



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

Effective Date: 12/5/2017

**SUBJECT: Spaceport Categorization Aviation Rulemaking Committee**

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1. **PURPOSE.** This charter establishes the Spaceport Categorization Aviation Rulemaking Committee (SC – ARC), according to the Administrator’s authority under Title 49 of the United States Code (49 U.S.C. § 106(p)(5)). The sponsors of this ARC are the Associate Administrator of Commercial Space Transportation and the Associate Administrator of Airports (“Sponsors”). This charter outlines the committee’s organization, responsibilities, and tasks.
2. **BACKGROUND.** As the commercial space transportation industry has grown in vehicle technology, operational capability, and market penetration; enthusiasm of state, regional, and private entities to invest in commercial spaceports has also increased rapidly. It is important to encourage a broad, resilient infrastructure supporting a multitude of companies and missions, it has also become increasingly important to identify potential spaceport integration issues and provide early regulatory clarity to municipalities and enterprises developing their business plans. Co-location at airports, impacts to air traffic, and general public safety considerations are all emergent issues as the commercial space transportation industry becomes more widespread and normalized. The FAA believes a spaceport categorization framework provides a primary means to enhance clarity and communication for space and aviation stakeholders and the FAA. Through its work, the SC-ARC will assist the FAA in defining a working set of spaceport categories that includes strong consideration of the needs for airspace and airport integration. The recommendations of the SC-ARC will assist the FAA in providing the appropriate spaceport categorization framework to develop FAA policy and future regulations, while considering the impacts to established aviation operations.
3. **OBJECTIVES AND TASKS OF THE ARC.** Spaceport categorization has been proposed as a simple framework to provide clearer expectations, based on general concepts of operation to prospective spaceport enterprises, nearby aviation infrastructure, and the FAA. The categories are meant to clearly highlight the types of vehicle operations that will be considered at a potential spaceport. Through its work, the SC-ARC will assist the FAA in reviewing category criteria defining ranges of launch and reentry vehicle types and the ease with which they could be integrated into the airspace and accommodated at spaceport locations.

Overall, the SC-ARC will provide a forum for the United States aviation and space communities to review and discuss a spaceport categorization scheme to be used as a primary communication tool by the FAA and the stakeholder community. The recommended categories scheme may affect FAA policy and may also be incorporated into future rulemaking.

**Task of the ARC:**

- a. Review the FAA’s draft spaceport categorization scheme and provide specific consensus comments and recommendations on its overall framework as well as each of its specific elements to assist the FAA in developing clear and useful spaceport categories.

- b. **Recommendation Report.** The SC-ARC submits a report detailing recommendations within two months from the ARC's first meeting.
  - i. The Industry Co-Chair sends the recommendation report to the FAA Co-Chair and the Director of the Office of Rulemaking.
  - ii. The Sponsors determine when the recommendation report and records, pursuant to paragraph (8) will be made available for public release.

#### **4. ARC PROCEDURES.**

- a. The SC-ARC acts solely in an advisory capacity by advising and providing written recommendations to the FAA Co-Chair.
- b. The SC-ARC may propose related follow-on tasks outside the stated scope of the SC-ARC to the FAA Co-Chair.
- c. The SC-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 sponsors, provided the charter is still in effect.

- 5. **ARC ORGANIZATION, MEMBERSHIP, AND ADMINISTRATION.** The FAA will set up a committee of members from the aviation and space communities, along with observers from Federal stakeholder agencies. Members will be selected based on their familiarity with orbital and suborbital commercial space transportation operations, air traffic operations, airports 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 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 now 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 see the Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C 1603, 1604, and 1605.)

Membership is limited to promote discussion. Attendance, active participation, and commitment by members is essential for achieving the objectives and tasks. When necessary, the SC-ARC may set up specialized and temporary working groups that include at least one SC-ARC member and invited subject matter experts from industry and government.

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

- a. The Sponsors will appoint the FAA Co-Chair. Once appointed, 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 SC-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;
    - 5) Receive any status report and the recommendations report.
  - b. The Industry Co-Chair will be appointed from the commercial space community. Once appointed, the Industry Co-Chair will:
    - 1) Coordinate required SC-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.
6. **PUBLIC PARTICIPATION.** Meetings are not open to the public. Persons or organizations outside the SC-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.
7. **AVAILABILITY OF RECORDS.** Consistent with the Freedom of Information Act, Title 5, U.S.C., section 552, records, reports, agendas, working papers, and other documents that are made available to or prepared for or by the SC-ARC will be available for public inspection and copying at the FAA Office of Commercial Space, 800 Independence Avenue, SW, Washington, DC 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/](http://www.faa.gov/regulations_policies/rulemaking/committees/documents/).

8. **DISTRIBUTION.** This charter is distributed to Office of the Associate Administrator for Aviation Safety, Office of the Associate Administrator for Commercial Space Transportation, Office of the Associate Administrator of Airports, the Office of the Chief Counsel, and the Office of Rulemaking.

- 9. EFFECTIVE DATE AND DURATION.** The SC-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 December 5, 2017.

A handwritten signature in black ink, appearing to read 'Michael P. Huerta', with a large circular flourish at the end.

Michael P. Huerta  
Administrator