



January 2023

Description

FCC

[FCC Issues Space Bureau Order](#)

- The FCC issued an Order to move forward with establishing the Space Bureau on January 9th. The Order, available [here](#), does not provide much new information regarding the new Bureau, however, the speed at which the FCC is proceeding is noteworthy. At this rate, the new Bureau may be in place by the end of 2023.
- Why it matters to you: The Commission is expected to increase the workforce supporting space and satellite regulatory issues by 38%. The new Bureau will result in new staff and possibly new leadership. This should help with the processing of new applications and the development of new rules, but stakeholders should be aware that there may also be a need to build new relationships in the new Bureau.

[Part 25 \(Satellite Communications Regs\) NPRM Published in the Federal Register](#)

- The FCC's Part 25 NPRM, which seeks to expedite application processing and loosen restrictions regarding certain "non-conforming" uses of satellite spectrum, has already been published in the Federal register. Comments are due March 3.
- Why it matters to you: The FCC revisits the Part 25 rules often, but this rulemaking seeks to add new transparency and flexibility to the application process. If your company expects to have tight licensing timelines or to use spectrum in novel ways, including inter-satellite links, this is an important opportunity to shape Commission policy.

The Office of Space Commerce

[Request for Information on Commercial Space Situational Data Needs](#)

- On the heels of discussing space traffic management with some industry executives, the Office of Space Commerce requested additional input from interested parties on OSC's currently planned scope of basic safety services to be provided via the Traffic Management System for Space (TraCSS) program. This input will inform OSC's development of capabilities to share space situational data, information, and services with space operators and the public. Responses are due on or before February 27, 2023.
- Why it matters to you: This is another opportunity for the industry to flag its future space situational data needs to the U.S. government. Stakeholders should start thinking critically about what they will need from a Space Situational Awareness perspective to execute its missions now and in the future. Additionally, this is an opportunity to clarify what elements of SSA should be managed privately and what the Office of Space Commerce's role should be as it embraces its new mission to manage commercial space traffic management.

U.S. Export Control

[DDTC Issues Updated Guidance for U.S. Persons Abroad](#)

- The Directorate of Defense Trade Controls (DDTC) announced updated guidance and FAQs for U.S. persons abroad (USPAB) authorization requests. A USPAB is defined as a U.S. person who permanently resides overseas, works for a foreign employer, and provides defense services to their employer or other foreign parties. DDTC authorization for USPAB only applies to defense services, it does not permit the export of defense articles or transfer of ITAR-controlled technical data.
- Why it matters: It is important to know what kind of authorization you need from DDTC while operating under the ITAR. USPAB authorization differs from a Technical Assistance Agreement (TAA), which authorizes the applicant to export technical data or furnish defense services to a foreign employer. If a USPAB is not a signatory on the TAA, a separate USPAB authorization is needed to provide defense services to the foreign employer. And, if the USPAB travels to the U.S. and furnishes defense services while in the U.S. (including via remote work/telework), they must register with DDTC unless otherwise exempted under ITAR §122.1(b). This is a separate authorization outside of the USPAB authorization.

Space Force!

[Space Force Wants Satellites That Can Move](#)

- As the need to surveil the various layers of earth's orbit grows, for commercial, environmental and defense reasons, the Space Force is concerned that its current fleet of satellites is not particularly mobile. This made sense when surveillance was primarily focused on the Earth but the U.S. believes it may be at a current disadvantage compared to other countries that have adopted an early focus on monitoring other satellites in space.

- Why it matters to you: It used to be that when the U.S. government expressed a need for satellite-based mobility, it was related to supporting missions on the ground or in water with moving earth stations. This raises novel opportunities from a procurement perspective as stakeholders with SSA or Orbital Transit Vehicle systems can glimpse at future USG requests for proposals. However, it also raises questions as to how the U.S. government might coordinate spectrum it uses to communicate with mobile satellite platforms. It may make coordination more difficult or make certain federal bands truly exclusive, forcing operators to seek more permanent homes for their spectrum use. This is a development to monitor as it matures.

Foreign Space Developments

[Europe Seeks to Develop its own Space Traffic Management System](#)

- Europe is increasingly interested in having its own space solutions, and space traffic management is no different. Fifteen European nations have committed to developing autonomous European systems for space traffic management and space situational awareness. Relatedly, the European Commission [is calling for](#) an “EU Space Law” to set common standards and regulations for European space operators.

[India Views Space Traffic Management and Space Situational Awareness as Essential for Defense](#)

- India, already one of the most accomplished space powers in the world, is turning its attention to the value of space traffic management and space situational awareness. India’s concerns are familiar; it seeks greater awareness of the debris orbiting earth to protect its space assets while also seeking the ability to monitor adversarial spacecraft in orbit.
- Why it matters: Much like the new EU focus, there is value to having more SSA resources used to map earth’s orbit, even though new STM regulations raise further concerns about inconsistent rules of the road in space. India makes it difficult for foreign operators to access its spectrum, so this development will not impact many operators’ licensing needs. But it is an important reminder that India, which may now be the most populous country in the world, will be a critical player in the future of space.
- Why it matters: From a safety perspective, more space situational awareness and space traffic management resources are likely to be a good thing. However, the advent of new SSA or STM rules means that operators may have to be mindful of complying with the FCC’s new rules and whatever new rules come out of the EU. Operators should do their best to ensure that the two regulatory schemes are consistent and complimentary or, at the very least, not contradictory.

ACSP News

[Bootcamp and Certification Training Program](#)

- The Space Regulatory Bootcamp is only three weeks away! This event is the first training



program focused on regulatory matters for the space industry as well as the first certification for regulatory skills. The Bootcamp will also be unique in using a narrative and interactive examples to drive home skills. Check out the company featured in the narrative at AlphaBravoSpace.com.

- The importance of understanding regulations is highlighted by the [Axios](#) interview of George Nield, former associate administrator for Commercial Space Transportation at FAA. He said, “We still have a lot more to learn” about space and regulatory frameworks. The Bootcamp is the first step in learning and advancing commercial space.
- Why it matters to you: Regulations are complex and constantly changing. You can direct more of your operating budget to developing your technology and away from expensive external resources if you invest in training your employees on the regulations. Register here: Acsp.space/bootcamp

Read more about the Bootcamp in the media here:

[Legal Reader](#)
[Space News](#)

acsp.space