

Advisory Circular

Subject: Compliance when Contracting with a Federal Entity

Date: 03/11/2025 **Initiated By:** AST-1 **AC No:** 450.45-2

This Advisory Circular (AC) provides guidance for demonstrating compliance with Title 14 Code of Federal Regulation (CFR) Part 450 requirements by using services or property of a Federal launch or reentry site or other Federal Entity by contract. These services and property may be used to comply with regulations provided that the FAA has determined that they satisfy part 450 requirements.

The Federal Aviation Administration (FAA) considers this AC an accepted means of compliance (MOC) for complying with the regulatory requirements of 14 CFR § 450.45(b). This guidance is not legally binding in its own right and will not be relied upon by the FAA as a separate basis for affirmative enforcement action or other administrative penalty. Conformity with the guidance is voluntary only and nonconformity will not affect rights and obligations under existing statutes and regulations.

If you have suggestions for improving this AC, you may use the Advisory Circular Feedback Form at the end of this AC.

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1 **PURPOSE.**

This Advisory Circular (AC) offers guidance for demonstrating compliance with title 14 Code of Federal Regulations (CFR) part 450 requirements by using services or property of a Federal launch or reentry site or other Federal Entity by contract. As stated in 14 CFR § 450.45(b), the Federal Aviation Administration (FAA) "will accept any safety-related launch or reentry service or property provided by a Federal launch or reentry site or other Federal Entity if the FAA determines that the launch or reentry services or property that are provided satisfy [part 450]."

1.1 Use by Non-Federal Entities of Federal Property and Services.

Section 50913 of Title 51 of the United States Code (51 U.S.C.), entitled "Acquiring United States Government property and services," paragraph (a)(1) states:

- (1) The Secretary of Transportation shall facilitate and encourage the acquisition by the private sector and State governments of—
- (A) Launch or reentry property of the United States Government that is excess or otherwise is not needed for public use; and
- (B) Launch services and reentry services, including utilities, of the Government otherwise not needed for public use.

This AC aids in fulfilling this objective.

In accordance with § 10 USC 2276a, agreements (memorandums of understanding /memorandums of agreement (MOU/As), lease/licenses, Commercial Space Operations Support Agreements (CSOSA)/Space Operations Support Agreements (SOSA), etc.) and contracts between Federal Entities and FAA-regulated operators allow for trusted partnerships. Federal Entity services provided in support of FAA-regulated activity will be performed in accordance with the Federal Entities' processes and standards to include associated tailoring activities.

1.2 Summary.

This AC describes the process by which an operator can use services or property of a Federal Entity in accordance with § 450.45(b) to meet FAA launch or reentry licensing requirements. It describes an approach that the FAA will use to determine which safety-related services or property provided by a Federal Entity satisfy requirements of part 450.

A Federal Entity should initiate this process by requesting that the FAA's Office of Commercial Space Transportation (AST) make such a determination. An applicant intending to use such services, or property should reference the FAA's determination in their application.

1.3 Level of Imperatives.

This AC presents one, but not the only, acceptable means of compliance with the associated regulatory requirements. The FAA will consider other means of compliance that an applicant may elect to present. In addition, an operator may tailor the provisions of this AC to meet its unique needs, provided the changes are accepted as a means of compliance by the FAA. Throughout this document, the word "must" characterizes statements that directly follow from regulatory text and therefore reflect regulatory mandates. The word "should" describes a requirement if electing to use this means of compliance; variation from the provisions of this AC is possible, but must satisfy the regulation to constitute an alternative means of compliance. The word "may" describes variations or alternatives allowed within the accepted means of compliance set forth in this AC.

2 **APPLICABILITY.**

- 2.1 The guidance in this Advisory Circular is for those seeking a launch or reentry vehicle operator license under 14 CFR part 450, a licensed operator seeking to renew or modify an existing vehicle operator license, and Federal Entities supporting such operators.
- The approach in this AC applies to safety-related services and properties provided by Federal Entities who have experience with FAA-regulated launches or reentries. A Federal Entity that is not experienced in FAA-regulated launch or reentry would need to provide significant additional evidence that their services or property satisfy the regulation. This AC also does not apply to scenarios where a Federal site provides ground safety services and oversight for operations from its site because a different regulation, § 450.179(b), *Ground safety*, applies.
- 2.3 The material in this AC is advisory in nature and does not constitute a regulation. This guidance is not legally binding in its own right, and the FAA will not rely upon this guidance as a separate basis for affirmative enforcement action or other administrative penalty. Conformity with this guidance document (as distinct from existing statutes and regulations) is voluntary only, and nonconformity will not affect rights and obligations under existing statutes and regulations.
- 2.4 The material in this AC does not change or create any additional regulatory requirements, nor does it authorize changes to, or deviations from, existing regulatory requirements.

3 APPLICABLE REGULATIONS AND RELATED DOCUMENTS.

3.1 Applicable United States Code Statutes.

• Title 51 United States Code (U.S.C.) Subtitle V, Chapter 509, *Commercial Space Competitiveness*. https://uscode.house.gov/.

3.2 Related Code of Federal Regulations.

The following 14 CFR regulations must be accounted for when showing compliance with 14 CFR 450.45-1(b), *Services or property provided by a Federal launch or reentry site*. The full text of these regulations can be downloaded from the <u>U.S. Government Printing Office e-CFR</u>. A paper copy can be ordered from the Government Printing Office, Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA, 15250-7954.

- Part 450, Launch and Reentry License Requirements.
- Section 450.45, Safety review and approval.
- Subpart C: Safety requirements
- Section 450.213: Pre-flight reporting
- Section 450.215: Post-flight reporting

3.3 Related FAA Advisory Circulars.

FAA Advisory Circulars are available through the FAA website (http://www.faa.gov).

• AC 413.13-1, Guidance on Submitting a Complete Enough and Complete Application for a Vehicle Operator License.

3.4 Related U.S. Government Documents.

- 1. Department of the Air Force, Federal Aviation Administration, and National Aeronautics and Space Administration, *Charter for the Common Standards Working Group between the Department of the Air Force, Federal Aviation Administration, and the National Aeronautics and Space Administration*, dated May 21, 2021.
- 2. Department of the Air Force and Federal Aviation Administration, *Memorandum of Agreement between the Department of the Air Force and Federal Aviation Administration for Launch and Reentry Activity on Department of the Air Force Ranges and Installations*, Agreement number: FAA-DAF-SLR-2021.01, dated June 15, 2021.

3. National Aeronautics and Space Administration and Federal Aviation Administration, Non-reimbursable Umbrella Interagency Agreement between the National Aeronautics and Space Administration and Federal Aviation Administration for Commercial Launch and Reentry Activity on NASA Ranges and Installations, dated January 10, 2025.

Note: Operators and license applicants should reference the most current regulatory authorities' accepted revisions of the government documents mentioned in this chapter when seeking services by a Federal Entity.

4 **DEFINITION OF TERMS.**

For this AC, the terms from § 401.7 and the following apply:

4.1 Federal Entity

A component of a department or agency of the U.S. Government.

4.2 Federal Entity Safety Partner

A Federal Entity whose services or property have been determined by the FAA to satisfy elements of part 450.

4.3 Federal site

A facility owned and operated by the U.S. Government where a launch vehicle lifts off or a launch or reentry vehicle lands on the surface of the Earth.

4.4 Safety-related

Related to requirements of subpart C of part 450, pre-flight requirements of § 450.213, or post-flight requirements of § 450.215. See also paragraph 6.1 of this AC.

4.5 **Safety-related property**

Equipment and items that are operated to accomplish safety-related functions. See also paragraph 6.1.

4.6 Safety-related service

The action of doing work to accomplish a safety-related function. See also paragraph 6.1.

5 **ACRONYMS.**

AC – Advisory Circular

AST – Office of Commercial Space Transportation

CFR – Code of Federal Regulations

CSWG – Common Standards Working Group

DAF – Department of the Air Force

DOD – Department of Defense.

FAA – Federal Aviation Administration

FESP – Federal Entity Safety Partner

FSS – Flight Safety System

MOA – Memorandums of Agreement

MOU – Memorandums of Understanding

MOC – Means of Compliance

NASA – National Aeronautics and Space Administration

U.S.C. – United States Code

6 DETERMINATION FOR FEDERAL ENTITIES.

This chapter of this AC provides an explanation of § 450.45(b), how this AC should be used as a means of compliance, and an overview of the documents and the information flow, operator responsibilities, and limitations.

6.1 **Explanation of § 450.45(b).**

- 6.1.1 The phrase "safety-related launch or reentry service or property," located in § 450.45(b), has multiple elements. First, safety-related means related to requirements of subpart C of part 450, pre-flight requirements of § 450.213, or post-flight requirements of § 450.215. A safety-related service is the action of doing work to accomplish a safety function. An example is an engineer performing an analysis. Safety-related property includes equipment and items that are operated to accomplish safety functions. An example is a radar used to perform surveillance for a vessel hazard area.
- 6.1.2 The phrase "provided by a Federal launch or reentry site or other Federal Entity," located in § 450.45(b), means services that are performed by the employees or contractors of the U.S. Government and property that is owned, leased, or licensed by the U.S. Government. Commercial entities may utilize services or property of a Federal Entity for operations from a site associated with the Federal Entity, a site of another Federal Entity, a single-user site, or a site operated under 14 CFR part 420 or part 433.
- 6.1.3 In accordance with § 450.45(b), the phrase "by contract" means that a description of the specified services or property is included in a written agreement between the operator of launch or reentry vehicle and an entity of the U.S. Government. The agreement should specify the requirements that the Federal Entity satisfies on behalf of the operator. This may also be a chain of agreements, such as through a third party, although this arrangement is more prone to misunderstanding. All agreements relevant to satisfying regulatory requirements must be described in the application in accordance with § 450.147(d), *Application requirements*.
- 6.1.4 In § 450.45(b), the sentence "FAA determines that the launch or reentry services or property provided satisfy this part" implements the FAA's responsibility for public safety for licensed launch and reentry. The FAA must evaluate whether the services or property provided by a Federal Entity satisfy the regulation. This responsibility cannot be delegated. Once the FAA makes this determination, the Federal Entity is considered a Federal Entity Safety Partner (FESP).

¹An agreement may be a contract or a less formal document.

6.2 **Means of Compliance**.

6.2.1 The means of compliance described in this AC are intended to streamline the process for Federal Entities who have demonstrated experience. This experience provides evidence that the entity has **at least** an equivalent level of safety to the specific requirements. Separately from the means of compliance provided in this AC, an alternative path for the FAA to determine that the services or property of a Federal Entity satisfy a regulation is for a Federal Entity to submit comprehensive documentation that demonstrates the regulations are satisfied.

6.2.2 The FAA worked closely with the Department of Defense (DOD) and the National Aeronautics and Space Administration (NASA) in developing part 450 to minimize any need for a DOD or a NASA facility to impose additional requirements. The FAA will continue to work with DOD and NASA in reviewing means of compliance that involve these Federal Entities' practices to ensure those practices continue to satisfy the FAA's part 450 requirements.

6.3 **Overview of Information Flow.**

The information flow when using Federal Entity services and property for compliance is described below. This section is intended to provide an overview of how the elements relate to each other, with additional details of the elements described in subsequent chapters.

- 6.3.1 To initiate the process of acceptance, a Federal Entity submits a letter requesting that the FAA determine that their services and property satisfy specified sections of part 450. This letter specifies the services and/or property for which a determination is requested and describes the processes the Federal Entity will use to follow this AC. A letter may also be used to request additional services to be covered.
- 6.3.2 The FAA's determination will be posted to the AST website for applicants to reference in their application (https://www.faa.gov/space/legislation_regulation_guidance). The Federal Entity is then considered a Federal Entity Safety Partner (FESP) by the FAA.
- 6.3.3 The agreement between the Federal Entity and the operator defines the part 450 services that the Federal Entity will provide to the operator. An agreement may be accomplished via intermediate agreements through a third party, such as a spaceport operator, but the FAA recommends against chains of agreements, as discrepancies and gaps are more likely.

Relevant operator vehicle data is included in a license application and provided to the Federal Entity. The FAA/AST and the FESP may have a process whereby the FAA reviews some applicant data prior to use by the Federal Entity. This is not intended to duplicate review of the data by the FAA/AST and the Federal Entity but to provide assurance to the Federal Entity that the necessary data meets FAA regulations prior to use.

- 6.3.5 The operator's license application should reference the agreement between the Federal Entity and the operator for each element of the regulation for which the Federal Entity's services and property are being used.
- 6.3.6 The Federal Entity uses the data to produce products, such as analysis results. The details of these products will be determined by the Federal Entity and FAA through coordination described below.
- 6.3.7 The FAA/AST license evaluation documentation references the operator's license application, and the products produced by the Federal Entity.

6.4 **Identifying Requirements.**

The operator is responsible for identifying the services and property of a Federal Entity that it expects to use to satisfy a limited set of part 450 requirements. The requirements (or aspects of requirements) that the services and property satisfy should be listed in the letter of request from the Federal Entity to the FAA by CFR part and section number(s). An agreement between the Federal Entity and operator should also list the specific services and property of the Federal Entity that the operator intends to use for compliance with these regulations. The operator must, of course, demonstrate compliance with any requirements not satisfied by the Federal Entity.

6.5 **Limitations.**

A Federal Entity's services and property may not be appropriate for every licensed operation. Additionally, a Federal Entity may not have the capability or experience to provide a service that satisfies part 450 requirements. The FAA retains the right to further review, independently assess, and evaluate assumptions, input parameters, and analysis conducted by a Federal Entity on behalf of an operator. Such reviews may be prompted by unique aspects of the contractual relationship between the operator and the Federal Entity, including situations where a Federal Entity performs analysis for licensed operations on non-Federal property.

7 DETERMINATION CRITERIA.

The FAA has developed criteria to assess whether the services and property of a Federal Entity may be accepted under § 450.45(b) through this means of compliance (other assessment approaches may be used for a different means of compliance). The determination is based on the history of the Federal Entity, the familiarity of the FAA with the Federal Entity, and commitments to ongoing partnership between the FAA and the Federal Entity, as described in the three factors below. As discussed previously, alternative approaches may be applied for Federal Entities that do not meet these criteria.

7.1 Factor 1: Demonstrated Experience of Federal Entity Based on Nature and Frequency of Service and Property Being Provided.

Demonstrated experience of a Federal Entity provides confidence to the FAA that the Federal Entity has sufficient technical expertise to provide the services and property and has reliable, repeatable processes that are appropriate to the intended operations under a license. These are critical for the FAA to find that the analyses for each operation are valid, in accordance with § 450.101(g), and that hazard controls and mitigations are implemented sufficiently and reliably to ensure compliance with § 450.101 (see, for example, § 450.161(a)).

7.1.1 Safety Management.

The Federal Entity should have maintained highly developed, well-understood² methods and processes that it consistently follows per applicable portions of § 450.103 (b, c, and d) relevant to the services being performed for the operator. The Federal Entity must ensure safety-critical personnel are trained, qualified, and capable of performing safety-critical tasks to provide the services to satisfy § 450.149.

7.1.2 Past Similar Experience.

The FAA/AST will consider the nature and frequency of the provision of services and property in order to evaluate a Federal Entity's level of experience with similar operations. Operations of a similar nature involve similar concepts of operations, hazards, and hazard control strategies. Examples of categories of concepts of operations are sounding rockets, operations involving piloted vehicles, reusable launch vehicles, reentry vehicles, etc. Factors related to similarity of hazards include propellant types, control system types, environmental conditions, etc. Examples of hazard control strategies are physical containment, wind weighting, flight abort with a highly-reliable flight safety system (FSS), flight abort with a lower-reliability FSS, and flight hazard analysis. The nature of the relationship between a Federal Entity and an operator is also a consideration. It may be important because new operators sometimes act quite differently than a legacy operator. The Federal Entity should have provided services and properties to similar operations at a regular cadence of commercial and/or government launches within the past few years.

² This refers to established methods and processes that have been implemented and applied consistently on a regular basis, producing expected results.

7.1.3 Expansion of Provided Services and Property.

If an operation includes novel aspects that are relevant and specific to public safety, the Federal Entity should coordinate with the FAA regarding the expansion of their provision of services and property to appropriately consider the novel aspects. This needs to occur sufficiently in advance of affected operations to allow sufficient technical assessment and discussion.

7.2 Factor 2. FAA's Familiarity With Federal Entity's Tools and Processes.

Knowledge of the tools and processes that are used to provide the services and property allows the FAA to determine that the specific requirements for each analysis and/or hazard control are satisfied with a valid approach.

7.2.1 <u>History of Relationship.</u>

A key element of the FAA's initial evaluation will be the history of the relationship between the FAA and the Federal Entity. Previous FAA reviews and evaluations of a Federal Entity's services, property, and resulting products will be important considerations in the determination whether the services of a Federal Entity satisfy a regulation of part 450 under this approach.

7.2.2 Description of Methods and Processes.

To ensure FAA familiarity with a Federal Entity's methods and processes, the Federal Entity should, for the services and property provided to operators, 1) identify tools and systems (e.g., software, range assets), 2) provide a description of procedures, training processes, and validation approaches, and 3) provide requested documentation and answer any specific questions (including policy application, data inputs, training, quality assurance processes, etc.). These should be maintained as part of continuing coordination (see paragraph 7.3.2 of this AC). The FAA and the Federal Entity should periodically review (for example, annually) these materials in accordance with the letter submitted by the Federal Entity requesting that the FAA determine that their services and property satisfy part 450.

7.2.3 <u>Process Improvement Plan.</u>

The Federal Entity should have processes that incorporate and facilitate adoption of improved tools, processes, and analysis methods, especially if the scope of the operations supported by the Federal Entity expands. The Federal Entity should also review data from prior tests, operations, and mishaps of operators for whom they provide services to ensure its analysis methods and processes are consistent with the information. The processes should include coordination with the FAA regarding any changes to tools, methods, or processes.

7.3 Factor 3: Continual Coordination Between the Federal Entity and the FAA.

When initially requesting a determination, a Federal Entity should include commitments to continual coordination, as described below. Continual coordination is necessary because FAA acceptance of a Federal Entity's services and property is contingent on the Federal Entity continuing to satisfy applicable part 450 requirements. Once the FAA determines that the services or property of a Federal Entity satisfy the regulation, the Federal Entity becomes a Federal Entity Safety Partner (FESP). This status is maintained by following through on the commitments. An FESP may also need to update/revise methods, tools, and processes to account for new information in order to remain compliant with § 450.101(g), which requires that "results [are] consistent with or more conservative than the results available from previous mishaps, tests, or other valid benchmarks."

7.3.1 Common Standards Working Group (CSWG).

The FAA and FESPs should be actively involved in the Government safety community to support licensed launch and reentry operations and work to remain consistent with the community standards. This is currently primarily accomplished through participation in the Common Standards Working Group (CSWG) and may be augmented by participation in other forums. The FAA and FESPs should provide sufficient qualified personnel that actively participate in the CSWG sub-groups. The FAA and FESPs should also work to incorporate the CSWG consensus into their own processes. The FAA and FESPs will work with the CSWG to implement improvements in safety practices in response to new information with a level of urgency commensurate with the safety implications.

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³ The CSWG, which fosters the long-term working relationship and collaboration of the Department of the Air Force (DAF), FAA, and NASA, is established through a charter (Reference 1 in Paragraph 3.4 of this AC).

7.3.2 Coordination Plan.

The FAA and each FESP should develop and maintain a coordination plan for all services and property provided to licensed operators to satisfy part 450 safety requirements. This includes specification of the points of contact for each technical subject area and each operator, a timeline for services to be performed, and the data products that are to be exchanged. The FAA and each FESP should develop assumptions and ground rules prior to performing services that impact safety of licensed operations, after obtaining concurrence from the operator. The coordination plan should also include a periodic review of the submitted documentation to ensure its continued accuracy.

7.3.3 FAA and FESP Transparency.

Each FESP should maintain open and clear communication with FAA counterparts. The FESP and the FAA should consult regarding any meaningful change to services or property used for FAA-regulated activities. Together the FESP and the FAA will determine whether a change is of a significance level that the CSWG should be consulted. The FESP and the FAA should also promptly consult on any identified safety concerns with the proposed operation that may compromise the accuracy or integrity of the services provided, including any safety analyses that could affect license determination.

8 REQUEST FOR DETERMINATION

Each Federal Entity that desires to provide services and property to commercial operators to satisfy safety regulations in part 450 should submit a letter requesting that FAA make a determination in accordance with § 450.45(b). A Federal Entity should conform to a uniform set of processes for performing the relevant services and for operating the relevant property. To facilitate the FAA's determination process, the Federal Entity should also provide:

- A list of the specific regulation elements for which a determination is requested with a scope of use;
- A list of documents or references to safety organization requirements, procedures, etc. (see paragraph 7.1.1 of this AC);
- A description of relevant past experience (see paragraph 7.1.2);
- A description of services and properties to be provided (see paragraph 7.2.2);
- A list of documents or references to process improvement requirements, procedures, etc. (see paragraph 7.2.3);
- Commitments to aligning with accepted practices per the CSWG (see paragraph 7.3.1) and transparency with FAA/AST (see paragraph 7.3.3); and
- A draft coordination plan (see paragraph 7.3.2).

The FAA anticipates that discussions between the Federal Entity and the FAA to resolve open issues will follow the submission of a request.

A Federal Entity considering requesting a determination may request a template for a letter and associated supporting documentation by contacting the FAA Tri-Chair of the CSWG.

9 APPLICATION SUBMISSION.

This chapter provides specific instructions to operators for submitting applications that utilize Federal Entity services and property in accordance with § 450.45(b) when following this means of compliance.

9.1 Section 450.45(e)(7), Additional Material.

The following text should be included in the response to § 450.45(e)(7) when this means of compliance (MOC) is being used.

[Company Name] intends to use services and property of [Name of Federal Entity], a Federal Entity Safety Partner (FESP), to comply with elements of the following requirements, in accordance with § 450.45(b):

[List requirements]

The role of the FESP and the interfaces between us and the FESP are described in our submission for each requirement. [Agreement Reference] identifies the services and property that the FESP will provide; this agreement is intended to comply with § 450.147.

[Company Name] understands that the acceptance by the FAA of FESP services and property is subject to limitations as described in the letter of acceptance from the FAA to the FESP [cite reference]. To enable the safety partnership between the FAA and the FESP, [Company Name]:

- Acknowledges the FAA/AST and the FESP may communicate directly with or without our participation about any issue related to public safety or critical asset protection;
- Authorizes the FESP to provide safety products related to our operations directly to the FAA/AST;
- Understands that we may not direct the Federal Entity to use approaches other than the standard processes of the FESP; and
- Will provide the FESP access to all data and information from previous tests, flights, and mishaps that are relevant to the services being performed by the FESP.

9.2 Section 450.147(d)(1), Application Requirements.

In accordance with § 450.147(a), an operator must establish a written agreement with a Federal Entity that specifies the services and property the FESP will provide.⁴ The agreement must include clearly delineated roles and responsibilities.⁵ In order to achieve clear delineation, the specific services and property should identify the associated section of part 450. The description of the agreement, as required by § 450.147(a), should specify the sections of the agreement where this information can be found.

9.3 **Specific Regulations**.

For each specific regulation, the application should identify those elements which are satisfied by the FESP.

9.3.1 Example: FESP Services Fully Satisfy a Requirement.

If, for example, the services of the FESP include all necessary population exposure analysis, then the application should reference this in two locations, \S 450.35(a) and \S 450.123. The submission for \S 450.35(a) should include a statement that reads:

[Name of FESP], a Federal Entity Safety Partner (FESP), is providing flight safety analysis services, including all requirements of § 450.123, that are compliant with § 450.115(b). We will provide the following data files for each operation to the FESP in order for them to perform this service:

[List and description of data provided.]

The submission for § 450.123(c) should state:

[Name of FESP], a Federal Entity Safety Partner (FESP), is providing services that provide full compliance this section for operations within the scope of this license). The FESP will utilize their malfunction trajectory (§ 450.119) and debris analysis (§ 450.121) to determine the specifics of the analysis.

9.3.2 <u>Example: FESP Services Partially Satisfy a Requirement.</u>

Say, for example, if an FESP is providing flight abort capability, but the operator is developing flight safety limits, then the application should reference this in § 450.108. The submission for § 450.108 should include a statement that reads:

[Name of FESP], a Federal Entity Safety Partner (FESP), is providing flight abort services that provide compliance for § 450.108(f) for operations within the scope of this license. We will provide the following data files for each operation to the FESP in order for them to perform this service:

[List and description of data provided.]

⁵ § 450.147(b).

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⁴ § 450.147(d)(1).

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