

CHANGE

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

**JO 7400.2M
CHG 2**

Air Traffic Organization Policy

Effective Date:
July 16, 2020

SUBJ: Procedures for Handling Airspace Matters

- 1. Purpose of This Change.** This change transmits revised pages to Federal Aviation Administration Order JO 7400.2M, Procedures for Handling Airspace Matters.
- 2. Audience.** This change applies to all Air Traffic Organization (ATO) personnel and anyone using ATO directives. This order also applies to all regional, service area, and field organizational elements involved in rulemaking and nonrulemaking actions associated with airspace allocation and utilization, obstruction evaluation, obstruction marking and lighting, airport airspace analysis, and the management of air navigation aids.
- 3. Where Can I Find This Change?** This change is available on the FAA website at http://faa.gov/air_traffic/publications and https://employees.faa.gov/tools_resources/orders_notices.
- 4. Explanation of Policy Change.** See the Explanation of Changes attachment that has editorial corrections and changes submitted through normal procedures.
- 5. Distribution.** This change is available online and will be distributed electronically to all offices that subscribe to receive email notification/access to it through the FAA website at http://faa.gov/air_traffic/publications.
- 6. Disposition of Transmittal.** Retain this transmittal until superseded by a new basic order.
- 7. Page Control Chart.** See the page control chart attachment.

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Explanation of Changes

Change 2

**Direct questions through appropriate facility/service center office staff
to the Office of Primary Interest (OPI).**

**a. 1-2-6 ABBREVIATIONS
21-1-15 CHARTING AND
PUBLICATION REQUIREMENTS**

This change removes all mention of the discontinued Notices to Airmen Publication (NTAP). This change also provides guidance to pilot weather briefers and pilots on the location of Domestic Notices migrated from the NTAP.

**b. 31-1-2 AUTHORITY;
31-1-3 POLICY
31-1-6 RESOURCES
31-3-1 RESPONSIBILITIES
31-3-2 LOA CONTENT
31-3-3 LOA COORDINATOR
31-3-4 NOTICE TO AIRMEN (NOTAM)
31-3-5 LAUNCH AND REENTRY
PROCESS
31-4-1 RESPONSIBILITIES
31-4-2 LOA CONTENT
31-4-3 LOA COORDINATION.**

**31-4-4 LAUNCH AND REENTRY SITE
PROCESS**

The proposed changes clarify the FAA's authority in section 31-1-2 and updates the current resources for commercial space guidance in section 31-1-6. The proposed changes better explain the roles and responsibilities of applicable ATO offices in section 31-3-1. This change completely removes the commercial space LOA content requirements in sections 31-3-2 and 31-4-2. The change also proposes consolidating the launch and reentry and site processes into one process under section 31-3-3. This change cancels and incorporates N JO 7400.37, which was effective December 26, 2019.

c. Editorial Changes

Editorial changes include a replacement of the FAA/Department of Defense (DoD) Memorandum of Understanding (MOU) with a revised version (Appendix 7), as well as other minor corrections.

FAA Order JO 7400.2M
Change 2
Page Control Chart
July 16, 2020

REMOVE PAGES	DATED	INSERT PAGES	DATED
Table of Contents i through xx	1/30/20	Table of Contents i through xix	7/16/20
1-2-3 and 1-2-4	2/28/19	1-2-3 and 1-2-4	7/16/20
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31-4-1 and 31-4-2	2/28/19	
Appendix 7-1 through Appendix 7-3	2/28/19	Appendix 7-1 through Appendix 7-5	7/16/20

Order JO 7400.2L

Procedures for Handling Airspace Matters

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Abbreviation	Meaning
ERP	Effective Radiated Power
FAAO	Federal Aviation Administration Order
FACSFAC	Fleet Area Control and Surveillance Facility
FCC	Federal Communications Commission
FDA	Food and Drug Administration
FL	Flight Level
FPT	Flight Procedures Team
FSDO	Flight Standards District Office
FSS	Flight Service Station
GAO	Government Accountability Office
HIL	High Intensity Light
IAP	Instrument Approach Procedure
ICAO	International Civil Aviation Organization
IFR	Instrument Flight Rules
ILS	Instrument Landing System
IR	IFR Military Training Route
IRAC	Interdepartmental Radio Advisory Committee
J	Joule
L/MF	Low/Medium Frequency
LFZ	Laser Free Zone
LLWG	Local Laser Working Group
LMM	Middle Compass Locator
LOA	Letter of Agreement
LOD	Letter of Determination
LOM	Outer Compass Locator
LSO	Laser Safety Officer
MAJCOM	Military Major Command
MCA	Minimum Crossing Altitude
MCP	Minimum Crossing Point
MEA	Minimum En Route Altitude
MHA	Minimum Holding Altitude
MIA	Minimum IFR Altitude
MOA	Military Operations Area
MOCA	Minimum Obstruction Clearance Altitude

Abbreviation	Meaning
MPE	Maximum Permissible Exposure
MRAD	Milliradian
MRU	Military Radar Unit
MSA	Minimum Safe Altitude
MSL	Mean Sea Level
MTR	Military Training Route
MVA	Minimum Vectoring Altitude
NAD	North American Datum
NAS	National Airspace System
NASA	National Aeronautics and Space Administration
NAVAID	Navigational Aid
NDB	Nondirectional Radio Beacon
NEPA	National Environmental Policy Act
NFDC	National Flight Data Center
NFDD	National Flight Data Digest
NFZ	Normal Flight Zone
NM	Nautical Mile
NPH	Notice of Presumed Hazard
NOHD	Nominal Ocular Hazard Distance
NOTAM	Notice to Airmen
NPIAS	National Plan of Integrated Airport Systems
NPRM	Notice of Proposed Rulemaking
NR	Nonrulemaking
NRA	Nonrulemaking Airport
NSA	National Security Area
NWS	National Weather Service
OE	Obstruction Evaluation
OE/AAA	Obstruction Evaluation/Airport Airspace Analysis
OFZ	Obstacle Free Zone
PAPI	Precision Approach Path Indicator
PFC	Passenger Facility Charge
PL	Public Law
PSR	Project Status Request
RBS	Radar Bomb Scoring
REIL	Runway End Identifier Lights

Abbreviation	Meaning
RNAV	Area Navigation
ROFA	Runway Object Free Area
RPZ	Runway Protection Zone
RVR	Runway Visual Range
RVV	Runway Visibility Value
SFZ	Sensitive Flight Zone
SIAP	Standard Instrument Approach Procedure
SMO	System Maintenance and Operations
SR	Scientific/Research Lasers
STAR	Standard Terminal Arrival Route
SUA	Special Use Airspace
TERABA	Termination/Abandoned Letter
TEREXP	Termination/Expired Letter

Abbreviation	Meaning
TERPS	United States Standard for Terminal Instrument Procedures
TERPSR	Termination Project Status Letter
TOFA	Taxiway Object Free Area
USC	United States Code
UTC	Coordinated Universal Time
VASI	Visual Approach Slope Indicator
VFR	Visual Flight Rules
VGSI	Visual Glide Slope Indicator
VOR	Very High Frequency Omnidirectional Range
VORTAC	Very High Frequency Omni-Directional Range/Tactical Air Navigation Aid
VR	VFR Military Training Route

21-1-12. WAIVERS

The establishment of SUA does not, in itself, waive compliance with any part of the Code of Federal Regulations. DOD has been granted a number of waivers, exemptions, and authorizations to accomplish specific missions. Information about current waivers, exemptions, and authorizations granted for military operations may be obtained from FAA Headquarters, Rules and Regulations Group, or the Office of Rulemaking (ARM).

21-1-13. PUBLIC NOTICE PROCEDURES

Public notice procedures invite the public to comment on the impact of SUA proposals on the safe and efficient use of the navigable airspace. In addition to the public notice procedures described in chapter 2 of this order, SUA proposals are subject to the following:

a. All nonregulatory SUA proposals must be circularized, and an NPRM must be issued for all regulatory SUA proposals, except for those actions that clearly have no impact on aviation and are not controversial. A nonrulemaking circular or NPRM is not normally required for the following types of proposals:

1. Changes to the using or controlling agency.
2. Editorial changes to correct typographical errors.
3. Internal subdivision of an existing area to enhance real-time, joint-use (provided there is no change to the existing external boundaries) times of use, or type/level of activities.
4. Actions that lessen the burden on the flying public by revoking or reducing the size or times of use of SUA.

b. SUA nonrulemaking circulars are prepared and distributed by the service area office. FAA Headquarters prepares SUA NPRMs. Normally, circulars and NPRMs provide a minimum of 45 days for public comment.

c. When comments or coordination show that the proposal may be controversial, or there is a need to obtain additional information relevant to the proposal, an informal airspace meeting may be considered (see Chapter 2 of this order).

21-1-14. SUA NONRULEMAKING CIRCULARS

a. Prepare and distribute SUA nonrulemaking circulars as specified in Chapter 2 of this order and the additional requirements in this paragraph. Ensure wide dissemination to the potentially affected aviation user community. Send one copy of each SUA circular to the Rules and Regulations Group and to the appropriate regional military representative(s).

b. CONTENT – Circulars should contain sufficient information to assist interested persons in preparing comments on the aeronautical impact of the proposal. SUA circulars should include:

1. A brief narrative that:

(a) Describes the purpose of the proposed airspace, the types of activities to be conducted, and the expected frequency of those activities. If the proposal modifies existing SUA, describe the changes and explain the desired result. For temporary MOA proposals, include a brief summary of the planned exercise or mission scenario.

(b) Discusses measures planned to minimize impact on nonparticipating aircraft, such as airport exclusions, joint-use procedures, limited activation times, etc. If there are known plans to provide real time area status information and/or traffic advisory services for nonparticipating pilots, include this information in the circular.

2. A complete description of the proposed area consisting of boundaries, altitudes, times of use, controlling agency, and using agency.

3. A copy of a sectional aeronautical chart depicting the boundaries of the proposed area.

4. The name and address (provided by the proponent) of the person to whom comments on the environmental and land-use aspects of the proposal may be submitted.

NOTE–

Do not include statements in the circular that certify NEPA compliance or state that environmental studies are complete. The proponent and/or FAA must consider environmental issues raised in response to the circular before a final determination is made on the proposal.

5. The issue date of the circular and the specific date that the comment period ends. Provide at least 45-days for public comment.

NOTE–

When selecting the comment closing date, consider the time needed for the preparation, printing and release of the circular, plus a representative mailing time, in order to afford the public the maximum time to submit comments.

c. SPECIAL DISTRIBUTION – In addition to the distribution requirements in Chapter 2, send copies of SUA nonrulemaking circulars to:

1. State transportation, aviation, and environmental departments (or the state clearing house if requested by the state).

2. Local government authorities, civic organizations, interest groups, or individuals that may not have an aeronautical interest, but are expected to become involved in a specific proposal.

3. Public libraries within the affected area requesting that the circular be displayed for public information.

4. Persons or organizations that have requested to be added to the circularization list.

NOTE–

1. *The service area office determines special distribution requirements in accordance with regional/service area office policies and considering the type of proposal, the potential for controversy, and the extent of possible aeronautical impact.*

2. *If the proposed airspace overlaps regional geographical boundaries or airspace jurisdictions, coordinate as required with adjacent regional/service area offices to ensure distribution of circulars to all appropriate parties.*

21-1-15. CHARTING AND PUBLICATION REQUIREMENTS

a. All SUA areas except CFAs, temporary MOAs, and temporary restricted areas, must be depicted on aeronautical charts, and published as required in aeronautical publications.

b. Approved SUA actions normally become effective on the U.S. 56-day, en route chart cycle publication dates (see Part 1. of this order).

EXCEPTION–

Effective dates for temporary restricted areas, temporary MOAs, and CFAs are determined by mission requirements instead of the 56-day en route, charting date cycle.

c. Temporary areas must be described in the Domestic Notices found in the Federal NOTAM System (FNS) External Links or the Air Traffic Plans

and Publications website. Normally, issuance of the graphic notice will begin two issues prior to the exercise start date and will continue through completion of the exercise. The notice must include the area's legal description, effective dates, and a chart depicting the area boundaries. For large exercises, a brief narrative describing the exercise scenario, activities, numbers and types of aircraft involved, and the availability of in-flight activity status information for nonparticipating pilots should be included.

NOTE–

The Service Center must submit temporary SUA Domestic Notice information, along with the airspace proposal package, to the Rules and Regulations Group, by the dates specified in the appropriate chapter of this Part. All graphics submitted must be of high quality and in camera ready form. The Rules and Regulations Group will process and submit the Domestic Notice to Publications and Administration, AJV-P12 for download into the Domestic Notices found in the Federal NOTAM System (FNS) External Links or the Air Traffic Plans and Publications website.

d. When a SUA action becomes effective before it appears on the affected sectional chart(s), a description and map of the area will be presented in the Domestic Notices found in the Federal NOTAM System (FNS) External Links or the Air Traffic Plans and Publications website. This information will be carried in the Domestic Notices until the change has appeared on the affected sectional chart(s). The Airspace Policy Group is responsible for complying with this requirement.

NOTE–

1. *Minor editorial corrections to a SUA description or changes to the using or controlling agencies, will not be published in the Domestic Notices.*

2. *In addition to the above, SUA designations or amendments that occur after publication of the latest sectional chart(s) will be listed in the "Aeronautical Chart Bulletin" section of the appropriate Chart Supplement U.S. This information will be carried in the Chart Supplement U.S. until the change is published on the affected sectional chart(s).*

21-1-16. CERTIFICATION OF SUA GEOGRAPHIC POSITIONAL DATA

a. Geographic positional data for all permanent and temporary SUA boundaries (except CFAs) must be certified for accuracy by the AeroNav before publication and charting. The Rules and Regulations

Group must submit proposed positional data to AeroNav for certification. Latitude and longitude positions used in SUA descriptions must be based on the current North American Datum.

b. The Rules and Regulations Group must forward any corrections or recommended changes made by AeroNav to the service area office. The service area office will forward to AeroNav changes to the regional military representative, or civil proponent, for review. The regional military representative/civil proponent will inform the service area office of its concurrence with AeroNav changes or reason for nonconcurrence. The service area office will advise FAA Headquarters of the proponent's conclusions. A record of this coordination must be included in the airspace case file.

21-1-17. LEAD REGION

a. The regional office that is responsible for the geographical area containing the affected airspace

processes the SUA proposal. When a proposal overlaps regional office geographical jurisdictions, the concerned service area office must coordinate to determine which office will serve as the lead region for processing the proposal. Coordination between regions/service area offices is also required when the affected geographical area, and the ATC facility to be designated as controlling agency, are under the jurisdiction of different regional/service area offices.

b. Concerned regions must ensure that:

1. All affected ATC facilities review the proposal and provide input to the aeronautical study, as required.

2. For nonregulatory proposals, distribution of nonrulemaking circulars includes interested parties in each regional jurisdiction, as necessary.

c. The airspace package submitted to headquarters must include documentation of regional/service area office coordination, affected ATC facility comments and copies of public comments received.

Chapter 31. Amateur Rocket and Commercial Space Operations

Section 1. General

31-1-1. PURPOSE

This chapter provides guidance, policies, and procedures for processing requests for amateur rocket, commercial launch and reentry vehicle, and commercial launch and reentry site operations in the NAS.

31-1-2. AUTHORITY

a. Title 51 of the United States Code (51 U.S.C.), National and Commercial Space Programs, is the compilation of the general laws regarding space programs. 51 U.S.C. 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.

31-1-3. POLICY

a. ATO service area forwards all requests for Class II amateur rockets that will enter Class A airspace and all Class III requests to the Office of Commercial Space Transportation (AST) for additional safety analysis.

b. All proposals for development of launch or reentry sites, and the conducting of commercial space launches and reentry operations, must be immediately forwarded to AST.

c. The Federal Aviation Administration’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.

31-1-4. CONTROLLING FACILITY

The FAA or DOD facility having control jurisdiction over the affected airspace where the amateur rocket, launch vehicle, or reentry vehicle is projected to operate must be designated as the controlling facility. When multiple facilities may be impacted by an operation, one facility will be designated as the lead and be designated as the controlling agency. The controlling facility will be responsible for the execution of the appropriate airspace management.

31-1-5. DEFINITIONS

a. Aircraft hazard area – the predicted location and extent of the airspace potentially containing falling debris generated by an amateur rocket, launch vehicle, reentry vehicle failure, or from the planned jettison of stages or other hardware.

b. Amateur rocket – an unmanned rocket that is propelled by a motor or motors having a combined total impulse of 889,600 Newton-seconds (200,000 pound-seconds) or less; and cannot reach an altitude greater than 150 kilometers (93.2 statute miles) above the Earth’s surface.

c. Amateur rocket classes:

1. Class 1 – a model rocket that uses no more than 125 grams (4.4 ounces) of propellant; uses a slow-burning propellant; is made of paper, wood, or breakable plastic; contains no substantial metal parts; and weighs no more than 1,500 grams (53 ounces) including the propellant.

2. Class 2 – a high power rocket, other than a model rocket, that is propelled by a motor or motors having a combined total impulse of 40,960 Newton-seconds (9,208 pound-seconds) or less.

3. Class 3 – an advanced high power rocket, other than a model rocket or high–power rocket.

d. Applicant – an entity that has submitted a request for waiver/authorization to Part 101 for the launch of an amateur rocket, or an entity that has submitted an application to AST for a license or permit to operate a launch vehicle, reentry vehicle, launch site, or reentry site.

e. Ground hazard area – the required separation distance between the launch point and nearest people or property that are not associated with the operation.

f. Launch vehicle – a vehicle built to operate in, or place a payload in, outer space or a suborbital rocket. Chapter III requires that launch vehicle operations be licensed by AST.

g. Operator – an amateur rocket operator or an entity that has received a license or permit from AST to conduct a launch or reentry operation.

h. Reentry vehicle – a reusable launch vehicle designed to return from Earth’s orbit or outer space to Earth substantially intact. The performance and maneuverability of reentry vehicles may vary depending upon the design of the vehicle, including those that descend via parachute, those that glide to a landing, and those that use rocket or jet power to land.

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.

b. The FAA’s Commercial Space Transportation organization website contains information about current and planned launches, issued licenses, industry news, and announcements.

c. Additional amateur rocketry information can be found at the National Association of Rocketry (NAR) website at www.NAR.org.

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 “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.

Section 3. Launch and Reentry Vehicle Operations

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 safely and efficiently integrated 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/re-entry 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 AHAs, THAs, and other safety and mission information to 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.

d. Federal range. The process for launches or reentries conducted at Federal ranges is similar to the process at non-Federal launch and reentry sites. Additional opportunities exist in the collaboration between the Federal range and the operator for ATO and AST to obtain necessary information to support the launch and reentry process. Further, the range generally conducts some activities necessary for the operation on behalf of the operator, including safety analyses. Federal ranges also typically have existing letters of agreements with ATC facilities.

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

a. NOTAMs issued for space launch and reentry operations will be processed in accordance with current FAA directives.

b. The NOTAM must include the key words “airspace,” “space launch,” or “space reentry;” the launch or reentry site description, effective dates and times, and a chart depicting the area boundaries. It should also include a brief narrative describing the launch or reentry scenario, activities, types of launch or reentry vehicle involved, and the availability of inflight activity status information for nonparticipating pilots.

c. Information regarding the methods of airspace management may also be addressed.

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 LOA.

c. Unless otherwise specified in a LOA, the operator coordinates use of airspace outside the U.S. 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.

Appendix 7. FAA/DOD Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING BETWEEN THE FEDERAL AVIATION ADMINISTRATION AND THE DEPARTMENT OF DEFENSE FOR ENVIRONMENTAL REVIEW OF SPECIAL USE AIRSPACE ACTIONS

I. Definitions.¹

In addition to definitions in the Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) (40 CFR Part 1508), the following definitions also apply to this Memorandum of Understanding (MOU):

“DoD” means the Department of Defense or one or more components thereof, depending on the context.

“SUA” means “special use airspace,” as defined in FAA Order JO 7400.2.

“DoD SUA Action” means a DoD activity for which the FAA determines an FAA SUA Action is required or otherwise warranted.

“Environmental Review Process” means all activities that are necessary for compliance with the following and must be completed before DoD and FAA SUA Actions can be implemented: the National Environmental Policy Act (NEPA); the CEQ Regulations; DoD and FAA NEPA–implementing procedures; and other federal environmental laws, regulations, executive orders, and administrative directives.

“Proponent” means: (1) DoD for FAA SUA Actions for which the FAA requires submission of a proposal by DoD; and (2) the FAA for other FAA SUA Actions.

“FAA SUA Action” means the FAA’s establishment, designation, or modification of SUA for which a component of DoD is the “using agency,” as defined in FAA Order JO 7400.2.

II. Purpose and Scope.

The purpose of this MOU is to describe guidelines for efficiently conducting the Environmental Review Process for DoD and FAA SUA Actions by avoiding unnecessary duplication of effort and reducing delay through effective coordination and cooperation between the agencies.

This MOU applies “lead agency” (40 CFR §1501.5) and “cooperating agency” (40 CFR §1501.6) concepts and requirements to Categorical Exclusions (CATEXs), Environmental Assessments (EA), Environmental Impact Statements (EIS), and other related or supporting documents for DoD and FAA SUA Actions.

1. Terms defined in this section are capitalized throughout the document.

III. Designation of Lead and Cooperating Agencies (40 CFR §1508.16 and §1508.5).

A. Introduction. DoD and FAA SUA Actions can be subject to different levels and scope of environmental impact analyses pursuant to NEPA, as implemented by the CEQ regulations and by the DoD’s and the FAA’s agency–specific NEPA–implementing procedures. The CEQ regulations encourage designation of a lead agency where related actions by several Federal agencies are involved.

Either the DoD or the FAA may be the lead or cooperating agency for a NEPA review addressing both DoD and FAA SUA Actions. The lead agency, in such instances, is responsible for consultation with other agencies, for early and continuing coordination of appropriate environmental evaluations and analyses, and, in coordination with the cooperating agency, for making and documenting determinations under other applicable environmental laws and regulations (e.g., the Endangered Species Act and the National Historic Preservation Act) and incorporating such documentation into the appropriate NEPA document. The lead agency will invite other federal agencies having jurisdiction by law or special expertise with respect to any environmental issue that should be addressed in the NEPA process to become a cooperating agency (40 CFR §§1501.6, 1508.5).

Both the FAA and the DoD acknowledge the purposes of NEPA (40 CFR §1500.1), and the need to both eliminate unnecessary duplication and reduce delay. Accordingly, the FAA and the DoD will integrate NEPA considerations and requirements of both agencies into the SUA project planning process as early as possible in their respective project planning schedules. The agencies will also strive cooperatively to coordinate development of environmental documents that meet the standards for adequacy in accordance with both agencies’ NEPA implementing procedures, thereby expediting completion of the Environmental Review Process.

B. Designation of lead agency. The Proponent will serve as the lead agency (40 CFR §1501.5).

C. Designation of cooperating agency. The DoD and the FAA will ensure designation of the cooperating agency early in the NEPA process (40 CFR §1501.6). Upon request of the lead agency, the DoD or the FAA will serve as a cooperating agency.

Written requests by the FAA and the DoD will be directed to:

Federal Aviation Administration	
Airspace Regulations and Policy Group (AJV–11)	OSG Manager of the applicable FAA Service Center
Air Force	
Deputy Assistant Secretary of the Air Force for Installations (SAF/IEI) 1665 Air Force Pentagon Rm 4B941 Washington, DC 20330–1665	cc: AF/A3TI – Airspace Policy Rm 5D756 1480 AF Pentagon Washington, DC 20330–1480 (703) 692–7752 HQ AF/A4CP Installation Strategy and Plans Division Rm 4D950 1260 Air Force Pentagon Washington DC, 20330–1260 (703) 614–0237

Navy	
Director Chief of Naval Operations (N45) 2000 Navy Pentagon (Rm 2E259) Washington, DC 20350-2000	cc: Chief of Naval Operations will direct to appropriate code
Marine Corps	
MCICOM (Attn: NEPA) Headquarters Marine Corps 3000 Marine Corps Pentagon Room 2D153A Washington, DC 20350-3000	
Army	
Asst. Chief of Staff for Installation Management Installation Services, Environmental (DAIM-ISE) 600 Army Pentagon (5A120-1) Washington, DC 20310-0600	Cc: Deputy Assistant Secretary of Army, Environmental Safety and Environmental Health (DASA(ESOH)) Headquarters, U.S. Army Aeronautical Services Agency (Attn: Airspace Branch) 9325 Gunston Road, Suite N319, Fort Belvoir, Virginia 22060
Major Range and Test Facility Base (MRTFB)	
Director, Test Resource Management Center (TRMC) 4800 Mark Center Dr., Suite 07J22 Alexandria, VA 22350	

*The MRTFB is managed by the TRMC and includes Army, Navy, and Air Force test ranges and associated airspace as designated by annual issuance. The TRMC will coordinate with the lead or cooperating agency as necessary.

IV. Documentation.

A. General. To eliminate unnecessary duplication, reduce paperwork, and reduce delay, the FAA and the DoD will cooperatively develop necessary environmental documentation. The agencies will share and may use, as allowed by their respective regulations/directives, background data and impact analysis prepared by either agency in support of a DoD or FAA SUA Action. Documentation will be developed and processed in accordance with applicable FAA Orders, DoD directives and regulations, and established cooperating agency relationships (40 C.F.R. §1506.1).

The lead agency will provide, within scope (40 C.F.R. §1508.25), project-specific related data supporting the proposed action, alternatives, and impact analyses to the cooperating agency to facilitate the development of a legally defensible NEPA document and support appropriate determinations.

The lead and/or cooperating agency will independently evaluate any information or analysis before using it to support a NEPA review. The intent of the lead and cooperating agency relationship is to ensure mutually adequate documentation that complies with both the lead and cooperating agencies'

NEPA–implementing procedures. Deficiencies in information, analysis, or other issues covered within the scope of the documentation will be addressed and corrected during cooperating agency concurrent review(s).

B. Categorical Exclusions.

The DoD and the FAA will address the availability of CATEXs early in the development of DoD and FAA SUA Actions. CATEXs are not interchangeable between the agencies. If the Proponent decides to rely on a CATEX for its action and the cooperating agency cannot rely on a CATEX for its action, the Proponent will provide information and analysis the cooperating agency identifies as necessary for the cooperating agency’s NEPA review. To the extent consistent with the cooperating agency’s NEPA–implementing procedures, the cooperating agency may request that the Proponent prepare an EA or fund the preparation of an EA or EIS.

V. General Guidance

A. Scheduling. To help avoid unnecessary delay in the Environmental Review Process, the DoD and the FAA will establish a mutually agreed–upon schedule that reflects appropriate time limits to ensure that required actions are taken on a timely basis, consistent with the cooperating agency designation (ref. III.C.). The schedule will accommodate both agencies’ requirements (e.g., DoD mission requirements, FAA requirements for processing SUA proposals, both agencies’ NEPA–implementing procedures). Each agency will promptly notify the other of any difficulty with meeting scheduled deadlines or any need to revise the schedule.

B. Administrative Records. The FAA and the DoD, as either lead or cooperating agency, agree to develop and maintain an administrative record of each SUA project in accordance with their agency’s respective administrative record and document retention rules and requirements. In the event either agency’s action is timely challenged, the other agency will make its administrative record available to the agency whose action has been challenged.

C. Resolution of disagreements. If the FAA and the DoD fail to reach agreement at the normal working level on any issue relating to environmental processing of proposed SUA Actions, the matter will be referred, in ascending order, as outlined in the table below. At any time, the FAA’s Office of the Chief Counsel and the Office of the General Counsel of the Service Department involved shall be consulted for assistance with legal issues.

Equivalent Levels of Responsibility for Resolution of Disagreements

FAA Administrator	DoD Policy Board on Federal Aviation (PBFA) Chairman
FAA Chief Operating Officer, Air Traffic Organization	DoD PBFA Executive Director Principal Member
FAA VP, Mission Support Services	DoD PBFA Deputy Executive Director
FAA Director, Airspace Services	DoD PBFA Airspace and Procedures Subgroup Chair

D. Funding. Agency budget constraints may delay processing and implementation of DoD and FAA SUA Actions. As part of the lead agency–cooperating agency relationship, the DoD and the FAA will determine responsibilities, consistent with this MOU, for funding the preparation of NEPA documentation (40 CFR §1501.6(b)(5)) and, if appropriate, decision implementation measures (40 CFR §1505.3).

E. Amendments. If either party determines that it is necessary to amend this MOU, it will notify the other party in writing of the specific change(s) desired, with proposed language and the reason(s) for the amendment. The proposed amendment will become effective upon written agreement of both parties.

VI. Effective Date.

This MOU is effective from the last signature date below until rescinded or amended.

SIGNED:

DATE: 30 Sep 2019
 SCHATZ.ROWA Digitally signed by
 YNE.A.JR.1177 SCHATZ.ROWAYNE.A.JR.1
 943386 177943386
 Date: 2019.09.30 18:45:49
 -04'00'

DATE: OCT 17 2019
 ANGELA RENEE Digitally signed by ANGELA
 MCCULLOUGH RENEE MCCULLOUGH
 Date: 2019.10.17 06:33:25
 -04'00'

Executive Director, DoD Policy Board
On Federal Aviation

VP Mission Support Services
Federal Aviation Administration