

**Before the  
DEPARTMENT OF COMMERCE  
Washington, D.C. 20230**

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| <b>In the Matter of</b>   | ) |                      |
|   | ) |                      |
| <b>Request for Public Comments Regarding Review<br/>of Commerce Control List for Items Transferred<br/>From United States Munitions List Categories IV<br/>and XV</b> | ) | <b>BIS-2018-0029</b> |

**COMMENTS OF THE CONSORTIUM FOR THE EXECUTION OF RENDEZVOUS  
AND SERVICING OPERATIONS**

**I. INTRODUCTION AND SUMMARY.**

The Consortium for Execution of Rendezvous and Servicing Operations (“CONFERS”) is an industry-led initiative that advocates globally for commercial On-Orbit Servicing (OOS) as an integral part of a robust space economy. As an essential underpinning of that advocacy, CONFERS. aims to leverage best practices from government and industry to research, develop, and publish non-binding, consensus-derived principles, practices, and technical and operations standards for OOS and Rendezvous and Proximity Operations (RPO). These standards would provide the foundation for a new commercial repertoire of robust space-based capabilities and a future in-space economy.

CONFERS has been developed by a team of private sector organizations with initial funding from the Defense Advanced Research Projects Agency (DARPA). Advanced Technology International (ATI) is providing overall program management. Technical expertise and project execution support is being provided by the Secure World Foundation (SWF), the University of Southern California’s Space Engineering Research Center (SERC), and the Space Infrastructure Foundation (SIF).

To fulfill its mission, CONFERS is recruiting a broad array of members from satellite equipment manufacturers, satellite operators, service providers, developers of RPO simulation, planning and safety tools, and insurers; interacting with standards development organizations; and engaging other stakeholders from industry, academia, and governments. CONFERS currently has 25 industry members from the United States and abroad. The process is fully collaborative and includes dedicated outreach activities to the global commercial satellite and space community.

We appreciate the efforts of the Department of Commerce, working in concert with other federal departments and agencies, to review the controls implemented in United States Munitions List (USML) Categories IV and XV and the related transfer of items to the Department of Commerce's Commerce Control List (CCL).<sup>1</sup> As ours is a nascent industry with significant future economic and national security potential for the United States, we are keenly aware of the potential harm that burdensome export control regulations could pose to the success of OOS and RPO services but also of the need to protect critical technologies as a national security measure.

## II. Need for Periodic Reviews of the USML

The commercial space industry is undergoing a period of drastic change. Spin-in technologies from other domains, significant increases in private sector funding, and increased government leveraging of commercial capabilities and services are driving the space industry to rapidly innovate and explore new capabilities and markets.

The rapid innovation and change in the space industry are particularly evident in the commercial satellite servicing sector. Dozens of U.S. and foreign companies are current investing in developing the technologies for on-orbit inspection, docking, berthing, relocation, refueling, life extension, repair, upgrade, deorbit, refueling, and assembly of satellites and other space objects. Some of our members have already signed agreements with other commercial or governmental entities to provide such services and plan to do initial demonstrations as early as 2020.

The ever-changing nature of space technology means that the categorization of technologies enshrined in the USML and CCL must also constantly evolve. Therefore, the Department of Commerce, in conjunction with other federal departments and agencies, must execute regular and mandatory reviews involving industry feedback on necessary changes to both lists. The Department of Commerce should liaise with industry to determine the appropriate time interval between reviews.

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<sup>1</sup> "Request for Public Comments Regarding Review of Commerce Control List for Items Transferred From United States Munitions List Categories IV and XV", *Federal Register*, 8 March 2019, <https://www.federalregister.gov/documents/2019/03/08/2019-04268/request-for-public-comments-regarding-review-of-commerce-control-list-for-items-transferred-from>

### III. Categorization and Controls of Satellite-Servicing Related Technologies

CONFERS members believe that some or all of the technologies, services, and information related to commercial satellite servicing should be transitioned from the USML to the CCL. However, not all member organizations have had the opportunity to produce a detailed response on this topic before the ANPRM deadline. Therefore, CONFERS hopes that the Department of Commerce and other relevant departments and agencies will engage in an ongoing dialogue with CONFERS to discuss necessary changes to ensure this critical industry flourishes.

Respectfully submitted,

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