



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
Office of Space Commerce  
Commercial Remote Sensing Regulatory Affairs Division  
Silver Spring, MD 20910

October 18, 2023

Mr. George John  
Apex Outside Counsel  
Apex Technology, Inc.  
555 Thirteenth Street, NW  
Washington, DC 20004

**RE: NOAA Commercial Remote Sensing Regulatory Affairs License Inquiry**

Dear Mr. John:

Pursuant to 15 CFR § 960.5(a), the National Oceanic and Atmospheric Administration's (NOAA) Commercial Remote Sensing Regulatory Affairs (CRSRA) office has reviewed your Initial Contact Form, submitted on October 16, 2023, concerning your proposed Apex Aries 1 private remote sensing space system. Under the authority of the Secretary of Commerce under 51 U.S.C. § 60121 *et seq.* and 15 CFR Part 960, delegated to NOAA, we have determined that the proposed system as described in your Initial Contact Form does not fall within the Secretary's jurisdiction and therefore will not be required to apply for a NOAA license. This determination was made based on the fact that your system does not perform remote sensing as defined in 15 C.F.R. § 960.4 because your system will not collect unenhanced data in an orbit of the Earth which can be processed into imagery of the surface features of the Earth.

If the factual circumstances of the information provided change, please submit a new Initial Contact Form, as you may be subject to the Secretary's jurisdiction. Additionally, please contact CRSRA with any future systems you may plan to operate in order to obtain a licensing determination on that specific system and its mission.

Please refer any questions regarding this determination to Frank Rostan at 301-520-5202 or by email at [CRSRA@noaa.gov](mailto:CRSRA@noaa.gov).

Sincerely,

FOR Richard Dalbello  
Director, Office of Space Commerce

cc: Glenn Tallia, NOAA GC

