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LAUNCH STATUS CHECK: COMMERCIAL SPACE PROSPECTING IN 2018

Abstract

In order to determine whether a commercial space prospecting mission is currently "Go" for launch, we will consider the legal ramifications of a such a mission from beginning to end. We will imagine a hypothetical commercial space prospecting venture that is technically equipped and sufficiently funded to launch a spacecraft to a celestial body, recover and use resources in space, and return those resources safely to Earth for commercial sale or other use. We will evaluate whether the mission would face insurmountable legal obstacles, ambiguities, or gaps at any point from the mission's proposal to the collection of revenue. We will compare the various phases of such a mission against the United States' obligations under the Outer Space Treaty, specifically Articles I, II, and VI. We will then consider the laws and regulations that would apply to all phases of our hypothetical mission, including Title 51, United States Code, Section 509 et seq. and its accompanying regulations, especially the U.S. Federal Aviation Administration's regulations for the approval of space launches. Our analysis will address whether any laws or regulations would explicitly prohibit any phase of our hypothetical mission, or whether omissions or ambiguities in such laws or regulations would fail to provide necessary support or authorization for the mission. We will conclude by determining whether the United States is legally prepared to launch space prospectors at the present date. If we find that the United States is not yet prepared, we will identify the laws, regulations, and/or treaty provisions that would need to be drafted or amended in order to allow for such missions.