

Views of the National Space Society to the National Space Council Staff Regarding Approaches for Authorization & Supervision.

25 November 2022

We welcome the opportunity to comment on "authorization and supervision" as described in Article VI of the Outer Space Treaty. We believe a successful construct for both meeting Outer Space Treaty obligations and promoting non-governmental space activities should be based on two foundational principals:

- Firstly, US policy should favor those exploring new activities in space, over increasing regulatory drag that would dampen emerging industries and uses.
- Secondly, for the benefit of the government and applicants, the responsibility for, and process of, authorization and supervision should be centralized in one lead government agency, ideally for both existing and novel activities.

Proceeding from these principals, we offer four recommendations:

1. The Government's approach to regulation should be guided by a "light touch," in the spirit of the current "learning period" applied to commercial space launch.

"Novel activities" are inherently new and not well understood. While allowing for safety of those on Earth, emerging industries should be afforded a wide latitude, lest regulations will likely impede US leadership in developing space uses. Indeed, the space industry is still learning and developing, and the existing learning period should be extended for another eight years, and extended to novel activities, as well.

2. The Government should resist extending regulatory constructs designed for Earth to space activities. Space activities do not well conform to current regulatory constructs, such as transportation. A spacecraft can provide "transportation," or it can be a "destination." For example SpaceX Starship could be a destination when stationary on

the lunar surface for an extended period, or when positioned in low Earth orbit for months at a time. Likewise a commercial space station is a destination, not mode of transport, despite the fact that it is moving through space. *The automatic and arbitrary extension of regulations designed for Earth environments to space activities would be detrimental to new, developing space activities.*

3. The Outer Space Treaty concept of *authorization and supervision* follows from nation-state sovereignty. **Authorization should be informed by US responsibility and liability as established in the Treaty, as well as national security considerations, but with bias toward exploring new uses of space.** Supervision should be understood as monitoring that the applicant conducts activities in accordance with the aforementioned authorization and applicable laws.

4. **The Government should designate a single executive agent for authorization and supervision, chartered to act as a proponent of space activities.** A logical agent would be the Office of Space Commerce. The agent should be a single clearinghouse for applications, rather than an additional hurdle to clear, and should facilitate approvals by other Federal agencies required by law. This should include Departments of Defense and State, the FAA Office of Commercial Space Transportation, and FCC. The lack of such an agent, today, is an increasing impediment to private activity in space, because of uncertainty around regulations and authorization, and the complexity of approvals already required. Regardless of their motivations, agencies that may seek to expand their authority to in-space activity, further complicate the environment for American non-governmental space.

Thank you for the opportunity to bring these views to the Council.