



**Federal Aviation Administration
Office of Commercial Space Transportation**

PART 450 PRE-APPLICATION CONSULTATION CHECKLIST

Purpose

This document provides a prospective vehicle operator a checklist that may be used to help navigate pre-application consultation efficiently and effectively by identifying key topics that are expected to be discussed during pre-application consultation. The information in this checklist is intended to provide a framework that would enable a prospective applicant to successfully navigate pre-application consultation¹.

Pre-application consultation is required by § 413.5 as follows:

§ 413.5 Pre-application consultation.

A prospective applicant must consult with the FAA before submitting an application to discuss the application process and possible issues relevant to the FAA's licensing or permitting decision. Early consultation helps an applicant to identify possible regulatory issues at the planning stage when changes to an application or to proposed licensed or permitted activities are less likely to result in significant delay or costs to the applicant.

The length of pre-application consultation will vary based on the proposed operation. For example, pre-application consultations may be longer when involving new launch vehicles that are under development or with operators inexperienced with FAA's regulations. The regulatory requirements for a launch and reentry license are the same for all applicants; however, less experienced operators may require additional assistance from the FAA in determining how best to meet all the requirements. Alternatively, pre-application consultations with operators who demonstrate knowledge of FAA regulations and/or use proven vehicles from established sites should be considerably shorter. The FAA expects to discuss the topics in the sample agenda with an applicant during pre-application consultation, to the extent they are relevant to the applicant's proposed operations. Some of the topics allow for flexibility that can result in a more efficient licensing process for both the applicant and the FAA.

¹ The material in this document is advisory in nature and does not constitute a regulation. 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 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. Draft document pending clearance pursuant to 49 CFR part 5.

Sample Part 450 Pre-Application Consultation Meeting Agenda

	Topic	Presenter
1.	<u>Introductions and Overview of Part 450</u>	FAA
2.	<p><u>Concept of Operations (CONOPs)</u> The prospective applicant should provide the following information:</p> <ul style="list-style-type: none"> • Concept of operations • Unique mission aspects • Mission description • Vehicle description • Launch or reentry site(s) • Organization • Program status and desired timeframe 	Vehicle Operator
3.	<p><u>Program Schedule</u> The prospective applicant should provide a program schedule that includes a definition of significant milestones. These milestones should include dates for design reviews and testing, environmental analyses/reviews, application submission, authorization need, target date of first operation (first launch or reentry), etc.</p> <ul style="list-style-type: none"> • Program Schedule • Frequency of Interaction with AST 	Vehicle Operator
4.	<p><u>Program Maturity</u> The prospective applicant should provide information to show that launch or reentry vehicle program is sufficiently mature and stable to perform an initial design review, such as a system requirements review or other preliminary design review. Evidence of maturity may include, but is not limited to:</p> <ul style="list-style-type: none"> • Award of a government contract with program milestones leading to flight. • Funding • Known investors or assets. • Manufacture or testing of hardware. 	Vehicle Operator
5.	<p><u>Scope of the License</u> Determining the point at which launch or reentry begins and ends will be discussed during pre-application consultation.</p>	FAA and Vehicle Operator
6.	<p><u>Compliance Planning</u> During pre-application consultation, the FAA will work with applicants on compliance planning. Means of compliance may be government standards, industry consensus standards, or unique means of compliance (MOC) developed by an individual applicant. The FAA will review the submitted means of compliance to determine whether they satisfy the</p>	FAA and Vehicle Operator

	<p>regulatory safety standard. Below is a list of topics to discuss during compliance planning:</p> <ul style="list-style-type: none"> ○ Application Compliance Checklist ○ Means of Compliance Table ○ Unique MOC ○ MOC Required Before Application Acceptance Pursuant to § 450.35(a) ○ Equivalent Level of Safety (ELOS) ○ Waivers 	
7.	<p><u>Process Alternatives Agreed to by the Administrator (if applicable)</u> For some requirements, the FAA anticipated the need for additional regulatory flexibility without the burden of providing an equivalent level of safety or applying for a separate waiver. For those requirements, the FAA has incorporated the clause “as agreed to by the Administrator” to mean that an operator may submit an alternative to the proposed requirement to the FAA for review. For each requirement where the FAA has provided additional flexibility by including the “as agreed to by the Administrator” clause, the FAA has also provided criteria that the Administrator will consider in determining whether to approve the alternative approach, including safety considerations when appropriate. These alternatives will typically be agreed to in pre-application consultation.</p>	FAA and Vehicle Operator
8.	<p><u>Timeframes (if applicable)</u> An applicant can propose and the FAA can accept an alternative time frame for any of the requirements listed in Appendix A to part 404, in accordance with § 404.15(b). The FAA expects alternative time frames to be proposed and accepted during pre-application consultation or during the application process so that the agreed-to time frames are then reflected in the license once issued.</p>	FAA and Vehicle Operator
9.	<p><u>Safety Element Approvals (if applicable)</u> The FAA may issue a safety element approval applied for concurrently with a part 450 license. If an applicant is planning to seek a safety element approval, the applicant must continue to consult with the FAA before submitting its application. During pre-application consultation, the FAA would expect an applicant to be able to discuss, at a minimum, the following information as outlined in § 414.15:</p> <ul style="list-style-type: none"> (1) How the applicant will meet the applicable requirements of part 450; (2) The information required in § 414.13(b)(3), (c)(2), and (c)(3); and (3) The sections of the license application that support the application for a safety element approval. 	FAA and Vehicle Operator

10.	<u>Incremental Review and License Review Period (if applicable)</u> An applicant may submit an application in modules using an incremental approach. An applicant must have its incremental review approach approved by the FAA prior to submitting its application, pursuant to § 450.33(b), so that the FAA can ensure the modules can be reviewed independently and in a workable order under an agreed time frame. The FAA will review each module in accordance with a schedule discussed with the prospective applicant during pre-application consultation. In developing the incremental review schedule, the FAA will consider the interdependence of parts of the evaluation and the sequence of their submissions.	FAA and Vehicle Operator
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