of which outcome could put US industry at a disadvantage with other jurisdictions.

For documentation, companies are already familiar with assessments carried out with NASA's Debris Assessment Software. Such assessments are already widely used throughout the US industry to generate key data, including collision probability with large and small objects, delta-v requirements for active deorbit, and decay timelines for passive deorbit. No further documentation is necessary.

To facilitate its work, CRSRA could also adopt a list of foreign-license jurisdictions that require a review of disposal plans and debris-mitigation plans that meet the standards of the ODMSP and NASA DAS. For holders of such licenses, it should be sufficient to present the valid license in lieu of a second review. This will also prevent CRSRA from duplicating the review process at tax-payer expense.

CONFERS commends CRSRA for its initiative in closing this regulatory gap and stands by to answer any questions.

Respectfully submitted,

A handwritten signature in black ink that reads "Brian K Lagana". The signature is written in a cursive, slightly slanted style.

Brian K. Lagana
Executive Director