



INTERNATIONAL SPACE POLICY WORKING GROUP

OBSERVATIONS, FINDINGS, AND RECOMMENDATIONS

Mark Sundahl, Chair
Jennifer Warren, Vice Chair

October 21, 2015

EXPORT CONTROLS

OBSERVATION: The International Space Policy Working Group held a teleconference on June 22nd to discuss how to facilitate the export and operation of suborbital spacecraft to foreign countries by allowing such spacecraft to be governed by the Export Administration Regulations (EAR) instead of the International Traffic in Arms Regulations (ITAR). The call included representatives from the Department of State, the Department of Commerce, NASA, and the Defense Technology Security Administration.

OBSERVATION: During the teleconference, government representatives stated that one of the most significant barriers to conducting peaceful, commercial human spaceflight operations abroad is that foreign governments, in the context of a failure investigation, could demand technical data related to spacecraft propulsion systems.

EXPORT CONTROLS

RECOMMENDATION: COMSTAC recommends that the FAA AST advocate that peaceful, commercial, human spaceflight operations could be conducted outside of the United States entirely under the auspices of the EAR under the following circumstances:

- (1) The spacecraft is operated and maintained exclusively by U.S. Persons (as defined in § 120.15 of the ITAR);
- (2) No technical data is disclosed to any Foreign Person (as defined in § 120.16 of the ITAR); and
- (3) The foreign government provides binding legal assurances that no ITAR-protected technical data related to the spacecraft or its operations will need to be shared with Foreign Persons even in the context of a failure investigation.

NON-INTERFERENCE WITH OPERATIONS ON CELESTIAL BODIES

OBSERVATION: The FAA AST currently uses expected casualty analysis to determine the magnitude of potential hazards to the public arising from the launch and reentry of spacecraft and from the operation of spaceports.

FINDING: Industry would benefit from a dynamic approach to determining the parameters of a zone of non-interference by leveraging a variety of tools such as probabilistic risk analysis.

UTILIZATION OF SPACE RESOURCES

FINDING: The FAA AST, and U.S. policymakers in general, should support a legal and regulatory environment that encourages the commercial use of space to the maximum extent possible while maintaining compliance with international law.

FINDING: COMSTAC supports the goals of Title II of H.R. 2262, namely, (1) to facilitate the commercial exploration and utilization of space resources, (2) to discourage government barriers to exploration and utilization of space resources, and (3) to promote the right of U.S. commercial entities to explore and utilize space resources in accordance with international law, free from harmful interference, and with the right to transfer such resources.

ISO

FINDING: The International Standards Organization's Subcommittee 14 of Technical Committee 20 (Space Systems and Operations) is evaluating the formation of a cross-disciplinary working group to address human spaceflight standards and present U.S. positions to ISO.

RECOMMENDATION: COMSTAC recommends that the FAA AST support the U.S. TAG chair of TC 20/SC 14 in establishing a cross-disciplinary working group on human spaceflight occupant safety and presenting U.S. positions to ISO.



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