



August 19, 2019

Randy Repcheck

Deputy Manager, Division of Regulation and Analysis

Office of Commercial Space Transportation Federal Aviation Administration

800 Independence Avenue, SW

Washington, DC 20591

Dear Mr. Repcheck:

Space Florida respectfully submits the following comments and concerns regarding the Federal Aviation Administration's (FAA) Notice of Proposed Rulemaking (NPRM) for Streamlined Launch and Reentry Licensing Requirements, specifically as related to Neighboring Operations and Public Safety. Space Florida (SF) strongly urges the FAA to fully and seriously weigh the merits of all alternative language, regulatory approaches, and process recommendations submitted in response to this NPRM and Draft Rule by the commercial spaceflight industry.

We fully concur with the substance, observations, and recommendations of the Commercial Spaceflight Federation's docket submission. This rulemaking offers a rare opportunity for the FAA to reassess how its rules align with its statutory direction to regulate "only to the extent necessary" a dynamic young commercial space transportation industry vital to this Nation's capacity to lead.

Space Florida, as a licensed spaceport operator, and its Federal partners at the Cape Canaveral Spaceport understand and embrace the need to protect the uninvolved public from the hazards of spaceflight. We understand and deal daily with the requirements to manage risks to the workforce of operators, contractors, customers, and suppliers that work in our spaceport community to operate and support a growing number of launch and reentry systems. However, we believe that the FAA has not yet come to the same understanding we have regarding the difference between the general public, and the industry workforce that is necessary to carry out concurrent neighboring operations.

We note that FAA responded to some industry questions by posting 24 pages to the docket on Friday afternoon, August 16, with the NPRM comment period set to close a minute before midnight August 19. A number of those responses were on questions about neighboring operations. Following review of the posted clarifications, Space Florida still maintains that neighboring operations personnel are not members of the public, nor are the workers of the licensee who may be working on a test program or a different launch/reentry program. In one response, the FAA states that "FAA does not have regulatory authority over launch essential personnel." This raises a question as to should it have regulatory authority over the essential personnel of a neighboring operator for other launch, reentry, or associated operations? Congress addressed protecting the public health and welfare without defining what people should be considered "public." FAA can protect third parties' personnel and property through the

insurance and liability regime without declaring them members of the general public. As FAA proposes to codify in its regulations a definition of "public", we regard this as a crucial issue for any multi-user spaceport site, any site that serves as both a spaceport and an airport, and for exclusive-use sites that may host multiple programs, to facilitate concurrent adjacent operations necessary to meet program, launch and customer requirements. FAA dismissed with little analysis, and no iterative discussion with industry, the recommendations of the ARC regarding neighboring operations and the codified definition of "public." SF sincerely hopes a more thorough consideration is given to the alternatives offered in response to the Draft Rule.

There are lasting adverse consequences to a decision that fails to recognize the evolving reality of increased operators, high flight rates, and diversity of operational activities at sites like the Cape Canaveral Spaceport, which stands to be disproportionately impacted. Those consequences are an erosion of the Cape's capacity to support U.S. leadership in space with frequent access to space and lower costs. This impacts U.S. competitiveness in the face of growing competition from overseas, competition which is not regulated by the FAA. It would also adversely impact our Space Coast economy. Other provisions in the Draft Rule also threaten the health of this industry, without contributing to any increase in guarding the welfare and safety of the public. SF again states its position that this rulemaking does have Federalism implications, and that SF as well as other licensed spaceports operated by state and local jurisdictions have standing as small entities under Pub. L. 96-354, Regulatory Flexibility Act. We also restate our strong support for a full re-engagement in two-way dialogue with the commercial spaceflight industry to be followed by a supplemental NPRM to achieve the best result before FAA moves on towards a Final Rule.

We concur with many of our colleagues that the streamlining effort is critical to the nation's space leadership. It will impact affected states and commercial operators in their combined efforts to meet the launch and reentry demands of both U.S. Government and global markets. It is essential that FAA takes whatever time is needed and engage industry throughout the process to get it right. Space Florida looks forward to continuing engagement with the FAA along with our industry partners in this rulemaking process.

Sincerely,



James Kuzma
Senior Vice President and
Generals Manager, Cape Canaveral Spaceport,
Space Florida