

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Air Traffic Organization Policy

N JO 7400.37

Effective Date:
December 26, 2019

Cancellation Date:
July 16, 2020

SUBJ: Commercial Space Operations

- 1. Purpose of This Notice.** This notice provides additional guidance to FAA Order JO 7400.2M, Procedures for Handling Airspace Matters, Chapter 31, Amateur Rocket and Commercial Space Operations.
- 2. Audience.** This notice applies to the following Air Traffic Organization (ATO) service units: Air Traffic Services, Mission Support, and System Operations; and all associated air traffic control facilities.
- 3. Where Can I Find This Notice?** This notice is available on the MyFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices/ and the air traffic publications website at http://www.faa.gov/air_traffic/publications.
- 4. Explanation of Policy Change.** This notice clarifies policy, authority, and resources previously contained in FAA Order JO 7400.2M. This change completely removes Commercial Space Letters Of Agreement (LOA) content and coordination and inserts that guidance into FAA Order JO 7210.3, Facility Operation and Administration. Additionally, this notice delineates and specifies responsibilities as well as outlines the process for commercial operations.
- 5. Procedures/Responsibilities/Action.** Amend FAA Order JO 7400.2M by changing the following paragraphs to read as follows:

31-1-2. AUTHORITY

a. Title 51 of the United States Code (51 USC), National and Commercial Space Programs, is the compilation of the general laws regarding space programs. 51 USC was issued December 18, 2010, when signed ("H.R. 3237".) into law under PL 111-314.

b. Title 14 of the Code of Federal Regulations (14 CFR) Aeronautics and Space:

- 1.** Chapter I, Subchapter F, Part 91, Air Traffic and General Operating Rules;
- 2.** Chapter I, Part 101, Moored Balloons, Kites, Amateur Rockets, Unmanned Free Balloons, and Certain Model Aircraft;
- 3.** Chapter III, Commercial Space Transportation, Federal Aviation Administration, Department of Transportation, Parts 400-460.

No further changes to paragraph

31-1-3. POLICY

Subparagraph a thru b, no change

c. The FAA's policy is to use an interdisciplinary approach to ensure compliance with all laws and regulations. This policy requires all projects be reviewed in a timely manner by all necessary stakeholders to determine the impact to the NAS.

No further changes to paragraph

31-1-6. RESOURCES

a. Current regulations can be viewed at ecfr.gov.

1. Commercial space regulations can be found at 14 CFR Chapter III, Parts 400-460.

2. Amateur rocket regulations can be found at 14 CFR, Part 101.

Subparagraph b thru c, no change

d. FAA Order JO 7210.3, Facility Operation and Administration, contains guidance and policy for processing waiver/authorizations applicable to amateur rocket operations as well as commercial space letter of agreement facilitation and coordination.

e. FAA Order 7930.2, Notices to Airmen (NOTAM), contains procedures for issuance of "Airspace," "Temporary Flight Restriction," and "Altitude Reservation (ALTRV)" NOTAMs.

f. FAA Order JO 7610.4 .Special Operations, established authority, responsibility, and general operating procedures under the ALTRV concept for Central Altitude Reservation Function (CARF) and other concerned ATC facilities.

No further changes to paragraph

31-3-1. RESPONSIBILITIES

a. Operator. Prior to conducting a launch or reentry, the operator must obtain a license or permit from the Office of Commercial Space Transportation (AST). With regard to airspace management, the 14 CFR Parts 400-460 regulations for both a license and a permit require an applicant to engage AST in the pre-application consultation and to complete a letter of agreement (LOA) with the ATC facility having jurisdiction of the airspace where the launch or reentry will take place.

NOTE-

Commercial space LOAs are required for each launch site and launch and/or reentry operator for license and permit purposes in accordance with 14 CFR Parts 400-460. The FAA has 180 days to evaluate a complete license application and 120 days to evaluate a complete permit application. AST requires a draft LOA to accompany the submission of a license or permit application to ensure ATO is included in the coordination. The draft LOA submitted with the license or permit application must be acceptable to all signatories and be completed prior to the end of the application process. Each commercial space applicant must have a signed LOA prior to operation in the NAS.

b. Air Traffic. Air Traffic Control System Command Center (ATCSCC) Space Operations (AJR-1100) and ATC facilities have the following responsibilities:

1. ATCSCC Space Operations is the ATO Office of Primary Responsibility for launch and reentry operations and any other activity relevant to tactical space operations in the NAS. ATCSCC Space Operations is responsible for:

- (a) Ensuring that launch and reentry operations are integrated safely and efficiently into the NAS;
- (b) Working with ATC facilities to develop a memorandum of assessment of potential impacts on the NAS from the proposed site/operation and the identification of any issues or constraints;
- (c) Coordinating with AST, the operator, and the affected air traffic facilities as necessary;
- (d) Analyzing and evaluating data to produce and distribute an airspace management plan;
- (e) Serving as the focal point for the coordination and distribution of any hazard mitigation requirements, and information relevant to launch or reentry vehicle operations to affected air traffic facilities;
- (f) Monitoring, evaluating, and disseminating information in real-time regarding the status of launch and reentry vehicle operations and providing operational support as required;
- (g) Hosting a mission real-time hotline when required in accordance with an LOA;
- (h) Performing post launch or reentry analysis of each operation to improve future operations;
- (i) Archiving captured launch and reentry data and analysis;
- (j) The ATCSCC will supply the space launch/reentry course (expressed in magnetic degrees) to the ATC facility.

2. ATC facilities are responsible for:

- (a) Working with ATCSCC to develop a memorandum of assessment of potential impacts on the NAS from the proposed site/operation and the identification of any issues or constraints;
- (b) Determining and notifying ATCSCC Space Operations of potential effects the launch or reentry operation may have on traffic flows and sector loading;
- (c) Determining the type and level of assistance needed to support the launch or reentry operation;
- (d) Developing and executing an airspace management plan in collaboration with ATCSCC Space Operations;
- (e) Working with ATCSCC Space Operations and other affected facilities during the execution of the launch or reentry. This includes the following duties:
 - (1) Participating on a real-time communications hotline during the launch or reentry operation when required in accordance with an LOA;

(2) Execution of any safety hazard mitigation efforts.

c. AST. AST is responsible for:

1. Validating Aircraft Hazard Areas (AHA), Transition Hazard Areas (THA), and other safety and mission information for ATCSCC Space Operations when necessary;
2. Operating as part of the Joint Space Operations Group (JSpOG), to include onsite computation of AHAs and THAs during operations and other support;
3. Evaluating all commercial space LOAs against 14 CFR Parts 400-460 requirements.

No further changes to paragraph

Paragraphs 31-3-2 thru 31-3-3, delete

31-3-2. NOTICE TO AIRMEN (NOTAM)

No further changes to paragraph

31-3-3. LAUNCH AND REENTRY PROCESS

- a. The operator/range or designee submits a request to conduct a launch or reentry operation to ATCSCC Space Operation, facilities, and other organizations in accordance with the LOA.
- b. The operator/range or designee must distribute AHAs to affected parties, per the LOA.
- c. Unless otherwise specified in a LOA, the operator coordinates use of airspace outside the U.S. Flight Information Region (FIR).
- d. Unless otherwise specified in a LOA, the operator coordinates use of any special use airspace with the using agency.
- e. ATCSCC Space Operations must work with affected ATC facilities to conduct a NAS impact analysis of the proposed operation. As the ATO's POC for commercial space operations, the ATCSCC must provide a memorandum of assessment of potential impacts on the NAS to AST.
- f. ATCSCC Space Operations and ATC facility(ies) develop a proposed plan of operation based on the NAS impact analysis and/or any local or national constraints.
- g. When necessary, AST verifies the accuracy of the mission AHAs and THAs and coordinates the results with ATCSCC Space Operations.
- h. Prior to each launch or reentry, ATCSCC Space Operations shares AHAs and THAs with affected ATC facilities.

i. ATCSCC Space Operations notifies the affected facilities of any additional safety hazard mitigation requirements depending on the unique characteristics of the launch or reentry operation if needed.

j. Prior to each launch or reentry operation, ATCSCC Space Operations coordinates with the ATC facility(ies) to develop and implement an airspace management plan.

k. All affected ATC facilities, ATCSCC Space Operations, and the operator/range or their designee participate on a real-time communications hotline during the launch or reentry operation in accordance with an LOA.

l. Coordination for airspace delegation and control procedures will be conducted in accordance with the LOA.

m. The responsible authority cancels all applicable NOTAMs.

n. ATCSCC Space Operations complete a post-operator analysis of actual space operation impact.

Paragraph 31-4-1 thru 31-4-4, delete

No further changes to paragraph

6. Distribution. This notice is distributed to the following ATO service units: Air Traffic Services, Mission Support Services, and System Operations, and Safety and Technical Training; the Air Traffic Safety Oversight Service; the William J. Hughes Technical Center; and the Mike Monroney Aeronautical Center.



Maurice Hoffman
Director, Policy
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11.22.19
Date Signed