

HUMAN SPACE FLIGHT OCCUPANT SAFETY AEROSPACE RULEMAKING COMMITTEE CHARTER

- 1. PURPOSE.** This charter establishes the Human Space Flight Occupant Safety Aerospace Rulemaking Committee for the Commercial Space Transportation Industry, according to the Secretary’s authority under Title 49 of the United States Code (49 U.S.C.) § 106(p)(5). This Aerospace Rulemaking Committee, (commonly referred to as a SpARC) purposefully engages the commercial space industry to provide consensus information, concerns, opinions, and recommendations to the Department of Transportation. The sponsor of this SpARC is the Office of Commercial Space Transportation’s Executive Director of the Office of Strategic Management. This charter outlines the organization, responsibilities, and tasks of the Human Space Flight Occupant Safety SpARC.

- 2. BACKGROUND.** In 2004, Congress granted the Secretary of Transportation authority to oversee the safety of the emerging commercial human space flight industry but limited the Federal Aviation Administration’s (FAA) rulemaking authority. To ensure that the industry had an ample “learning period” to develop, Congress prohibited the FAA, absent death, serious injury, or close call, from promulgating any regulations governing the design or operation of a launch vehicle and intended to protect the health and safety of crew and space flight participants, until the year 2012. Congress extended this prohibition twice – the FAA Modernization and Reform Act of 2012 extended it to October 1, 2015, and the Commercial Space Launch Competitiveness Act extended it to October 1, 2023. Now, given the increase in commercial space activity, the commercial space sector and the Department of Transportation are ready to collaborate on a safety framework including regulations for human space flight. The FAA intends to prepare for commercial human space flight regulatory oversight as the legislatively established learning period sunsets on October 1, 2023. The Human Space Flight Occupant Safety SpARC will provide recommendations relating to the establishment of a commercial human space flight occupant safety framework.

- 3. OBJECTIVES OF THE SpARC.** The objective of this safety-focused SpARC is to solicit information, concerns, opinions, and recommendations about potential commercial human space flight occupant safety regulations from industry.

- 4. TASKS OF THE SpARC.** The tasks of the SpARC are:
 - a. Provide specific consensus comments on the following issues:
 - i. Determining the scope of future human space flight occupant safety regulations;
 - ii. Estimating the cost of future occupant safety regulations to the industry; and
 - iii. Creating a human space flight occupant safety regime.

- b. Within 12 months from the first meeting after the effective date of the charter, submit a report with recommendations for the FAA regarding creating occupant safety requirements.
 - i. The Industry Co-Chair sends the report with recommendations to the FAA Co-Chair and the FAA Executive Director of the Office of Rulemaking.
 - ii. The FAA Co-Chair determines when the report with recommendations and related records, pursuant to paragraph 8, will be made available for public release.

5. SpARC PROCEDURES.

- a. The SpARC acts solely in an advisory capacity by advising and providing written recommendations to the FAA Co-Chair.
- b. The SpARC may propose follow-on tasks related to the stated scope of the SpARC to the FAA Co-Chair.
- c. Following the submission of the report with recommendations, and, at the discretion of the FAA Co-Chair, the SpARC may reconvene for the purposes of providing advice and assistance to the FAA provided the charter is still in effect.

6. **SpARC ORGANIZATION, MEMBERSHIP, AND ADMINISTRATION.** The FAA is committed to ensuring the SpARC reflects the Administration's priorities regarding Diversity, Equity, Inclusion, and Accessibility (DEIA). The FAA will set up a committee of members that include representatives with experience in or targeting the Commercial Space Transportation (CST) human space flight industry including representatives from current and prospective license and permit holders, training providers, medical research groups, launch/reentry customers, space flight participants, safety experts, industry groups, and academia. FAA representatives and other federal agency subject matter experts may be requested to participate as observers and to provide technical support to SpARC members.

Members will be selected based on their familiarity and experience with human space flight operations, design, training, and costs associated with human space flight safety. All members must be involved with and fully support human space flight safety. Membership will be balanced in viewpoints and interests. All members will have knowledge of the SpARC's objectives and scope.

The provisions of the August 13, 2014, Office of Management and Budget (OMB) guidance, "Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions" (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their "individual capacity." The revised guidance allows registered lobbyists to participate on Agency Boards and Commissions in a "representative capacity" for the "express purpose of providing a committee with the views of a non-governmental entity, a recognizable group of persons or non-governmental entities

(an industry, sector, labor unions, environmental groups, etc.), or state or local Government.” For further information, refer to the OMB Guidance at 79 FR 47482.

Membership is limited to promote discussion. Attendance, active participation, and commitment by members is essential for achieving the objectives and tasks. When necessary, the SpARC may set up specialized and temporary working groups that include at least one SpARC member and invited subject matter experts from industry and government.

- a. The FAA Executive Director of the Office of Strategic Management, Commercial Space Transportation will function as the FAA Co-Chair and will:
 - 1) Select and appoint the Industry Co-Chair.
 - 2) Select and appoint industry participants, observers from the FAA, and other U.S. Government organizations.
 - 3) Ensure FAA participation and support from all affected lines-of-business and staff offices.
 - 4) Provide notification to the members and observers of the time and place for each meeting.
 - 5) Receive any status report(s) and the recommendations report.

- b. Once appointed, the Industry Co-Chair will:
 - 1) Coordinate required SpARC meetings in order to meet the objectives and timelines.
 - 2) Establish and distribute meeting agendas in a timely manner.
 - 3) Keep meeting notes, if deemed necessary.
 - 4) Perform other responsibilities as required to ensure the SpARC meets its objectives.
 - 5) Provide status reports, as requested, in writing to the FAA Co-Chair.
 - 6) Submit the recommendation report to the FAA Co-Chair and the FAA Executive Director of the Office of Rulemaking.

7. PUBLIC PARTICIPATION. Meetings are closed to the public. Persons or organizations outside the SpARC who wish to attend a meeting must secure approval from the Industry and FAA Co-Chairs in advance of the meeting.

8. AVAILABILITY OF RECORDS. Subject to applicable Freedom of Information Act Exemptions pursuant to 5 U.S.C. § 552, the FAA will make records provided by the SpARC to the FAA available for public inspection and copying. Available records will be located at the Office of Commercial Space Transportation, FAA Headquarters, 800 Independence Avenue, SW, Washington, DC 20591. The FAA may charge fees for information furnished to the public according to the fee schedule published in Title 49 of the Code of Federal Regulations Part 7.

This charter is available on the FAA Committee Database website at:
https://www.faa.gov/regulations_policies/rulemaking/committees/documents/.

9. DISTRIBUTION. This charter is distributed to the Office of the Associate Administrator for Aviation Safety, the Office of the Associate Administrator for Commercial Space Transportation, the Office of the Associate Administrator of Airports, the Office of the Chief Counsel, the Office of the Assistant Administrator for Policy, International Affairs, and Environment, and the Office of Rulemaking.

10. EFFECTIVE DATE AND DURATION. This SpARC is effective upon issuance of this charter and will remain in existence for a maximum of 24 months unless the charter is sooner suspended, terminated, or extended by the Secretary.

Issued in Washington, DC on April 21, 2023.



Pete Buttigieg
Secretary of Transportation

