

**MEMORANDUM OF AGREEMENT
BETWEEN THE
DEPARTMENT OF COMMERCE,
THE FEDERAL AVIATION ADMINISTRATION
AND THE
DEPARTMENT OF THE AIR FORCE
ON A
SPACELIFT RANGE
COMMERCIAL REQUIREMENTS PROCESS**



U.S. AIR FORCE

I. BACKGROUND

The United States Government spacelift ranges are vital to civil, national security, and U.S. commercial space activities. The Department of the Air Force (AF) owns and operates the primary U.S. spacelift ranges at the Eastern Range, headquartered at Cape Canaveral Air Force Station, Florida, and the Western Range, headquartered at Vandenberg Air Force Base, California. The Air Force is modernizing these ranges to meet its needs for both reusable and future expendable launch vehicles and necessary test and evaluation activities. The Departments of Commerce (DOC) and Transportation (DOT) have joined to work with the U.S. commercial space sector users of Air Force spacelift ranges to collect and communicate commercial requirements for spacelift range support and modernization for consideration in the Department of Defense (DoD) requirements process. The DoD (Air Force) has agreed to develop a mechanism for evaluating these requirements and determining which requirements will be incorporated into the DoD requirements process and which ones will not.

II. PURPOSE

This Memorandum of Agreement (MOA) outlines a cooperative arrangement between the DOC, the Federal Aviation Administration (FAA) on behalf of the DOT, and the AF on behalf of the DoD (hereafter, the Parties) to establish a Spacelift Range Commercial Requirements Process. The process is defined as a formal, repeatable process for collecting commercial sector range support and modernization requirements, communicating these requirements to the AF, and considering these requirements in the existing AF requirements process.

III. SCOPE

This agreement applies to the AF owned and operated Eastern and Western Ranges. This agreement does not alter or otherwise modify roles and responsibilities delineated by statute or national policy for the DOC, FAA or AF.

IV. AUTHORITY

The Air Force is authorized to enter into this agreement by exercising its responsibility to conduct the affairs of the Air Force as specified in 10 United States Code (U.S.C.) Chapter 803. The Department of Transportation is authorized to enter this agreement by exercising its responsibility to promote public-private partnerships to build, expand, modernize, or operate space launch and

reentry infrastructure pursuant to 49 U.S.C. Subtitle IX -- Commercial Space Transportation, Chapter. 701, Commercial Space Launch Activities, section 70103(b)(2). The Department of Commerce is authorized to enter this agreement by exercising Section 1511e(c) of Title 15.

V. OBJECTIVE

This agreement establishes a commercial requirements process led jointly by the FAA and DOC. The AF requirement resolution process established in this agreement enables due consideration of U.S. commercial requirements within the AF. The commercial requirements collection process established in this agreement is separate and distinct from, and shall not duplicate, the mission specific commercial requirements appropriately handled via the Universal Documentation System (UDS), per Air Force Space Command Instruction 21-104. The commercial requirements provided by the DOC-FAA to the AF shall not create unfunded mandates to meet those requirements unique to the commercial space sector.

VI. FORMAL REQUIREMENTS COLLECTION PROCESS

This process shall establish and be recognized as the only formal mechanism, other than the UDS, for the parties to collect and consider commercial needs for AF spacelift range improvements and modernization. This process will take place annually, allowing for FAA and DOC to make a joint presentation of the commercial requirements to the AF each January (see Figure 1).

- A. Federal Register Announcement: The FAA and DOC will draft a Federal Register announcement to solicit commercial range user requirements for the Eastern and Western Ranges. The announcement will outline the general nature of the commercial requirements generation process, and specify a clear format for describing each requirement, including:
 - i. Detailed explanation of the requirement,
 - ii. Justification (technical and economic rationale, as well as overall importance),
and
 - iii. Parameters (key dimensions of performance, with threshold and objective requirements if possible).

- B. The FAA and DOC will consult with the FAA's Commercial Space Transportation Advisory Committee (COMSTAC) and prepare a joint report summarizing and synthesizing responses to the Federal Register announcement and any other commercial sector inputs

deemed relevant by the FAA and DOC. “Commercial sector” specifically refers to U.S. private sector and non-federal government entities. Only requirements endorsed by multiple commercial range users will be considered. The report drafting process will produce a formal document listing commercial user requirements, in a format suitable for review and analysis within the AF requirements, planning and programming process.

- i. Requirements will be clarified, analyzed, and integrated to eliminate redundancy and resolve conflicts, as well as to ensure that each conforms to an AF-specified format.
- ii. Requirements will be classified into the following categories:
 - a. Reconfiguration of DoD-controlled equipment, personnel, and procedures already existing on the ranges;
 - b. New range capabilities, which would require installation of new equipment but without the need to develop new technologies; and
 - c. New range capabilities, which would require development of new technologies.
- iii. Requirements will be prioritized.

VII. COMMUNICATION INTERFACE

The DOC and FAA will resolve all issues arising within their commercial requirements process prior to providing the AF their jointly approved requirements product. Commercial requirements will be presented annually in January by the FAA’s Associate Administrator for Commercial Space Transportation (FAA/AST) and DOC’s Director, Office of Space Commercialization (DOC/OSC), to the office of the Under Secretary of the Air Force who will ensure the requirements are properly stated prior to forwarding them to Air Force Space Command Director of Requirements (AFSPC/DR) for action. Follow-on staff level meetings will take place, as necessary, to resolve requirements categorization and associated issues.

VIII. RESOLUTION PROCESS

The AF retains final decision authority regarding all requirement categorization decisions. The Air Force will employ the following process to address requirements submitted by the FAA and DOC:

- A. The AF will determine the extent to which there is commonality between commercial requirements and DoD's mission, existing DoD requirements, and DoD planned or programmed range modernization. This determination identifies the extent to which the AF will consider industry requirements as viable candidates for incorporation into the range modernization program.
- i. For those requirements where sufficient commercial-DoD commonality exists, the requirements will be divided into the following categories: (1) requirements that can be implemented within current resources for which the AF will use the Requirements Validation Board (RVB) process or will consider modifying the current modernization program; and (2) requirements that cannot be implemented within current resources and consequently will enter the AF planning and programming process, as required, to update requirements documentation and compete for funding.
 - ii. If the AF determines that a sufficient degree of commonality does not exist, the AF will not accept the commercial requirements and will not incorporate them into DoD modernization plans and programs.
- B. The AF will notify the FAA and DOC on the disposition of each commercial requirement they provide. If the FAA and DOC, in consultation with private sector and non-federal government entities, believe the AF has inappropriately categorized a requirement, the FAA and DOC may forward a petition for reconsideration. The AF will discuss the requirements issue with the DOC and FAA and will reach a determination.
- C. Disposing of each requirement (i.e., assignment of requirements to appropriate AF entities for planning and potential implementation) will be carried out by the AF according to the categorization level of each requirement.
- D. Following initial disposition, the AF will update the FAA and DOC on the status of each accepted requirement as it progresses through the AF planning process. These updates will occur at least twice each year. The FAA and DOC will update the commercial sector and will facilitate communication between the commercial sector and the DoD as it pertains to this process.

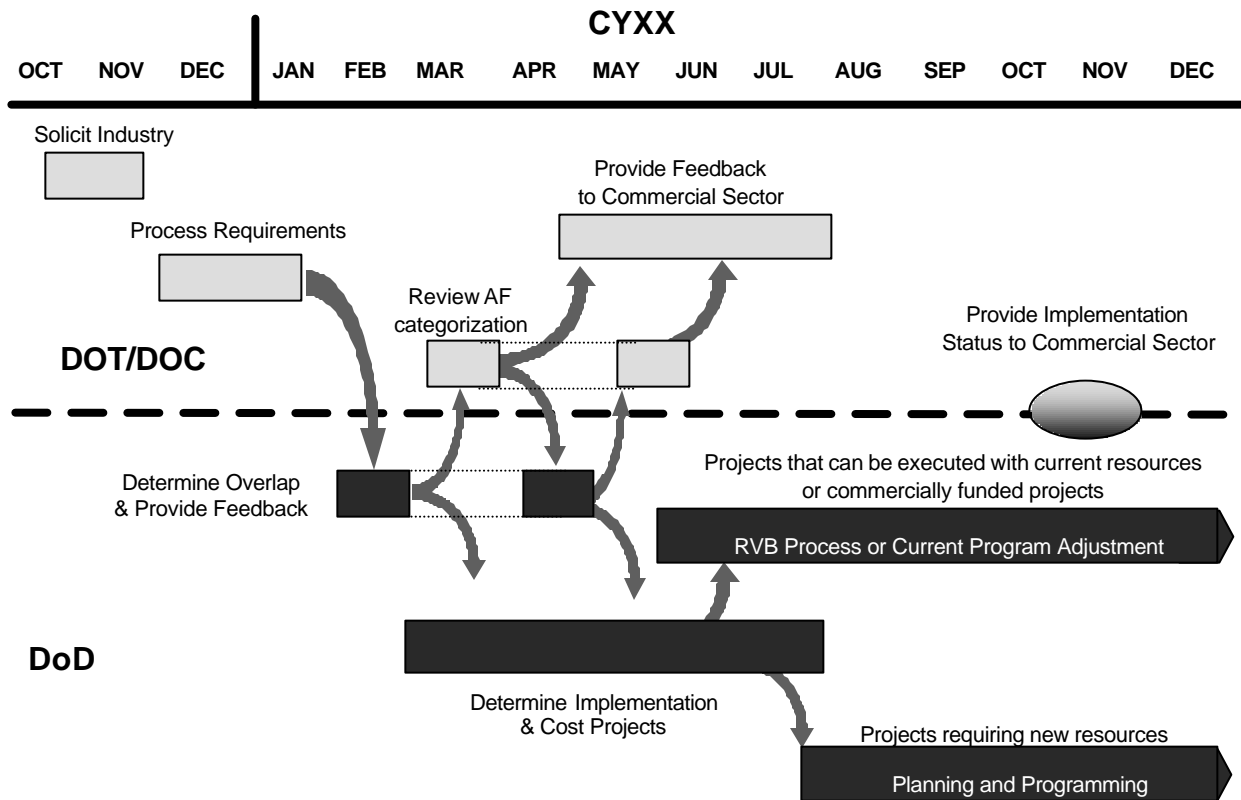


Figure 1: Commercial Requirements Process

IX. IMPLEMENTATION

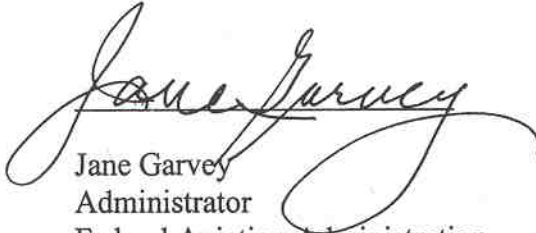
The AF, DOC, and FAA should use this Agreement as a basis for writing implementing procedures to carry out their respective responsibilities for collecting, communicating, and considering commercial requirements for AF spacelift ranges. With regard to this MOA, the primary point of contact within the AF is the Under Secretary of the Air Force; the primary point of contact within the FAA is the Associate Administrator for Commercial Space Transportation; and the primary point of contact within the DOC is the Director, Office of Space Commercialization. The Under Secretary, Associate Administrator, and Director are mutually responsible for the successful execution of this MOA.

X. REVISION

This MOA will be reviewed and evaluated for accuracy and adequacy after the first annual requirements collection and review cycle. Revisions to this MOA may be made by mutual consent of the parties. Written changes become effective upon the latest date of signature of the agreeing parties.

XI. EFFECTIVE DATE

This MOA is effective upon the latest date of the signature by the agreeing parties and shall remain in effect until superseded or terminated. Any party may unilaterally terminate this agreement by giving written notice to the other party. The termination notice will be dated 180 days before the intended termination date and will contain rationale.



Jane Garvey
Administrator
Federal Aviation Administration

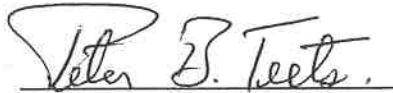
JAN 24 2002

Date: _____



Phillip J. Bond
Under Secretary for Technology
Department of Commerce

Date: 2/4/02



Peter B. Teets
Under Secretary of the Air Force

Date: 1/20/02