



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Aviation Rulemaking Committee Charter

Effective Date: 03/08/2018

**SUBJECT: Streamlined Launch and Reentry Licensing Requirements Aviation
Rulemaking Committee**

1. **PURPOSE.** This charter establishes the Streamlined Launch and Reentry Licensing Requirements Aviation Rulemaking Committee (ARC) according to the Administrator's authority under Title 49 of the United States Code (49 USC. § 106(p)(5)). The sponsors of the ARC are the Associate Administrator of Commercial Space Transportation and the Associate Administrator for Aviation Safety. This charter outlines the ARC's organization, responsibilities, and tasks.
2. **BACKGROUND.** FAA launch and reentry licensing protects public health and safety and property from the hazards of launch and reentry activities. In addition to public safety and the safety of property, licensing addresses national security and foreign policy interests of the United States, financial responsibility, environmental impacts, informed consent for crew and space flight participants, and, to a limited extent, authorization of payloads not otherwise regulated or owned by the U.S. government. Current regulations setting forth procedures and requirements for commercial space transportation licensing were based largely on the distinction between expendable or reusable launch vehicles. Specifically, parts 415 and 417 address the launch of expendable launch vehicles, part 431 addresses the launch and reentry of reusable launch vehicles, and part 435 addresses the reentry of reentry vehicles.

The regulations in parts 415 and 417 are based on Federal launch range standards developed in the 1990s. Parts 431 and 435 are primarily process-based, relying on a license applicant to derive safety requirements through a "system safety" process. While these regulations satisfied the needs of the commercial launch industry at the time they were issued, the industry has changed and continues to evolve, thus rendering the current regulatory structure cumbersome and outdated.

The current regulatory environment is viewed by some key stakeholders as overly prescriptive, lacking sufficient clarity, and unable to distinguish between "mature" launch operators and "startups." The FAA has also been able to determine that certain provisions within the existing regulatory framework are routinely requested for waiver by launch operators. This recurring practice further suggest that these provisions should be assessed for their continued validity.

3. **OBJECTIVES OF THE ARC.** This ARC will provide a forum to discuss the current and potential future regulatory requirements for FAA's consideration and is tasked specifically to develop recommendations for a performance-based regulatory approach in which the regulations will state safety objectives to be achieved, and leave design or operational solutions up to the applicant.
4. **TASKS OF THE ARC.** The ARC should address the following key areas as well as any other relevant items identified by members:
 - a. How should the FAA modify its current launch and reentry licensing regulations?

- b. What performance-based regulations are needed to streamline launch and reentry licensing?
- c. What standards are needed to demonstrate compliance with recommended performance-based regulations for launch and reentry licensing?

Within six weeks from the first meeting, the ARC must submit a recommendation report.

- i. The Industry Co-Chair sends the recommendation report to the FAA Co-Chair and the Director of the Office of Rulemaking.
- ii. The FAA Co-Chair determines when the recommendation report and records, pursuant to paragraph (8), will be made available for public release.

5. ARC PROCEDURES.

- a. The ARC acts solely in an advisory capacity by advising and providing written recommendations to the FAA Co-Chair.
- b. The ARC may propose related follow-on tasks outside the stated scope of the ARC to the FAA Co-Chair.
- c. The ARC may reconvene following the submission of the recommendation report for the purposes of providing advice and assistance to the FAA, at the discretion of the FAA Co-Chair, provided the charter is still in effect.

6. ARC ORGANIZATION, MEMBERSHIP, AND ADMINISTRATION. The FAA will set up a committee of members representing the aviation and space communities. Members will be selected based on their familiarity and experience with orbital and suborbital commercial space transportation operations, air traffic operations, and airspace policies. Membership will be balanced in viewpoints, interests, and knowledge of the committee's objectives and scope.

The provisions of the August 13, 2014 Office of Management and Budget (OMB) guidance, "Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions" (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their "individual capacity." The revised guidance allows registered lobbyists to participate on Agency Boards and Commissions in a "representative capacity" for the "express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government." For further information, refer to the OMB Guidance at 79 FR 47482.

Membership is limited to promote discussion. Attendance, active participation, and commitment by members is essential for achieving the objectives and tasks. When necessary, the ARC may set

up specialized and temporary working groups that include at least one ARC member and invited subject matter experts from industry and government.

The ARC will consist of members from the aviation and space communities. FAA and other Agency subject matter experts may be requested to participate as Observers and to provide technical support to the ARC members.

a. The FAA Co-Chair will:

- 1) Select and appoint industry and the FAA participants as members,
- 2) Select the Industry Co-Chair from the membership of the ARC,
- 3) Ensure FAA participation and support from all affected lines-of-business,
- 4) Provide notification to the members of the time and place for each meeting, and
- 5) Receive any status report and the recommendations report.

b. The Industry Co-Chair will:

- 1) Coordinate required ARC meetings in order to meet the objectives and timelines,
- 2) Establish and distribute meeting agendas in a timely manner,
- 3) Keep meeting notes, if deemed necessary,
- 4) Perform other responsibilities as required to ensure the objectives are met,
- 5) Provide status reports, as requested, in writing to the FAA Co-Chair, and
- 6) Submit the recommendation report to the FAA Co-Chair and the Director of the Office of Rulemaking.

7. **PUBLIC PARTICIPATION.** Meetings are not open to the public. Persons or organizations outside the ARC who wish to attend a meeting must get approval in advance of the meeting from the Industry Co-Chair and the FAA Co-Chair.
8. **AVAILABILITY OF RECORDS.** Consistent with the Freedom of Information Act, Title 5, U.S.C., § 552, records, reports, agendas, working papers, and other documents that are made available to or prepared for or by the ARC will be available for public inspection and copying at the Office of Rulemaking, FAA Headquarters, 800 Independence Ave. SW, Washington, D.C. 20591. Fees will be charged for information furnished to the public according to the fee schedule published in Title 49 of the Code of Federal Regulations, part 7.

You can find this charter on the FAA Committee Database website at:
http://www.faa.gov/regulations_policies/rulemaking/committees/documents/.

9. **DISTRIBUTION.** This charter is distributed to the: Office of the Associate Administrator for Aviation Safety, Office of the Associate Administrator for Commercial Space Transportation, the Office of the Chief Counsel, the Office of Assistant Administrator for Policy, International Affairs, and Environment, and the Office of Rulemaking.

10. EFFECTIVE DATE AND DURATION. The ARC is effective upon issuance of this charter and will remain in existence for a maximum of 24 months, unless the charter is sooner suspended, terminated, or extended by the Administrator.

Issued in Washington, D.C. on March 8, 2018.

A handwritten signature in black ink, appearing to read "DK Elwell". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Daniel K. Elwell
Acting Administrator