



Federal Communications Commission  
Washington, D.C. 20554

June 1, 2022

DA 22-594

**VIA ELECTRONIC MAIL**

Eduardo Lugo  
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Re: Astrobotic Technology, Inc., IBFS File Nos. SAT-LOA-20210512-00065, SAT-AMD-20220107-00004; Call Sign: S3088

Dear Mr. Lugo:

Astrobotic Technology, Inc. (Astrobotic) filed the above-referenced application requesting authority under the Commission's streamlined licensing procedures for small spacecraft,<sup>1</sup> to deploy and operate a spacecraft known as the Peregrine Mission 1 (PM1) in the Earth-exploration satellite service. As explained below, we conclude that the application, as amended, does not meet the criteria for processing under the Commission's streamlined licensing procedures for small spacecraft. Accordingly, we dismiss<sup>2</sup> the application, as amended, without prejudice to re-filing under regular Part 25 licensing procedures.

Under the rules for streamlined licensing procedures for small spacecraft, applicants must certify that the space station(s) will release no operational debris.<sup>3</sup> In its document titled "FCC Certifications for Small Spacecraft"<sup>4</sup> Astrobotic did not include the necessary certification and instead reports that the spacecraft would release an instrument cap in an Earth orbit (492 km perigee x 364,225 km apogee).<sup>5</sup> Because the release of the instrument cap is the release of operational debris, Astrobotic cannot make the required certification and the application, as amended, is therefore defective.

Applications found defective may still be accepted for filing if the "application is accompanied by a request which sets forth the reasons in support of a waiver of (or an exception to), in whole or in part,

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<sup>1</sup> 47 CFR § 25.123.

<sup>2</sup> See 47 CFR § 25.112(a)(2).

<sup>3</sup> 47 CFR § 25.123(b)(4).

<sup>4</sup> See Astrobotic FCC Certifications for Small Spacecraft – Revision F (Astrobotic Certifications) (filed Feb. 7, 2022). A redacted version of this document is available under "Other Filings" in IBFS File No. SAT-AMD-20220107-00004.

<sup>5</sup> Astrobotic Certifications at 8. Astrobotic also indicates that the instrument cap will re-enter the Earth's atmosphere and survive re-entry sufficiently intact to present a risk of human casualty.

any specific rule, regulation, or requirement with which the application is in conflict.”<sup>6</sup> We have reviewed Astrobotic’s request for a waiver of the certification requirement and conclude that a waiver is not warranted. Astrobotic’s rationale for a waiver is that the instrument from which debris will be released was provided by its customer.<sup>7</sup> We recognize that the customer in this instance is a U.S. government agency, the National Aeronautics and Space Administration (NASA), however, we decline to adopt an approach in which customer-defined requirements or customer-supplied equipment is treated as a justification for waiver of eligibility requirements. Because the review of the application will be more complex due to the additional considerations related to operational debris, we conclude that this application will require the type of individualized analysis and review that is not suitable for streamlined processing.<sup>8</sup>

Therefore, we conclude that the application, as amended, is unacceptable for filing and is dismissed. Astrobotic will be able to apply for a license under the regular Part 25 process, rather than the streamlined process. This action concerning the suitability for streamlined processing is not a determination with respect to whether the spacecraft’s planned operations, including the release of operational debris, are ultimately in the public interest.<sup>9</sup>

Sincerely,

**Karl A. Kensinger**

Karl A. Kensinger  
Chief, Satellite Division  
International Bureau

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<sup>6</sup> 47 CFR § 25.112(b)(1).

<sup>7</sup> See Astrobotic Certifications at 8. See also Astrobotic FCC Waiver Justification – B at 3 (filed Mar. 8, 2022), a redacted version of this document is available under “Other Filings” in IBFS File No. SAT-AMD-20220107-00004.

<sup>8</sup> *Streamlining Licensing Procedures for Small Satellites*, IB Docket No. 18-86, Report and Order, 34 FCC Red 13077, 13083, n.49 (2019).

<sup>9</sup> Astrobotic also sought waiver of the mass component of the streamlined small spacecraft qualifying criteria. See Astrobotic FCC Waiver Justification. Since we find that the release of operational debris disqualifies the application from consideration under streamlined processing, we do not address this additional waiver request.