

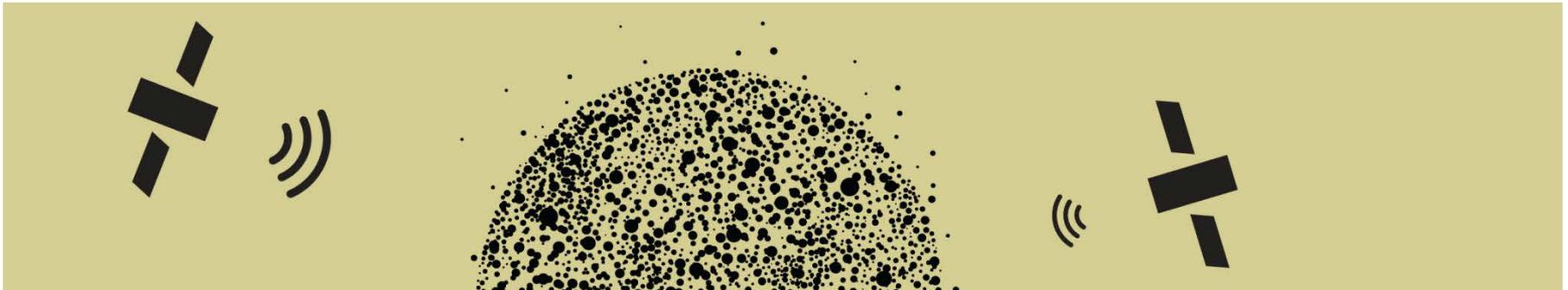


XL CATLIN

COMSTAC BLWG OUTBRIEF

October 26, 2016

**Christopher T.W. Kunstadter
Senior Vice President &
Global Underwriting Manager – Space
XL Catlin**



Issues and Options

- **Not “If...”, but “When...”**
- **We can *ignore*, or we can *study*, or we can *act***
- **SSA ≠ STM ≠ STC**
- **Why SSA and STM: for safety, compliance, promotion, and defense**
- **Who should provide SSA data: DoD, and/or FAA, and/or commercial**
- **Payload review process must be: timely, transparent, and with recourse**
- **FAA requirements for assumption of payload review responsibility: authority, indemnity, and resources**



FAA AST Position

Dr. George Nield, 10/26/16

XL CATLIN

“We don’t need Congress to direct us to develop new regulations on the details of conducting Enhanced Payload Reviews. All we as a government really need to do is to decide who should be responsible for authorizing these new and non-traditional commercial operations, as required by the Treaty. The FAA is willing to take on that responsibility.”

Panel on Payload Review Process

- **Ben Roberts – White House OSTP**
- **Christopher Ingraham – Office of Rep. Bridenstine**
- **Brian Israel – State Department**
- **Josef Koller – OSD**

COMSTAC BLWG OFRs

Observations

COMSTAC observes that Article VI of the Outer Space Treaty requires that “activities of non-governmental entities in outer space ... require authorization and continuing supervision by the appropriate State Party to the Treaty”.

COMSTAC further observes that Article IX of the Outer Space Treaty seeks to avoid harmful interference in the conduct of space activities among States Parties.



COMSTAC BLWG OFRs

Findings

COMSTAC finds that the U.S. Government has not yet identified an Agency to support the continuing supervision required by Article VI of the Outer Space Treaty for commercial space activities that are not currently explicitly under the supervision of a U.S. Government Agency.

COMSTAC finds that the current lack of an explicit, defined process for commercial space activities that are not currently explicitly supervised by a U.S. Government Agency has resulted in a lack of stability, predictability, transparency, and efficiency, which has, and will continue to, hinder the development of U.S. commercial space activities.

COMSTAC BLWG OFRs

Recommendations

COMSTAC recommends that, in meetings and discussions with policymakers, regardless of the ultimate approach taken to meet the nation's international treaty obligations, the U.S. Government should take expeditious action to enable a safe, predictable, and conducive environment for the growth of commercial space operations and activities, including opportunities for recourse under the Administrative Procedures Act.

COMSTAC recommends that, where no other U.S. Government agency is providing continuing supervision, the FAA should advocate in meetings and discussions with policymakers, for the Office of Commercial Space Transportation to serve as the lead entity to support such activities, leveraging the AST's expertise and experience in successfully conducting interagency reviews.



XL CATLIN

