

this part, and may incorporate by reference relevant portions of the initial application.

(e) The FAA will approve a transfer of a safety approval only after all the approvals and determinations required under this chapter for a safety approval have been met. In conducting reviews and issuing approvals and determinations, the FAA may incorporate by reference any findings made part of the record to support the initial safety approval determination. The FAA may modify the terms and conditions of a safety approval to reflect any changes necessary because of a safety approval transfer.

(f) The FAA will provide written notice to the person requesting the safety approval transfer of our determination.

(g) If the FAA denies a transfer request, the applicant may correct any deficiency the FAA identified and request a reconsideration of the revised application. The applicant also has the right to appeal a denial as set forth in subpart D of this part.

§ 414.31 Monitoring compliance with the terms and conditions of a safety approval.

Each holder of a safety approval must allow access by, and cooperate with, Federal officers or employees or other individuals authorized by the Associate Administrator to inspect manufacturing, production, testing, or assembly performed by a holder of a safety approval or its contractor. The FAA may also inspect a safety approval process or service, including training programs and personnel qualifications.

§ 414.33 Modification, suspension, or revocation of a safety approval.

(a) *The safety approval holder.* The safety approval holder may submit an application to the FAA to modify the terms and conditions of the holder's safety approval. The application must meet all the applicable requirements under this part. The FAA will review and make a determination on the application using the same procedures under this part applicable to an initial safety approval application. If the FAA denies the request to modify a safety approval, the holder may correct any deficiency the FAA identified and re-

quest reconsideration. The holder also has the right to appeal a denial as set forth in subpart D of this part.

(b) *The FAA.* If the FAA finds it is in the interest of public health and safety, safety of property, or if the safety approval holder fails to comply with any applicable requirements of this part, any terms and conditions of the safety approval, or any other applicable requirement, the FAA may—

(1) Modify the terms and conditions of the safety approval; or

(2) Suspend or revoke the safety approval.

(c) *Effective Date.* Unless otherwise stated by the FAA, any modification, suspension, or revocation of a safety approval under paragraph (b)—

(1) Takes effect immediately; and

(2) Continues in effect during any reconsideration or appeal of such action under this part.

(d) *Notification and Right to Appeal.* If the FAA determines it is necessary to modify, suspend, or revoke a safety approval, we will notify the safety approval holder in writing. If the holder disagrees with the FAA's determination, the holder may correct any deficiency the FAA identified and request a reconsideration of the determination. The applicant also has the right to appeal the determination as set forth in subpart D of this part.

§ 414.35 Public notification of the criteria by which a safety approval was issued.

For each grant of a safety approval, the FAA will publish in the FEDERAL REGISTER a notice of the criteria that were used to evaluate the safety approval application, and a description of the criteria.

Subpart D—Appeal Procedures

§ 414.37 Hearings in safety approval actions.

(a) The FAA will give the safety approval applicant or holder, as appropriate, written notice stating the reason for issuing a denial or for modifying, suspending, or revoking a safety approval under this part.

(b) A safety approval applicant or holder is entitled to a determination

§ 414.39

on the record after an opportunity for a hearing.

(c) An administrative law judge will be designated to preside over any hearing held under this part.

§ 414.39 Submissions; oral presentations in safety approval actions.

(a) Determinations in safety approval actions under this part will be made on the basis of written submissions unless the administrative law judge, on petition or on his or her own initiative, determines that an oral presentation is required.

(b) Submissions must include a detailed exposition of the evidence or arguments supporting the petition.

(c) Petitions must be filed as soon as practicable, but in no event more than 30 days after issuance of decision or finding under § 414.37.

§ 414.41 Administrative law judge's recommended decision in safety approval actions.

(a) The Associate Administrator, who will make the final decision on the matter at issue, will review the recommended decision of the administrative law judge. The Associate Administrator will make such final decision within 30 days of issuance of the recommended decision.

(b) The authority and responsibility to review and decide rests solely with the Associate Administrator and may not be delegated.

PART 415—LAUNCH LICENSE

Subpart A—General

- Sec.
- 415.1 Scope.
- 415.3 Types of launch licenses.
- 415.5 Policy and safety approvals.
- 415.7 Payload determination.
- 415.8 Human space flight.
- 415.9 Issuance of a launch license.
- 415.11 Additional license terms and conditions.
- 415.13 Transfer of a launch license.
- 415.15 Rights not conferred by launch license.
- 415.16–415.20 [Reserved]

Subpart B—Policy Review and Approval

- 415.21 General.
- 415.23 Policy review.

14 CFR Ch. III (1–1–08 Edition)

- 415.25 Application requirements for policy review.
- 415.27 Denial of policy approval.
- 415.28–415.30 [Reserved]

Subpart C—Safety Review and Approval for Launch From a Federal Launch Range

- 415.31 General.
- 415.33 Safety organization.
- 415.35 Acceptable flight risk.
- 415.37 Flight readiness and communications plan.
- 415.39 Safety at end of launch.
- 415.41 Accident investigation plan.
- 415.43 Denial of safety approval.
- 415.44–415.50 [Reserved]

Subpart D—Payload Review and Determination

- 415.51 General.
- 415.53 Payloads not subject to review.
- 415.55 Classes of payloads.
- 415.57 Payload review.
- 415.59 Information requirements for payload review.
- 415.61 Issuance of payload determination.
- 415.63 Incorporation of payload determination in license application.
- 415.64–415.70 [Reserved]

Subpart E [Reserved]

Subpart F—Safety Review and Approval for Launch of an Expendable Launch Vehicle From a Non-Federal Launch Site

- 415.91–415.100 [Reserved]
- 415.101 Scope and applicability.
- 415.102 Definitions.
- 415.103 General.
- 415.105 Pre-application consultation.
- 415.107 Safety review document.
- 415.109 Launch description.
- 415.111 Launch operator organization.
- 415.113 Launch personnel certification program.
- 415.115 Flight safety.
- 415.117 Ground safety.
- 415.119 Launch plans.
- 415.121 Launch schedule.
- 415.123 Computing systems and software.
- 415.125 Unique safety policies, requirements and practices.
- 415.127 Flight safety system design and operation data.
- 415.129 Flight safety system test data.
- 415.131 Flight safety system crew data.
- 415.133 Safety at end of launch.
- 415.135 Denial of safety approval.
- 415.136–415.200 [Reserved]

Subpart G—Environmental Review

- 415.201 General.
- 415.203 Environmental information.