

ACTION MEMORANDUM TO THE SECRETARY

From: Daniel K. Elwell, Acting Administrator
X73111

Prepared by: Mr. Wayne R. Monteith, Associate Administrator for
Commercial Space Transportation
X77793

Subject: Commercial Space Transportation Advisory Committee Charter Renewal

ACTION REQUIRED

The Federal Aviation Administration (FAA) requests that the Secretary renew the charter for the Commercial Space Transportation Advisory Committee (COMSTAC) for a two-year term and approve the corresponding Federal Register notice.

SUMMARY

COMSTAC is a discretionary Federal advisory committee initially established in 1984 and governed by the Federal Advisory Committee Act (FACA) (Public Law 92-463). Since its inception, COMSTAC has provided information, advice, and recommendations to the U.S. Department of Transportation regarding technology, business, and policy issues relevant to oversight of the U.S. commercial space transportation sector. COMSTAC does not exercise program management or regulatory development responsibilities and makes no decisions directly affecting the regulatory oversight programs on which it provides advice.

In accordance with FACA, COMSTAC's charter ends every two years following the effective date, unless it is renewed. COMSTAC's charter was last renewed June 2017, by FAA Order 1110.124J, and will expire on June 27, 2019. We must provide public notification of the committee's charter renewal in the Federal Register when it is filed with the U.S. House of Representatives Committee on Transportation and Infrastructure, the Senate Committee on Commerce, Science and Transportation, the Library of Congress, and the U.S. General Services Administration.

It is important to note that this proposed renewal outlines several key changes to COMSTAC governance, including defined term limits and a reduced number of total members. We expect these proposed changes to assist the Department in working with USG partners and industry to anticipate and resolve issues.

BACKGROUND

COMSTAC has historically maintained a balanced, diverse membership of up to 27 individual members. The economic, technical, and institutional expertise provided by COMSTAC has been invaluable to the Department and the FAA's work to ensure safety during U.S. commercial launch operations and supports U.S. industry competitiveness. COMSTAC typically meets in the spring (April/May), and in the fall (September/October) in Washington, DC. These are two-day meetings, with working group meetings on the first day followed by a full, public committee meeting on the second day. COMSTAC currently has four working groups: Safety, Infrastructure, Legal and Regulatory, and Competitiveness and Innovation.

COMSTAC and each of its working groups have an industry chair and vice chair. COMSTAC's current Chairman is Mr. Michael N. Gold, Vice President of Civil Space, Maxar Technologies and the Vice Chairman is former NASA Astronaut Michael Lopez-Alegria, who also previously served as President of the Commercial Spaceflight Federation.

Renewal of COMSTAC's charter is necessary and in the public interest. As the growth of the U.S. commercial space industry has steadily increased the subject matter expertise provided by COMSTAC members has been invaluable in helping DOT to develop effective regulations that ensure public safety during commercial launch operations and policies that support international competitiveness for the industry. As the commercial space transportation industry continues to grow, and technology and operations continue to become more complex, DOT will depend on COMSTAC to help address critical issues such as efficient integration of launch and reentry vehicle operations into the National Airspace System, launch site licensing, and data exchange.

This charter will not only renew COMSTAC for two more years but will also continue to refine how the Department and industry work together to address current and emerging priorities. COMSTAC is the single DOT FACA that focuses on commercial space transportation and thus provides an invaluable forum where the Secretary can seek industry input to accomplish National Space Council and other Administration goals.

CONGRESSIONAL INTEREST

Congressional interest in COMSTAC has historically been and continues to be high. The U.S. House of Representatives Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure, as well as the Senate Committee on Commerce, Science and Transportation, pay close attention to COMSTAC's activities and often send staff or members to observe or participate in COMSTAC meetings. Many COMSTAC members have been asked to testify before House and Senate Committees or have been consulted for advice by Member offices or staff. Further, the Commercial Space Launch Competitiveness Act of 2015 (Public

Law 114-90) specifically directed the Secretary of Transportation to consult with COMSTAC for industry input on reporting requirements assigned to the Secretary of Transportation in the law.

RECOMMENDATION

The FAA recommends that the Secretary renew COMSTAC's charter for a two-year term, and approve publication of the corresponding notice for the Federal Register

Attachments:

1. COMSTAC Charter
2. COMSTAC Membership Balance Plan
3. COMSTAC Renewal Federal Register notice

The Secretary

Justin L. Chao

APPROVED: _____

DISAPPROVED: _____

COMMENTS: _____

DATE: _____

6-26-19

Commercial Space Transportation Advisory Committee Charter

1. Committee Official Designation. Commercial Space Transportation Advisory Committee (COMSTAC).

2. Authority. This discretionary committee was established under the authority of the U.S. Department of Transportation (DOT) and in accordance with the provisions of the Federal Advisory Committee Act (FACA) of 1972, as amended (5 U.S.C., App.2)

3. Objectives and Scope. The committee provides information, advice, and recommendations to the Secretary of Transportation, through the Federal Aviation 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.

4. Description of Duties. The committee shall:

- a. Undertake such information-gathering activities as necessary to address issues identified by the Federal Aviation Administration (FAA) for consideration by the committee, develop recommendations on those issues, and present the committee's recommendations to the Secretary.
- b. Evaluate economic, technological, and institutional developments relating to commercial space transportation and operations and submit to the Secretary recommendations on promising new ideas and approaches for Federal policies and programs.
- c. Undertake only those tasks assigned by the FAA. Neither the committee nor any of its working groups may assign a task without prior approval by the FAA.
- d. Serve as a forum for the discussion of issues involving the relationship between industry activities and Federal Government requirements related to commercial space transportation and/or operations.

5. Agency to Whom the Committee Reports. The committee shall report to the Secretary of Transportation through the FAA Administrator.

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

7. Estimated Annual Operating Costs and Staff Years. The estimated annual operating cost of the committee is \$105,000, which includes printing, staff, miscellaneous, and related costs.

The COMSTAC will require the support of approximately one-half of a full-time equivalent (FTE) employee per year.

8. Designated Federal Officer. The Designated Federal Officer (DFO) is a full-time or permanent part-time employee appointed in accordance with Agency procedures and 41 CFR 102-3.105(i). The Associate Administrator, Office of Commercial Space Transportation, shall designate the DFO. The DFO will call all of the advisory committee and subcommittee meetings, prepare and approve all meeting agendas, attend all committee and subcommittee meetings, maintain all files and records, 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 advisory committee reports.

9. Estimated Number and Frequency of Meetings. The committee shall meet approximately twice each calendar year subject to the approval of the Secretary of Transportation. The committee may not meet in the absence of the DFO or a departmental employee designated as an alternate DFO.

- a. The chairperson or, in the absence of the chairperson, the vice-chairperson shall preside at each meeting.
- 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 website: http://www.faa.gov/about/office_org/headquarters_offices/ast/advisory_committee/>> COMSTAC Meeting Information.

10. Duration. Continuing.

11. Termination. The committee shall terminate 2 years after the charter filing date unless, prior to that time, the charter is terminated or renewed.

12. Membership.

- a. The committee shall be composed of approximately 20 members, each of whom shall be appointed by the Secretary of Transportation. Membership is not limited to the commercial space transportation sector. 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.
- b. All members will serve a term of up to 2 years, with each member eligible to be reappointed for a single successive term. Members appointed solely for their expertise serve as Special Government Employees; those serving on behalf of specific interests will serve as Representatives.
- c. Any person appointed on an interim basis by the Secretary of Transportation, 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 committee Chair and Vice Chair shall be appointed by the Secretary of Transportation. The committee Chair will serve for a single two-year term in this capacity. Unless the Secretary of Transportation decides otherwise, the Vice Chair will assume the role as Chair at the end of their 2-year term, and a new Vice Chair, selected from the membership, will be designated by the Secretary.
- e. Members may not be represented at committee meetings and activities by alternates.

13. Subcommittees. The DFO has the authority to create subcommittees within COMSTAC as needed. These entities report to COMSTAC. They do not provide advice or work products directly to the FAA. These entities will terminate after one year unless renewed or terminated prior to their expiration by the DFO. Unless dictated otherwise by FACA, all subcommittee meetings will be closed to the public, and limited only to members of the relevant group, the DFO, other support staff from the U.S. Government and subject matter experts invited to speak to the subcommittee.

14. Recordkeeping. Records of the committee and any of its working groups shall be handled in accordance with General Records Schedule 6.2 or other approved FAA records disposition schedule. Subject to FOIA, 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.

15. Filing Date. The charter is effective June 26, 2019, which is the filing date of the charter.

COMSTAC

Membership Balance Plan

Please read the Federal Advisory Committee Membership Balance Plan Guidance prior to completing this form

(1) FEDERAL ADVISORY COMMITTEE NAME

State the legal name of the FAC

Commercial Space Transportation Advisory Committee (COMSTAC)

(2) AUTHORITY

Identify the authority for establishing the FAC

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

(3) MISSION/FUNCTION

Describe the mission/function of the FAC

The committee provides information, advice, and recommendations to the Department of Transportation on all matters relating to the U.S. commercial space transportation industry. The committee does not exercise program management 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.

(4) POINTS OF VIEW

Based on understanding the purpose of the FAC,

- (a) describe the process that will be used to ensure the committee is balanced, and identify the categories (e.g. individual expertise or represented interests) from which candidates will be considered;*
- (b) consider identifying an anticipated relative distribution of candidates across the categories; and*
- (c) explain how a determination was made to appoint any individuals as Special Government Employees or Representative members*

The committee shall be composed of approximately 20 members, each of whom shall be appointed by the Secretary upon recommendation of the Administrator. The membership shall be fairly balanced in terms of points of view represented and the functions to be performed by the committee. Every attempt is made to have representation from all segments of the aerospace industry. Membership will be composed of people with either individual expertise or represent interests necessary to COMSTAC.

(5) OTHER BALANCE FACTORS

List any other factors your agency identifies as important in achieving a balanced FAC

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.

(6) CANDIDATE IDENTIFICATION PROCESS

Summarize the process intended to be used to identify candidates for the FAC, key resources expected to be tapped to identify candidates and the key persons (by position, not name) who will evaluate FAC balance. The summary should:

- (a) describe the process*
- (b) identify the agency key staff involved (by position, not name)*
- (c) briefly describe how FAC vacancies, if any, will be handled by the agency; and*
- (d) state the membership term limit of FAC members, if applicable*

The Department may employ different methodologies to identify potential COMSTAC members. The Department may recommend candidates based on their knowledge of the industry. The Department may ask COMSTAC members and the aerospace community to make recommendations of individuals and provide those names and rationale to the designated Federal Officer (DFO). The Department may elect to solicit interest via a Federal Register notice or to gauge interest through other industry bodies.

When there is an opportunity to appoint new members to COMSTAC, the DFO advises the Associate Administrator for Commercial Space Transportation that one or more vacancies exist. Once solicitations of interest are obtained the DFO prepares a document summarizing the qualifications of each nominee for review and approval by the FAA Associate Administrator for Commercial Space Transportation, who, in turn, obtains the Administrator's approval. The Administrator refers the candidates to the Secretary, who makes the final determination regarding membership. All members serve a term of two years, with each member eligible to be reappointed for a single successive term.

(7) SUBCOMMITTEE BALANCE

Subcommittees subject to FACA should either state that the process for determining FAC member balance on subcommittees is the same as the process for the parent FAC, or describe how it is different*

**This is relevant to those agencies that require their subcommittees to follow all FACA requirements.*

The COMSTAC subcommittees (aka working groups) are comprised of members of the committee and other relevant experts. The Working Group membership balance is the same process as COMSTAC.

(8) OTHER

Provide any additional information that supports the balance of the FAC

No additional information.

(9) DATE PREPARED/UPDATED

Insert the actual date the Membership Balance Plan was initially prepared, along with the date(s) the Plan is updated

Initially prepared April 26, 2012. Updated June 19, 2019.

[4910-13]

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

COMMERCIAL SPACE TRANSPORTATION ADVISORY COMMITTEE – CHARTER RENEWAL

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Announcement of Renewal of the Commercial Space Transportation Advisory Committee (COMSTAC) Charter.

SUMMARY: FAA announces the renewal of the COMSTAC charter, a Federal Advisory Committee that provides information, advice, and recommendations to DOT and the FAA on the critical matters facing the U.S. commercial space transportation industry. This renewal will take effect the day of publication of this announcement, and will expire after 2 years.

FOR FURTHER INFORMATION, CONTACT: Di Reimold, COMSTAC Designated Federal Officer/Executive Director, FAA, Commercial Space Transportation, 800 Independence Avenue SW., Rm. 331, Washington, DC 20591, telephone (202) 267-7635, email dorothy.reimold@faa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), FAA is giving notice of the renewal of the COMSTAC charter. The primary goals of COMSTAC are to: evaluate economic, technological, and institutional developments relating to the U.S. commercial space transportation industry; provide a forum for the discussion of problems involving the relationship between industry activities and government requirements; and make recommendations to the FAA Administrator on issues and approaches for Federal policies and programs regarding the industry. COMSTAC membership consists of senior executives from the commercial space transportation industry; the aviation

industry; representatives from the satellite industry, both manufacturers and users; state and local government officials; representatives from firms providing insurance, financial investment and legal services for commercial space activities; and representatives from academia, space advocacy organizations, and industry associations. Complete information regarding COMSTAC is available on the FAA website at:

http://www.faa.gov/about/office_org/headquarters_offices/ast/advisory_committee/



Secretary Elaine L. Chao
Department of Transportation

Issued in Washington, DC
June 26, 2019

Transmission Log

DOTMFDFAX

Wednesday, 06-26-2019 14:57

1234567890

Date	Time	Type	Job #	Length	Speed	Fax Name/Number	Pages	Status
06-26-2019	14:55	SCAN	698	1:22	14400		4	OK -- V.17 AM31



U.S. Department
of Transportation
Office of the Secretary
of Transportation

1200 New Jersey Avenue SE
Washington DC 20590

June 26, 2019

The Honorable Roger Wicker
Chairman, Committee on Commerce,
Science, and Transportation
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am writing to advise you that the U.S. Department of Transportation is renewing the charter of the Commercial Space Transportation Advisory Committee. The Committee will act solely in an advisory capacity to the Department regarding commercial space transportation.

In accordance with the requirements of the Federal Advisory Committee Act (5 U.S.C., App. 2), enclosed is a copy of the Committee charter. The charter is effective on June 26, 2019, and expires 2 years from that date on June 26, 2021.

Sincerely,

David Freeman
Committee Management Officer

Enclosure



U.S. Department
of Transportation

**Office of the Secretary
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Sincerely,

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David Freeman
Committee Management Officer

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DOTMFDFAX

Wednesday, 06-26-2019 14:58

1234567890

Date	Time	Type	Job #	Length	Speed	Fax Name/Number	Pages	Status
06-26-2019	14:57	SCAN	702	0:51	26400		4	OK -- V.34 AB31



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David Freeman
Committee Management Officer

Enclosure



U.S. Department
of Transportation

**Office of the Secretary
of Transportation**

1200 New Jersey Avenue SE
Washington DC 20590

June 26, 2019

Mr. Richard Yarnall
Library of Congress
Federal Advisory Committee Desk
Government Documents Section
101 Independence Avenue, SE
Washington, DC 20540

Dear Mr. Yarnall:

I am writing to advise you that the U.S. Department of Transportation is renewing the charter of the Commercial Space Transportation Advisory Committee. The Committee will act solely in an advisory capacity to the Department regarding commercial space transportation.

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