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April 8, 2024

Mr. Richard DalBello  
Director, Office of Space Commerce  
Department of Commerce  
1401 Constitution Avenue, NW  
Washington, DC 20230

**RE: National Oceanic and Atmospheric Administration Request for Information: Private Remote Sensing Satellite Disposal and Debris Mitigation (Docket No.: 2024-05004)**

Dear Mr. DalBello:

On behalf of the Commercial Spaceflight Federation (CSF), the leading trade association for the commercial space industry, thank you for the opportunity to comment on the Department of Commerce National Oceanic and Atmospheric Administration (NOAA) Office of Commercial Remote Sensing Regulatory Affairs (CRSRA) and Office of Space Commerce (OSC) “Request for Information: Private Remote Sensing Satellite Disposal and Debris Mitigation” (RFI).<sup>1</sup>

As reflected in the 2019 National Plan for Civil Earth Observations and the updated 2023 draft National Plan, the tools and data provided by the commercial remote sensing industry are essential to the furtherance of U.S. National interests.<sup>23</sup> Limiting the regulatory burden on the commercial remote sensing industry is crucial for ensuring continued innovation and maintaining U.S. leadership in the sector while providing opportunities for the U.S. government to leverage the full capabilities of a vibrant commercial remote sensing industry.

In response to this RFI, CSF respectfully requests that CRSRA limit any further proceedings relating to placing satellite disposal or orbital debris mitigation conditions on NOAA licenses solely to applicants seeking NOAA commercial remote sensing licenses who are not also applying for or holding a license with the Federal Communications Commission (FCC). By

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<sup>1</sup> U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Commercial Remote Sensing Regulatory Affairs and Office of Space Commerce, “Request for Information: Private Remote Sensing Satellite Disposal and Debris Mitigation.” Published on March 8, 2024. Available here:

<https://www.federalregister.gov/documents/2024/03/08/2024-05004/request-for-information-private-remote-sensing-satellite-disposal-and-debris-mitigation>

<sup>2</sup> Executive Office of the President of the United States, National Science & Technology Council, “2019 National Plan for Civil Earth Observation.” Published December 2019. Available here: <https://usgeo.gov/uploads/Natl-Plan-for-Civil-Earth-Obs.pdf>

<sup>3</sup> U.S. Office of Science and Technology Policy (OSTP), Notice of Request for Information; National Plan for Civil Earth Observations. Published on November 22, 2023. Available here:

<https://www.federalregister.gov/documents/2023/11/22/2023-25798/notice-of-request-for-information-national-plan-for-civil-earth-observations>

maintaining the current policy of deferring to the FCC for satellite disposal and orbital debris mitigation licensing conditions, NOAA would prevent placing unnecessary and duplicative regulatory burdens on commercial remote sensing operators.

### **Background:**

As noted in the RFI, CRSRA is required to ensure that each remote sensing license includes a condition directing that the licensee dispose of any satellites in space “in a manner satisfactory to the President” under title 51 U.S.C. §60122 (b)(4) (hereinafter referred to as “subsection (b)(4)”). From 2000 to 2020, CRSRA required that applicants submit a disposal and orbital debris mitigation plan, including an assessment to minimize the amount of orbital debris releases during post-mission disposal of licensed satellites, and made determinations as to whether the post-mission disposal method and orbital debris mitigation efforts would sufficiently satisfy the licensing requirements. During the 2020 updates to CRSRA remote sensing regulations, CRSRA opted to defer to the FCC to address orbital debris and disposal issues because the majority of Commerce-licensed systems also hold FCC-licenses with similar orbital debris mitigation and satellite disposal conditions. CRSRA’s intent was to avoid duplicative regulatory requirements for commercial remote sensing operators whose systems would necessarily be licensed by the two agencies.

CRSRA published this RFI in response to an observed increasing number of multinational remote sensing systems, including systems which receive radiofrequency licenses from foreign nations while seeking a NOAA license in the United States, as well as the recognition that certain operators may utilize systems with new communications methods which are not currently licensed by the FCC. As a result, CRSRA is seeking responses to this RFI as to which of three rulemaking actions the division should consider:

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

### **CSF Response:**

In 2020, when NOAA issued its updated rules pertaining to the Licensing of Private Remote Sensing Space Systems, it recognized that placing a condition on NOAA licenses relating to satellite disposal or orbital debris mitigation requirements would be duplicative of similar

requirements placed on FCC-licensed systems.<sup>4</sup> As many of these systems are required to be licensed by both NOAA and the FCC, NOAA determined that the FCC satellite disposal and orbital debris mitigation licensing requirements satisfied the requirements under subsection (b)(4) and that the issuance of an additional NOAA licensing condition would result in duplicative regulatory requirements on most operators.

The rationale for CRSRA’s decision to defer to the FCC with respect to orbital debris mitigation and satellite disposal conditions on licenses in 2020 remains sound today. Requiring satellite operators to provide orbital debris mitigation and satellite disposal plans as a condition of both FCC and NOAA licensing would generally result in duplicative requirements without apparent benefits to the U.S. Government or industry. Therefore, CSF respectfully requests that CRSRA limit any further action on this subject solely to NOAA licensing applicants who are not also seeking (or do not already have) an FCC license. Similarly, CSF requests that the current CRSRA licensing exemptions for commercial remote sensing systems owned and operated by the U.S. Government be maintained.

Given that CSF requests that CRSRA limit any further proceedings solely to CRSRA licensees who are not also seeking an FCC license for the same system, this comment will not address potential updates to documentation requirements, definitions, revised condition language, and disposal and orbital debris mitigation plan assessments. The current compliance verification methods used by the FCC and CRSRA are sufficient, and CSF does not recommend additional methods for verifying compliance. To the extent NOAA moves forward with new rules, it should continue to collaborate with other U.S. government entities involved in orbital debris risk management to facilitate harmonized regulations across agencies.

The RFI requests feedback as to whether the current CRSRA definition of “termination of operations” is complete.<sup>5</sup> It is the view of CSF that the existing definition of “termination of operations” as cited in the RFI is complete and that no updates to the definition are needed. Similarly, CSF finds that “atmospheric re-entry, maneuvering to a storage orbit, or direct retrieval” of systems remains a comprehensive list of satellite disposal methods. However, CSF requests that CRSRA maintain flexibility in licensing determinations should alternative disposal measures be considered in the future.

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<sup>4</sup> U.S. Department of Commerce, National Oceanic and Atmospheric Administration, “Final rule on Licensing of Private Remote Sensing Space Systems.” Published on May 20, 2020. Available here: <https://www.federalregister.gov/documents/2020/05/20/2020-10703/licensing-of-private-remote-sensing-space-systems>

<sup>5</sup> As cited in the RFI, CRSRA defines termination of operations as (1) to irreversibly render the remote sensing system incapable of being operated; (2) to passivate the system that it cannot be operated; or (3) to become incapable of operating the system due to its natural end-of-life or anomaly, and to cease attempts to communicate as a result thereof.

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CSF thanks NOAA for the opportunity to comment on this proceeding and for its efforts supporting the U.S. commercial remote sensing industry. We look forward to working with NOAA to ensure continued U.S. leadership in the remote sensing industry.

Sincerely,

A handwritten signature in black ink that reads "Karina Drees".

Karina Drees  
President  
Commercial Spaceflight Federation