



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Office of the Chief Counsel  
Aviation Litigation Division, AGC-300

800 Independence Ave, SW  
Washington, DC 20591

**U.S. CERTIFIED MAIL, RETURN-RECEIPT REQUESTED**  
**FIRST-CLASS MAIL**  
**EMAIL**

September 17, 2024

President  
Space Exploration Technologies Corp  
1 Rocket Rd  
Hawthorne, CA 30250

(Certified and First-Class Mail Only)

President  
Space Exploration Technologies Corp

(Email Only)

(b) (6), (b) (7)(C)

RE: *Space Exploration Technologies*, Case No. 2023WA990028

**NOTICE OF PROPOSED CIVIL PENALTY**

Based on the following facts and circumstances, it appears that Space Exploration Technologies (SpaceX) violated the regulations of the Federal Aviation Administration:

1. At all times mentioned herein, SpaceX was the holder of launch license number LLO 18-105, authorizing the launch of Falcon 9 launch vehicles from Launch Complex 40 at Cape Canaveral Space Force Station.
2. On or about December 9, 2022, SpaceX's Communications Plan, Revision 5.3 was incorporated into its launch license.
3. Communications Plan Revision 5.3 provided, among other things, that:
  - a. The SpaceX Launch Control Center was located in Building 90327 on Cape Canaveral Space Force Station;
  - b. The SpaceX Launch Control room was located at NASA KSC Facility K6-0900; and

- c. SpaceX procedures would contain an initial readiness poll at T-2 hours to assess readiness of the Launch team.
- 4. On May 2, 2023, SpaceX submitted to the FAA a request to revise its approved communications plan.
- 5. On the listed dates, the FAA informed Space X of the following:
  - a. June 15, 2023: The FAA would not approve SpaceX's proposed new communications plan before a scheduled June 18, 2023 launch; and
  - b. June 16, 2023: The FAA would not issue a modification to SpaceX's license before a scheduled June 18, 2023 launch.
- 6. On June 18, 2023, SpaceX conducted a launch of the Falcon 9 PSN MFS mission.
- 7. During the launch described in paragraph 6, above, SpaceX:
  - a. Located its launch control room at a location that was not included in Communications Plan Revision 5.3, *i.e.* Hangar X;
  - b. Did not include a T-2 hour poll in its launch procedures; and
  - c. Did not conduct a T-2 hour poll during the launch countdown.

By reason of the foregoing, it appears that SpaceX failed to comply with the following Federal Aviation Regulations:

- (a) 14 C.F.R. § 417.111(a), which states that the launch operator must follow each launch plan; and
- (b) 14 C.F.R. § 417.11(a), which states that a launch operator must conduct a licensed launch and carry out launch safety procedures in accordance with its application.

Pursuant to 49 U.S.C. § 50917(c), as adjusted for inflation pursuant to 14 C.F.R. § 406.9(a), SpaceX is subject to a civil penalty not to exceed \$283,009 for each violation of the Federal Aviation Regulations. After reviewing all of the information contained in our investigative file, we propose to assess a civil penalty in the amount of \$350,000.

Enclosed is information on SpaceX's options in responding to this Notice. The options include participating in an informal conference with an FAA attorney and submitting information to the FAA for consideration. SpaceX must submit, in writing, its choice of the alternatives explained on the enclosed information form within 30 days of receiving this Notice. If SpaceX fails to submit its choice within 30 days of its receipt of this Notice, it will have no further right to participate in the informal procedures.

To the extent possible, please serve all documents on the assigned FAA attorney by email.

Taneesha D. Marshall  
Assistant Chief Counsel  
for Aviation Litigation

By: *Ryan Landers*  
For Raymond Carver, Attorney  
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Washington, DC 20591  
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Telephone: (202) 267-3116  
Facsimile: (202) 267-5106

Enclosures: Information Sheet and Reply Form

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Proposed Civil Penalty has been sent by certified mail and regular mail to:

President  
Space Exploration Technologies Corp  
1 Rocket Rd  
Hawthorne, CA 30250

I hereby certify that the foregoing Notice of Proposed Civil Penalty has been sent by email to:

President  
Space Exploration Technologies Corp

(b) (6), (b) (7)(C)

JEAN PATRICIA SMITH Digitally signed by JEAN PATRICIA SMITH  
Date: 2024.09.17 08:21:32 -04'00'

Jean P. Smith  
Management & Program Analyst, AGC-10  
Federal Aviation Administration

Date: September 17, 2024