Before the
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Washington, D.C. 20230

Private Remote Sensing Satellite Disposal and Debris Mitigation	)))	FR Doc. 2024-05004

COMMENTS OF THE COMMERCIAL SMALLSAT SPECTRUM MANAGEMENT ASSOCIATION

The Commercial Smallsat Spectrum Management Association ("CSSMA") respectfully submits these comments regarding the National Oceanic and Atmospheric Administration's (NOAA) Request for Information (RFI) in the above-referenced proceeding.[1] CSSMA thanks the Office of Space Commerce, ("OSC") Commercial Remote Sensing Regulatory Affairs ("CRSRA") Division for the opportunity to comment on current and potential future approaches on regulating space sustainability, post-mission disposal, and debris mitigation measures.

I. Introduction

CSSMA is one of the largest trade associations representing the small satellite ("smallsat") industry, with over forty member organizations that encompass leading satellite operators, ground station service providers, and other smallsat industry-related organizations and ancillary services, two thirds of which are U.S. organizations. In addition to serving as an educational and practical resource to facilitate spectrum coordination, CSSMA advocates for the in-space activities of its members, including desired licensing reforms.[2] A significant number of CSSMA members benefited from the 2020 update to the CRSRA remote sensing regulations,[3] and CSSMA is pleased to provide the comments herein on behalf of the smallsat community.

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[1] *Request for Information: Private Remote Sensing Satellite Disposal and Debris Mitigation*, National Oceanic and Atmospheric Administration, 89 Fed. Reg. 16730 (Mar. 8, 2024) [*hereinafter* RFI].

[2] Comments of the Commercial Smallsat Spectrum Management Association, RIN 0648-BA15 (July 14, 2019) (comments provided by CSSMA on regulatory updates for licensing private remote sensing space systems).

[3] *See* Licensing of Private Remote Sensing Space Systems, 85 Fed. Reg. 30790 (May 20, 2020) [*hereinafter* 2020 Rulemaking].

CSSMA welcomes the possibility to add clarification regarding CRSRA's role in the supervision of remote sensing systems' disposal and orbital debris mitigation. In particular, CSSMA supports CRSRA issuing a narrow rulemaking to align spacecraft disposal requirements for multinational, NOAA-licensed systems that do not have an FCC authorization with the FCC's disposal and debris requirements CSSMA urges CRSRA to focus its efforts on addressing the narrow issue of disposal and debris requirements for NOAA licensees that are not and do not seek to be licensed by the FCC, and not to impose duplicative or conflicting regulation on CRSRA licensees that are also subject to the FCC's debris mitigation requirements.

II. CRSRA Should Issue a Narrow Rulemaking Pertaining to Satellite Disposal Requirements for Only Those Satellite Systems Without FCC Licenses.

As an initial matter, CSSMA strongly opposes Option #1 of the RFI. CRSRA should not issue a rulemaking pertaining to the subsection (b)(4) license requirement in *all* remote sensing system licenses. A rulemaking proposing to modify all licenses or interpret this requirement for all licensees would be broader than necessary to address the gap in disposal of satellites that motivated the RFI.[4] As the RFI notes, CRSRA concluded in its 2020 licensing reform that, to "avoid duplicative regulation" it would "defer to FCC license requirements regarding orbital debris and spacecraft disposal, and . . . . the disposition manner satisfactory to the President was to follow the relevant FCC license."[5] That conclusion still holds; most CRSRA licensees are also FCC licensees and are therefore already subject to robust orbital debris mitigation requirements imposed by the FCC.

Doubtlessly, Option #1 would create regulatory duplication in the U.S., substantially increasing the burden on both CRSRA staff and U.S. operators. The 2020 CRSRA licensing process reform resulted in significant benefits to industry,[6] and CRSRA should not undo this good work in simplifying and streamlining the CRSRA licensing process. CSSMA therefore requests that CRSRA focus its efforts on multinational remote sensing systems without FCC licenses, while continuing to defer to the FCC for remote sensing systems with FCC licenses.

CRSRA should pursue Option #2 and issue a narrow rulemaking pertaining to the subsection (b)(4) requirement for only those satellite systems without FCC licenses. A narrow rulemaking pertaining exclusively to remote sensing systems

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[4] RFI, at 16731 (noting an increasing number of multinational remote sensing systems that seek NOAA remote sensing authorization, but not FCC radiofrequency authorization, as well as emerging communication methods not licensed by the FCC, "meaning a satellite using such methods would not be subject to FCC disposal and orbital debris mitigation requirements.")

[5] *Request for Information: Private Remote Sensing Satellite Disposal and Debris Mitigation*, 89 Fed. Reg 16,730, 16,731 (Mar. 8, 2024).

[6] Jeff Foust, "NOAA lifts many commercial remote sensing license conditions", *Space News* (Aug. 8, 2023), https://spacenews.com/noaa-lifts-many-commercial-remote-sensing-license-conditions/ (Accessed March 29, 2024)

seeking a CRSRA license, but not FCC grants, would benefit the national and international industry, and the space environment at large. For one, it would increase the number of operators, both U.S. or foreign, conducting remote sensing activities in accordance with better sustainability practices and debris mitigation measures. Option #2 would also favor competition between NOAA-licensed, FCC-authorized and Foreign-authorized systems, by removing the competitive disadvantage that currently "punishes" remote sensing satellite operators seeking an FCC grant vis-à-vis a non-U.S. authorization, as the latter might hold satellite operations to less stringent requirements. It is acknowledged, however, that these benefits would only accrue if a narrow rulemaking 1) did not significantly increase regulatory oversight burden on the OSC, as this could impact availability or quality of work of the OSC and thus penalize U.S.-authorized operators at the expense of U.S. taxpayers; and 2) would introduce space sustainability requirements comparable to those already introduced by the FCC, so that operators are not incentivized to select an authorizing administration other than the FCC as a flag of convenience.

Finally, CSSMA invites the OSC to consider Option #3 – that of introducing narrow guidance for CRSRA licensees without FCC licenses – only as a potential short-term option. This approach 1) would not create specific additional regulatory oversight burden on the OSC; 2) could familiarize multinational, non-U.S. authorized systems with existing space sustainability, post-mission disposal and debris mitigation measures and practices as already introduced for FCC-authorized operators; and 3) could set the stage for a future, if eventually considered necessary, narrow rulemaking that targets multinational remote sensing systems seeking a CRSRA license but not an FCC grant.

III. If It Moves Forward with Option #2, CRSRA Should Mirror the Already-Established FCC Space Sustainability, Post-Mission Disposal, and Debris Mitigation Standards, Practices and Definitions

In light of CSSMA's preference for options (2) or (3), CSSMA recommends that, if the OSC adopts narrow debris mitigation requirements for multinational systems not licensed by the FCC, the OSC should mirror the FCC space sustainability, post-mission disposal, and debris mitigation standards, practices and definitions, to ensure that remote sensing operators, whether authorized by the FCC or by a foreign administration, can be held to the same standards and requirements. Given the relatively few foreign-authorized operators that have sought and obtained CRSRA licenses to date,[7] this likely would not be overly burdensome for the OSC.

This should include mirroring the type and content of documentation regarding disposal and orbital debris mitigation plans required by the FCC, such as filing an orbital debris assessment report reflecting NASA DAS or higher fidelity analysis.

[7] "NOAA Licensees", National Environmental Satellite, Data, and Information Service, n.d., https://www.nesdis.noaa.gov/about/regulatory-affairs/licensing/noaa-licensees (Accessed March 29, 2024)

In addition, CSSMA suggests establishing an interagency informal or formal working group with the FCC in order to share related information, best practices, guidelines, analysis, and monitoring approaches that can benefit both Federal entities, and indirectly the industry through adoption and implementation of a harmonized approach to debris mitigation.

Respectfully submitted,

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