

SUBCHAPTER C—LICENSING

PART 411—POLICY

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AUTHORITY: Secs. 3, 5 and 6, Pub. L. 989-575 (49 U.S.C. App. 2601 note).

SOURCE: 53 FR 11015, Apr. 4, 1988, unless otherwise noted.

§ 411.1 General.

The Office of Commercial Space Transportation may issue and transfer licenses authorizing launches, the operation of launch sites, or both.

§ 411.3 Review procedures.

(a) The evaluation of license requests for unmanned launches involves two reviews, Safety Review and Mission Review, designed to address in the most effective and least burdensome manner the two general areas of Federal concern: (1) the efficacy of the proposed safety operations to support safe preparation and launch of a launch vehicle and any payload; and (2) significant issues affecting United States national security interests, foreign policy interests, or international obligations which might be associated with the proposed launch. These reviews may be conducted independently of each other and in whichever order, sequential or concurrent, is more appropriate to the needs of the applicant.

(b) Requests for licenses authorizing the operation of a launch site are reviewed on the basis of the applicant's capability to operate a facility where safety operations are conducted on a continuing basis as support for the launching of a specified class of launch vehicles.

§ 411.5 Safety approval.

(a) Applicants proposing to conduct all of their own safety operations at a private launch site must demonstrate that they possess the resources needed for safe preparation and launch of a launch vehicle and any payload to be carried by such vehicle. In these cir-

cumstances, a comprehensive review of the applicant's proposed safety operations must be performed in order to determine whether safety approval can be granted.

(b) If an applicant proposes to launch from a Federal range, as the Act encourages, it is the Office's view that reliance on safety-related launch property and services found at these ranges is an appropriate means of assuring that the applicant's launch activities can be conducted safely. As a general matter, a commercial launch site operated under the authority of a license issued by the Office should also be capable of providing such an assurance of safety. If an applicant proposes to contract for the services of a Federal range or a private launch site operated under the authority of a license issued by the Office, safety approval will ordinarily be given once the applicant has been accepted by a range or site capable of handling the launch activity proposed. All launch licenses issued under these circumstances shall be conditioned by the requirements that the applicant:

- (1) Comply with all specified safety requirements and procedures of the range or launch site in question and
- (2) Inform the Office of and obtain approval for any planned or proposed deviations from or alternatives to such requirements or procedures.

§ 411.7 Mission approval.

(a) *General.* Mission approval is granted unless some element of the proposed launch poses a threat to U.S. national security or foreign policy interests, constitutes a hazard to public health and safety or safety of property, or is inconsistent with international obligations of the United States. The Office shall work with applicants to correct or eliminate any defect in a proposal which impedes granting mission approval.

(b) *Payloads.* A proposal to launch any foreign payload or a payload not covered by existing FCC or NOAA regulation must be reviewed in consultation with other appropriate Federal agencies in order to determine that the

launch of such payload will not jeopardize public health and safety, safety or property, or any national security or foreign policy interest of the United States. The Office, when requested to do so, shall provide payload operators or owners with this determination in advance of a launch license request or request for mission approval. Subsequent reviews of payloads within the same category shall be considered on a routine basis and shall focus on new or distinctive elements of the specific payload to be launched.

§ 411.9 Information requirements.

The Office shall make available current compilations of the basic information an applicant is required to submit in order to initiate an appropriate review of any proposed commercial launch activity subject to the Office's authority. These information requirements are not intended to be all-inclusive and the submission of the required information does not, in itself, demonstrate the qualifications of an applicant. The nature of individual proposals may require the submission of additional information.

PART 413—APPLICATIONS

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AUTHORITY: 49 U.S.C. app. 2601 note.

SOURCE: 53 FR 11016, Apr. 4, 1988, unless otherwise noted.

§ 413.1 Scope.

The regulations in this part prescribe the application procedures common to licensing all commercial space launch activities. The regulations applying exclusively to launch licenses are contained in Part 415 of this subchapter.

§ 413.3 Pre-application consultation.

Applicants are encouraged to consult with the Office of Commercial Space Transportation at the earliest possible planning stages. Such consultation may reveal potential problems with a proposal and allow changes to be made when they are less likely to result in significant delay or costs to the applicant.

§ 413.5 Application.

(a) *Form.* Applications shall be in writing and filed in duplicate with the Office of Commercial Space Transportation, S-50, 400 Seventh Street, SW., Washington, DC 20590. Attention: Applications Review Branch.

(b) *Types.* Applications to the Office may request issuance or transfer of a license authorizing a launch or the operation of a launch site. Applications may also be made, separately and in advance of a license application, requesting an approval or determination that must be secured before a license can be issued or transferred.

(c) *Signature.* Applications shall be signed as follows:

(1) *For a corporation:* By an officer authorized to act for the corporation in licensing matters.

(2) *For a partnership or a sole proprietorship:* By a general partner or proprietor, respectively; or

(3) *For an association or other entity:* By a principal executive officer.

[53 FR 11016, Apr. 4, 1988, as amended at 56 FR 41068, Aug. 19, 1991; 58 FR 3827, Jan. 12, 1993]

§ 413.7 Confidentiality.

(a) Information or data submitted to the Office may be designated as confidential by the person or agency furnishing such data or information.

(b) A request that information or data be treated confidentially should be made in writing at the time the information is submitted and should state the period of time for which confidential treatment is desired.

(c) A request for confidential treatment will be associated with previously submitted information to the extent that it is practicable in light of prior distribution of such information.