U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

National Policy

ORDER 1110.124H

Effective Date:
11/16/12

SUBJ: Commercial Space Transportation Advisory Committee

1. Purpose of This Order. This order constitutes the charter for the Commercial Space Transportation Advisory Committee (COMSTAC or the Committee).

2. Authority. The COMSTAC operates in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.

3. Where Can the Public Find This Order. This order will be published on the Federal Aviation Administration's (FAA) Web site: https://employees.faa.gov/tools_resources/orders_notices/. It will also be published on the Commercial Space Transportation COMSTAC Web site: http://www.faa.gov/about/office_org/headquarters_offices/ast/advisory_committee/

4. Cancellation. Order 1110.124G, Commercial Space Transportation Advisory Committee, dated November 17, 2010, is canceled.

5. Objectives and Scope. The Committee provides information, advice, and recommendations to the Federal Aviation Administration (FAA) Administrator (the Administrator) on all matters relating to U.S. commercial space transportation industry activities. The Committee does not exercise program management responsibilities and makes no decisions directly affecting the programs on which it provides advice. The Committee provides a forum for the development, consideration, and communication of information from a knowledgeable, independent perspective.

6. Description of Duties. The Committee shall:

a. The committee will undertake only those tasks assigned by FAA. Neither the committee nor any of its working groups may assign a task without prior approval by FAA.

b. Undertake such information-gathering activities as necessary to address issues identified by FAA for consideration by the committee, develop recommendations on those issues, and present the committee's recommendations to the Administrator.

c. Evaluate economic, technological, and institutional developments relating to commercial space transportation and submit to the Administrator recommendations on promising new ideas and approaches for Federal policies and programs.

d. Provide FAA with direct, first-hand information and insight from the substantially affected interests by exchanging ideas about FAA regulations and rulemakings that may require changes or elimination. The Committee's activities must satisfy the normal rulemaking and public comment process. The FAA will disclose in the public docket any Committee communication on any particular issue in a rulemaking. The FAA will include an assessment of how the communication affects the development of proposed rules in the docket or preamble of any proposed rule.

e. Serve as a forum for the discussion of problems involving the relationship between industry activities and Federal Government requirements.

7. Agency to Whom the Committee Reports. The committee shall report to the FAA Administrator.

8. Support. The FAA Office of Commercial Space Transportation shall furnish support services for operating the committee, including maintaining committee records.

9. Estimated Annual Operating Costs and Staff Years. The estimated annual operating cost of the committee is $45,000, which includes printing, miscellaneous, and related costs. Approximately 0.5 person years are required to support the committee.

Additionally, the Office of Commercial Space Transportation shall provide compensation for COMSTAC members for their participation on the Committee, and financial support for some travel and lodging expenses. The Office of Commercial Space Transportation has budgeted approximately $30,000 for this purpose.

10. Designated Federal Officer. The Office of Commercial Space Transportation shall designate an analyst on the staff of the office to be executive director of the committee and serve as the Designated Federal Officer (DFO) required by FACA. The DFO will approve or call all of the Committee's and subcommittees' meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the Committee reports.

11. Estimated Number and Frequency of Meetings.

a. The committee shall meet approximately twice each calendar year, and upon the call of the chairperson, subject to the approval of the executive director of the committee who serves as the DFO. The committee may not meet in the absence of the DFO or a departmental employee designated as an alternate DFO.

b. The chairperson or, in the absence of the chairperson, the vice-chairperson shall preside at each meeting.

c. The committee meetings shall be open to the public, and a notice of such meetings shall be published in the Federal Register at least 15 calendar days before the meeting. The proposed agenda, as well as the time and place of the meeting and information that the meeting will be open to the public, should be included in the notice. The notice should be delivered to the Office of the Chief Counsel, AGC-200, at least 30 days before the meeting. The Chief Counsel's office sends the notice to the Federal Register. Other forms of the notice, such as press releases, are to be used to the extent practicable. Meetings or portions of meetings may be closed to the public in accordance with the provisions described in Paragraph 15.

d. Detailed minutes of each meeting shall be kept. They shall be certified by the chairperson of the Committee.

e. Each Committee meeting shall be open to the public, and interested persons shall be permitted to attend and appear before the committee, subject to reasonable limitations of space and time. Meetings may be closed to the public only as authorized by Section 10(d) of the Federal Advisory Committee Act, as amended, and applicable regulations. Any such determination shall be in writing and contain the reasons for the determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with Section 552(b) of Title 5, United States Code. Interested persons may file written statements with the committee at any time.

12. Duration. Continuing, subject to renewal every 2 years.

13. Termination. This charter shall terminate 2 years from its effective date, unless renewed in accordance with FACA and other applicable requirements

14. Membership and Designation.

a. The committee shall be composed of approximately 25 members, each of whom shall be appointed by the Secretary upon recommendation of the Administrator.

b. The membership shall be fairly balanced in terms of points of view represented and the functions to be performed by the committee. To ensure that the recommendations of the committee have taken into account the needs of diverse groups served by the FAA, membership shall include, to the extent practicable, individuals, and/or organizations to represent minorities, women, and persons with disabilities.

c. All members will serve as Representatives for 2-year terms, with each member eligible to be reappointed for a successive term. Terms shall be staggered with approximately one-half expiring each year. Any person appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. Members shall continue to serve until their replacement has been appointed.

d. A chairperson shall be appointed from among the membership by the FAA Administrator after recommendation by the FAA Associate Administrator for Commercial Space

Transportation. A vice-chairperson shall be appointed from among the membership by the FAA Associate Administrator for Commercial Space Transportation.

e. Members may not be represented at committee meetings and activities by alternates.

15. Subcommittees. The FAA has the authority to create subcommittees or working groups within COMSTAC. These subcommittees and working groups report to COMSTAC. They shall not provide advice or work products directly to FAA or DOT.

16. Recordkeeping. Records of the committee and any of its working groups shall be handled in accordance with General Records Schedule 26, Item 2 or other approved FAA records disposition schedule. Subject to Section 552 of Title 5 U.S. Code, records, transcripts, minutes, appendices, working papers, drafts, studies, agendas, and other documents that are made available to, or prepared for or by, the committee shall be available for public inspection and copying in the Office of the Associate Administrator for Commercial Space Transportation (AST-1), 800 Independence Avenue, SW., Washington, DC, 20591. Fees shall be charged for information furnished to the public in accordance with the fee schedule published in Part 7 of the Title 49, Code of Federal Regulations.

The minutes, as certified by the chairperson of the Committee, shall be available for public inspection and copying in the office of the sponsor. They will also be published on the Commercial Space Transportation COMSTAC Web site. Public availability of minutes or other documents received or generated by the committee are subject to applicable limitations and exceptions prescribed in the Freedom of Information Act, 5 U.S.C. 552 (b).

Copies of all reports received, issued, or approved by the committee shall be distributed at the meeting to committee members and meeting attendees and placed on the AST Web site: http://www.faa.gov/about/office_org/headquarters_offices/ast/advisory_committee/ >>COMSTAC Meeting Information.

17. Filing Date. The charter is effective November 16, 2012, which is the filing date of the charter. The committee shall terminate 2 years after this date unless, prior to that time, the charter is terminated or renewed.

Michael P. Huerta
Acting Administrator