

§415.37

(1) Launch vehicle structure, including physical dimensions and weight;

(2) Hazardous and safety critical systems, including propulsion systems; and

(3) Drawings and schematics for each system identified under paragraph (c)(2) of this section.

(d) *Operation.* A launch vehicle must be operated in a manner that ensures that flight risks meet the criteria of paragraph (a) of this section. An applicant must identify all launch operations and procedures that must be performed to ensure acceptable flight risk.

[Doc. No. FAA-2000-7953, 71 FR 50531, Aug. 25, 2006]

§415.37 Flight readiness and communications plan.

(a) *Flight readiness requirements.* An applicant must designate an individual responsible for flight readiness. The applicant must file the following procedures for verifying readiness for safe flight:

(1) Launch readiness review procedures involving the applicant's flight safety personnel and Federal launch range personnel involved in the launch, as required by §417.117(g) of this chapter.

(2) Procedures that ensure mission constraints, rules and abort procedures are listed and consolidated in a safety directive or notebook approved by licensee flight safety and Federal launch range personnel.

(3) Procedures that ensure currency and consistency of licensee and Federal launch range countdown checklists.

(4) Dress rehearsal procedures that—

(i) Ensure crew readiness under nominal and non-nominal flight conditions;

(ii) Contain criteria for determining whether to dispense with one or more dress rehearsals; and

(iii) Verify currency and consistency of licensee and Federal launch range countdown checklists.

(5) Procedures for ensuring the licensee's flight safety personnel adhere to the crew rest rules of §417.113(f) of this chapter.

(b) *Communications plan requirements.* An applicant must file a communications plan that meets §417.111(k) of this chapter, and that provides licensee and

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Federal launch range personnel communications procedures during countdown and flight.

(c) An applicant must file procedures that ensure that licensee and Federal launch range personnel receive a copy of the communications plan required by paragraph (b) of this section, and that the Federal launch range concurs in the communications plan.

[Doc. No. FAA-2000-7953, 71 FR 50531, Aug. 25, 2006]

§415.39 Safety at end of launch.

To obtain safety approval, an applicant must demonstrate compliance with §417.129 of this chapter, for any proposed launch of a launch vehicle with a stage or component that will reach Earth orbit.

[Doc. No. FAA-2000-7953, 71 FR 50531, Aug. 25, 2006]

§415.41 Accident investigation plan.

An applicant must file an accident investigation plan (AIP), that satisfies §417.111(g) of this chapter, and contains the applicant's procedures for reporting and responding to launch accidents, launch incidents, or other mishaps, as defined by §401.5 of this chapter.

[Doc. No. FAA-2000-7953, 71 FR 50531, Aug. 25, 2006]

§415.43 Denial of safety approval.

The FAA notifies an applicant, in writing, if it has denied safety approval for a license application. The notice states the reasons for the FAA's determination. The applicant may respond to the reasons for the determination and request reconsideration.

§§415.44-415.50 [Reserved]

Subpart D—Payload Review and Determination

§415.51 General.

The FAA reviews a payload proposed for launch to determine whether a license applicant or payload owner or operator has obtained all required licenses, authorization, and permits, unless the payload is exempt from review under §415.53 of this subpart. If not otherwise exempt, the FAA reviews a payload proposed for launch to determine

whether its launch would jeopardize public health and safety, safety of property, U.S. national security or foreign policy interests, or international obligations of the United States. A payload determination is part of the licensing record on which the FAA's licensing determination is based. The safety requirements of subpart C and F of this part and of part 417 of this chapter apply to all payloads, whether or not the payload is otherwise exempt.

[Amdt. 415-03, 64 FR 19616, Apr. 21, 1999, as amended by Amdt. 415-4, 71 FR 50531, Aug. 25, 2006]

§415.53 Payloads not subject to review.

The FAA does not review payloads that are—

(a) Subject to regulation by the Federal Communications Commission (FCC) or the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA); or

(b) Owned or operated by the U.S. Government.

§415.55 Classes of payloads.

The FAA may review and issue findings regarding a proposed class of payload, e.g., communications, remote sensing or navigation. However, each payload is subject to compliance monitoring by the FAA before launch to determine whether its launch would jeopardize public health and safety, safety of property, U.S. national security or foreign policy interests, or international obligations of the United States. The licensee is responsible for providing current information, in accordance with §415.79(a), regarding a payload proposed for launch not later than 60 days before a scheduled launch.

§415.57 Payload review.

(a) *Timing.* A payload review may be conducted as part of a license application review or may be requested by a payload owner or operator in advance of or apart from a license application.

(b) *Interagency consultation.* The FAA consults with other agencies to determine whether launch of a proposed payload or payload class would present any issues affecting public health and safety, safety of property, U.S. national security or foreign policy inter-

ests, or international obligations of the United States.

(1) The FAA consults with the Department of Defense to determine whether launch of a proposed payload or payload class would present any issues affecting U.S. national security.

(2) The FAA consults with the Department of State to determine whether launch of a proposed payload or payload class would present any issues affecting U.S. foreign policy interests or international obligations.

(3) The FAA consults with other federal agencies, including the National Aeronautics and Space Administration, authorized to address issues identified under paragraph (b) of this section associated with an applicant's launch proposal.

(c) The FAA advises a person requesting a payload determination, in writing, of any issue raised during a payload review that would impede issuance of a license to launch that payload or payload class. The person requesting payload review may respond, in writing, or revise its application.

§415.59 Information requirements for payload review.

(a) A person requesting review of a particular payload or payload class shall identify the following:

(1) Payload name;

(2) Payload class;

(3) Physical dimensions and weight of the payload;

(4) Payload owner and operator, if different from the person requesting payload review;

(5) Orbital parameters for parking, transfer and final orbits;

(6) Hazardous materials, as defined in §401.5 of this chapter, and radioactive materials, and the amounts of each;

(7) Intended payload operations during the life of the payload; and

(8) Delivery point in flight at which the payload will no longer be under the licensee's control.

(b) [Reserved]

§415.61 Issuance of payload determination.

(a) The FAA issues a favorable payload determination unless it determines that launch of the proposed payload would jeopardize public health and