

**NOAA ADVISORY COMMITTEE FOR COMMERCIAL REMOTE SENSING
(ACCRES)
OPEN SESSION MEETING SUMMARY
September 12, 2006**

Open Session

The open session of the ninth meeting of NOAA's Advisory Committee for Commercial Remote Sensing (ACCRES) was convened on September 12, 2006 at 2:00 pm in the Ronald Reagan Building, Horizon Ballroom, Washington, D.C. In accordance with the provisions of Public Law 92-463, the meeting was open to the public.

Committee members present:

Mr. Kevin O'Connell, Chair, Center for Intelligence Research and Analysis
Ms. Karen Schuckman, Vice-Chair, American Society of Photogrammetry and Remote Sensing
Mr. William Gail, Microsoft Virtual Earth (representing Mr. John Curlander)
Mr. Christian Kessler, Department of State
Dr. James Lewis, Center for Strategic and International Studies
Mr. Cary Ludtke Ball Aerospace & Technologies Corporation (representing Mr. David Taylor)
Mr. Michael Luther, NASA
Ms. Jill Smith, DigitalGlobe, Incorporated
Mr. Dennis Jones (representing Matthew O'Connell, OrbImage (GeoEye))
Ms. Sande Webster, Office of the Director of National Intelligence (representing Mr. Gil Klinger)
Dr. Ray Williamson, George Washington University

Presiding Staff of the National Oceanic and Atmospheric Administration (NOAA):

Ms. Mary Kicza, NOAA's Satellite and Information Service
Ms. Kay Weston, NOAA's Satellite and Information Service, International and Interagency Affairs Office
Mr. Glenn Tallia, NOAA's Office of General Counsel

Representatives from other Agencies:

Mr. Doug McGovern, National Geospatial Intelligence Agency

Opening Statements

Mr. Kevin O'Connell, Committee Chair, called the ninth ACCRES meeting to order at 2:00 pm and provided a summary of what happened during the morning's closed session.

Foreign Remote Sensing Laws and Policies

Dr. Joanne Gabrynowicz of the University of Mississippi Remote Sensing and Space Law Center provided a briefing examination of the laws and policies of foreign governments. NOAA had commissioned the study to gain a better understanding of what is being done globally with regards to remote sensing law.

According to Dr. Gabrynowicz's research, over the past thirty years, there has been three phases of land data distribution policies. From 1972 - 1984, the primary consideration

was foreign policy; from 1984 - 1992, the focus was on commercial policy; and from 1992 - present, the focus has been on "commercial" and environmental policies. The policies have seen a transition from solely government operators to "private" and government operators. Dr. Gabrynowicz noted that it is becoming increasingly difficult to distinguish between "private", "public", and "commercial" actors. Each nation has its own legal definitions for these terms. However, the policy implications seem to be the same for the different nations. The current trend for data dissemination is to make data openly available except when prohibited for national security reasons. Denial of access to data is the exception and not the rule. The concern is that there are more policies than formal laws on what these exceptions will be. There is a push for more countries to develop national space policies and laws, especially concerning remote sensing. India, Japan, Nigeria and others are considering new national space laws. In these countries and others, there are many questions and a desire for guidance.

Dr. Gabrynowicz's presentation focused on three countries, Japan, Israel, and India. Japan is in the process of developing a basic law on space development. It is expected that the law will be released in 2007. The law is expected to promote research and development, industry and national security. Data policy will also be addressed. Dr. Gabrynowicz noted that in Israel, exclusivity and secrecy is the starting premise. Customers are reported to have completely autonomous, secret, high resolution imaging capability with no records. There is conflicting information on whether or not an operating license is required by the government. In India, there is a comprehensive policy but there is also pressure to establish national law. All data over 5.8 meters is available to the public, but data with better resolution is available on a case-by-case basis. There is a push from industry and users to grant access to higher resolution imagery.

Dr. Gabrynowicz concluded her presentation by noting that the "public" and "private" distinctions are disappearing in the global remote sensing market. There are pressures in most nations for funded space segments to demonstrate value. There are also increasing pressures to make data more readily available. Dr. Gabrynowicz will present her final report to NOAA later this year. The report will include an in-depth review of 15 countries.

NOAA Licensing Update

Kay Weston, NOAA's Commercial Remote Sensing Licensing Program Manager gave an update on the Licensing Team's activities. In its effort to continually monitor the agencies progress in responding to licensing actions, NOAA compiled the following statistics of the amount of time it took the government to complete license actions over the past year.

	Regulatory Requirement	Historical Average	Length of time and number approved since June 2005
Licenses	120 days	160 days	62 days (4)
Amendments (precedent setting)	120 days	215 days	170 days (2)
Amendments (routine)	120 days	125 days	70 days (4)
Foreign Agreements	60 days	59 days	71 days (2)
Waivers of License Conditions	120 days	103	97 days (7)

The Licensing Team created a database of current and planned remote sensing satellites. Using open source information, NOAA is tracking electro-optical and synthetic aperture radar satellites. Users can search the database by country, system, resolution, swath, and launch data. The database is updated quarterly and was last updated in July 2006. To access the database, go to www.licensing.noaa.gov, click on "What's New" and then click on "World Commercial Remote Sensing Database."

On May 25, 2006, NOAA's updated commercial remote sensing regulations (15 CFR Part 960) became effective. The regulations can also be accessed through the licensing website. NOAA provided all of its licensees a template on information that is required in foreign agreements subject to review and approval by NOAA. In May, members of the licensing team met with representatives of each of the licensees as part of the licensing team's annual visits. NOAA is planning to sponsor another commercial remote sensing workshop in January 2007. More information will be available at the licensing website. Ms. Weston also noted that NOAA's 2nd Commercial Remote Sensing Symposium was going to be held over the next three days. NOAA and USGS, its co-sponsor, expected an extraordinary turnout and exciting panel discussions.

Public Comments

A member of the audience asked when the public would learn more information about the 24-hour license condition. Mr. Kevin O'Connell noted that the committee planned to have its final recommendation to NOAA within in the next month. After that, NOAA would share the recommendation with the other involved agencies.

Another audience member thanked NOAA for its database on commercial summaries and noted that Bill Stoney of Mitretek had a similar database and expressed concern about the continuity of the database after Mr. Stoney retired.

Finally, an audience member noted that the American Society of Photogrammetry and Remote Sensing (ASPRS) was conducting a survey for the White House on the Future of Landsat Imagery. ASPRS was compiling the results and expected to make the information available in the near future. After the brief public comment period, the Open Session adjourned at 3:30 pm.