



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Office of the Associate Administrator for  
Commercial Space Transportation

800 Independence Ave., SW.  
Washington, DC 20591

December 22, 2014

Mr. Michael Gold  
Director of D.C. Operations & Business Growth  
Bigelow Aerospace  
5335 Wisconsin Ave., NW  
Suite 950  
Washington, DC 20015

Dear Mr. Gold:

I am writing in response to your request for a payload review, submitted on December 31, 2013, to the FAA's Office of Commercial Space Transportation ("the FAA" or "AST"). The FAA has conducted an extensive review of the material you submitted and, per 14 CFR 415.57(b), has consulted with the Department of State, the Department of Defense, and other federal agencies, including NASA and NOAA. I am pleased to inform you that, subsequent to careful consideration by all of the federal entities involved, the FAA is, in principle within the bounds of the international obligations of the United States, prepared to support Bigelow Aerospace's trailblazing initiative. Your company's proposed activities are consistent with the 2010 National Space Policy's goals to encourage and facilitate "the growth of a U.S. commercial space sector that supports U.S. needs, is globally competitive, and advances U.S. leadership in the generation of new markets and innovation-driven entrepreneurship", and therefore, we encourage you to continue to invest in the development of your lunar habitat to support the public and private sector activities described in your request.

Moreover, we recognize the private sector's need to protect its assets and personnel on the Moon or on other celestial bodies. Supporting non-interference for private sector operations will enhance safety and only add to the long history of preserving ownership interests in hardware and equipment. Per Congressional guidance, we intend to leverage the FAA's existing launch licensing authority to encourage private sector investments in space systems by ensuring that commercial activities can be conducted on a non-interference basis.

Although there is nothing more that FAA requires at this time from Bigelow Aerospace, the Department of State has highlighted a critical issue for the Executive Branch and the Congress to address. The Department of State's fundamental concern is that the national regulatory framework, in its present form, is ill-equipped to enable the U.S. Government to fulfill its obligations under the Outer Space Treaty with respect to private sector activities on

the Moon or other celestial bodies. Specifically, Article VI of the Outer Space Treaty states in relevant part:

*“States Parties to the Treaty shall bear international responsibility for national activities in outer space, including the Moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. The activities of non-governmental entities in outer space, including the Moon and other celestial bodies, shall require authorization and continuing supervision by the appropriate State Party to the Treaty.”*

AST is already engaging with the Department of State and other federal agencies to discuss a licensing framework that will enable and support, in a manner consistent with our international legal obligations, innovative commercial space activities such as those proposed by Bigelow. We recognize that this is an issue for the federal government rather than Bigelow Aerospace to resolve. We applaud Bigelow Aerospace’s development of a lunar habitat, and are committed to working within the federal government to put in place the necessary framework to support such activities and provide Bigelow with the security it seeks to conduct peaceful commercial operations on the lunar surface without fear of harmful interference by other AST licensees. We look forward to working with Bigelow Aerospace on a launch license.

Sincerely,

A handwritten signature in black ink, appearing to read "George Nield", written in a cursive style.

Dr. George C. Nield  
Associate Administrator for  
Commercial Space Transportation