



**Federal Aviation
Administration**

License and Permit Application Guide for Applicants

Version 1.0

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Federal Aviation Administration
Commercial Space Transportation
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Washington, DC 20591

Record of Revisions

Version	Description	Date
1.0	Cancel and replaces AC No: 413-1: <i>License Application Procedures</i> . Revises chapter 2.0 as follows: paragraph 2.1 is revised to remove details about the pre-application consultation process. The FAA expects to include these details in a separate advisory circular that would provide a means, but not the only means, of compliance with § 413.5 (Pre-application Consultation); 2) paragraph 2.2.2 is revised to include instructions for electronic filing of an application for a license or permit. In addition, this revision includes minor, editorial changes.	April 13, 2016

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1.0 INTRODUCTION

1.1 Purpose

This document provides guidance on the procedural aspects of the application process for a commercial space license or experimental permit (permit). The information presented does not constitute regulation.

1.2 Applicability

The procedures in this Guide apply to applications for a license or permit to launch a launch vehicle or reenter a reentry vehicle. They also apply to a license to operate a launch or reentry site.

1.3 Cancellation

This Guide cancels and replaces AC No. 413-1: *License Application Procedures*, dated August 16, 1999.

1.4 Related Federal Aviation Administration Regulations

14 CFR chapter III, part 413, §§ 413.5, 413.7, 413.9, 413.11, 413.13, 413.15, 413.17, 413.19, 413.21 and 413.23.

1.5 Background

The Federal Aviation Administration (FAA) office of the Associate Administrator for Commercial Space Transportation (AST) is responsible for licensing commercial space launches, the reentry of reentry vehicles, and the operation of launch and reentry sites. AST's regulations are located in 14 CFR chapter III. Part 413 of chapter III contains AST's application procedures for a license or permit to launch a launch vehicle or reenter a reentry vehicle and for a license to operate a launch or reentry site. A payload owner or operator requesting a payload review should also use these procedures.

Section 413.5 requires a prospective applicant to consult with the FAA before submitting an application. When an applicant is ready to submit an application, § 413.7 contains administrative information required to file an application and § 413.9 describes how an applicant may request confidential treatment for trade secrets or proprietary commercial or financial data. Section 413.11 provides for initial screening of an application by AST to determine whether the application is sufficiently complete to enable the FAA to initiate the review. Section 413.13 states that the acceptance by the FAA of an application does not constitute a determination that the application is complete. Although review of an incomplete application may commence, § 413.13 requires an applicant to complete an incomplete application, and § 413.15 allows for tolling in the event an applicant does not submit the remaining material in sufficient time to avoid affecting the evaluation process. The purpose of these requirements is to ensure that adequate information is available to commence a meaningful review and required information is available to complete the review within 180 days.

Application amendment procedures are covered in § 413.17. Sections 413.19 and 413.21 cover license/permit issuance and denial, respectively. Section 413.23 provides procedures for renewal.

2.0 DISCUSSION

2.1 Pre-Application Consultation

Under § 413.5, an applicant must consult with the FAA before submitting an application. Pre-application consultation is mandatory in order to allow both an applicant and the FAA the opportunity to identify potential issues relevant to the FAA's licensing determination. Pre-application consultation allows a prospective applicant to familiarize the FAA with its proposal and the FAA to familiarize the prospective applicant with the licensing process. It is intended to provide an efficient and effective process leading to the development of a substantially complete application. The pre-application process should also ensure that an applicant is aware of the responsibilities of a licensee.

Early consultation is advisable to enable the applicant to identify potential licensing issues at the planning stage when changes or modifications to an applicant's program or commercial space transportation application are less likely to result in significant delays or costs to the applicant. This avoids potential wasted efforts by a prospective applicant in preparation of an application. For new launch concepts, the pre-application process allows a prospective applicant and AST's Licensing and Safety Division to identify an efficient process for the applicant to demonstrate the safety of any proposed launch, reentry, or operation of a launch or reentry site.

2.2 The Application

When filing an application for a license or permit, an applicant should follow the instructions given in § 413.7. An applicant must make an application in writing and in English and must file the application with the Federal Aviation Administration.

An application must identify the name and address of the applicant; the name, address, and telephone number of a point of contact; and the type of license for which the applicant is applying. An applicant must also sign, date, and certify the application as true, complete, and accurate. The individual signing an application must be an officer of the company.

Willful false statements made in any application or document relating to an application are punishable by fine and imprisonment under section 1001 of Title 18, United States Code, and by administrative sanctions.

An application may be filed either by paper or by electronic means.

2.2.1 Paper Application

If an applicant files a license or permit application by paper, the applicant must submit two copies of the application to the Federal Aviation Administration, Associate Administrator for Commercial Space Transportation, Room 331, 800 Independence Avenue, SW, Washington, DC 20591. Attention: Application Review.

2.2.2 Electronic Application

Electronic filing options available to applicants are to (1) email the application to the FAA; or (2) provide the application to the FAA on a physical electronic storage device¹ rather than submitting the application in paper form. To ensure the authenticity and security of electronically-submitted application, the application must meet certain criteria.

For an application submitted via email, the application must satisfy the following criteria:

- The application must be sent via email as an email attachment to the following email address: ASTApplications@faa.gov.
- The email to which the application is attached must be sent from an email address controlled by the person who signed the application or by an authorized representative of the applicant. The FAA anticipates that this will usually be that person's official work-related email address.
- The application must be provided in a format that cannot be edited, such as a PDF document or a read-only Word file.

An application submitted via a physical electronic storage device will be subject to the following criteria. First, the submission package must include a cover letter identifying each document and file that is being submitted on the physical electronic storage device. The cover letter must be in paper form and it must be signed either by the person who signed the application or by an authorized representative of the applicant. Second, the physical electronic storage device must be submitted in a format that does not allow the contents of the device to be altered. For example, the application could be submitted on a write-protected USB flash drive or a CD-ROM disk that does not allow additional data to be written onto the disk. Finally, the physical electronic storage device and cover letter must either be: (1) hand-delivered to an authorized FAA representative; or (2) mailed to the FAA's Office of Commercial Space Transportation (AST). If opting to mail the application to AST, the applicant should use the same mailing address that he or she would use to submit a paper application. This address is: Federal Aviation Administration, Associate Administrator for Commercial Space Transportation, Room 331, 800 Independence Avenue, SW, Washington, DC 20591. Attention: Application Review.

2.3 Confidentiality

Under § 413.9, an applicant may request in writing that trade secrets or proprietary commercial or financial data be treated as confidential. The request must be made at the time the information or data is submitted, and state the period of time for which confidential treatment is desired. This request may be made during pre-application

¹ Electronic storage device as defined in 14 CFR § 404.5 means a physical device that can store electronic documents and files (e.g., optical disc, memory card, USB flash drive, external hard drive, etc.).

consultation. Applicants should note that the information or data must be clearly marked with an identifying legend, such as "Proprietary Information," "Proprietary Commercial Information," "Trade Secret," or "Confidential Treatment Requested." Where this marking proves impracticable, a cover sheet containing the identifying legend must be securely attached to the compilation of information or data for which confidential treatment is requested.

The treatment of confidential information is governed by applicable law, including the Freedom of Information Act, 5 U.S.C. 552. Information or data for which confidential treatment has been requested or information or data that qualifies for exemption under section 5 U.S.C. 552(b)(4) will not be disclosed to the public unless AST determines that the withholding of the information or data is contrary to the public or national interest.

2.4 Application Acceptance, Completeness, and Review

AST decides whether to accept a particular application through an initial screening of the application to see if it is substantially complete. Commencing the review of an incomplete application is in the interest of the applicant in that it allows for early identification of required information that an application may not have otherwise addressed. The FAA determines when an application is sufficiently complete for the 180-day review period to commence and notifies the applicant. When the FAA receives an application that fails to provide sufficient information for the FAA to commence a meaningful review, the applicant will be notified, in writing, noting the areas of deficiency. Accordingly, the 180-day review period will start to run only upon receipt of an accepted application.

Acceptance of the application does not establish that an application is complete. The fact that an application is only substantially complete means that more information may be required before the application is entirely complete. The FAA may also ask for additional information or clarifications in the course of the licensing process in situations where an applicant's proposal contemplates unique activities, vehicle configurations or technologies.

The FAA can toll or stop the clock on the 180-day review period when an applicant fails to provide information required for the FAA to complete its review. If an applicant does not address requests for required information in sufficient detail, or if the application contains inconsistencies, the FAA will advise the applicant and provide a time by which the requested information must be provided. Once the deadline has passed, and while the FAA waits for any information necessary to complete its review, the 180-day time limit on the FAA does not run.

2.5 Amendments to an Application

Under § 413.17, an applicant may amend or supplement an application at any time prior to issuance or transfer of a license or permit.

Perhaps more importantly, an applicant is responsible for the continuing accuracy and completeness of information furnished to the FAA as part of a pending application. An applicant must advise the FAA in a timely manner of any proposed material change in any representation contained in its application, including, without being limited to, its launch or reentry operations, launch or reentry procedures, classes of payloads, orbital destinations, the type of vehicle, flight path, launch or reentry site, and launch point, or any safety related system, policy, procedure, requirement, criteria or standard, that may affect public health and safety, the safety of property, including government property, or hazards to the environment.

Because the FAA proposes to rely upon federal launch ranges for launches from those launch sites, an applicant must also notify the FAA in a timely manner in the event the applicant applies to the federal launch range for a waiver to, or deviates from the federal launch range's safety requirements or procedures.

Changes to an application may lengthen the time that the FAA requires to complete its reviews in support of a license determination. The FAA will reserve to itself the right to toll the 180-day review period in the event that any amendment to an application so radically changes the applicant's proposal that the change, in effect, constitutes a new application. The FAA's experience, however, has been that most amendments, while important, have a relatively minor impact on the processing time, particularly if those amendments are submitted in a timely manner.

2.6 Issuance or Denial of a License or Permit

After the FAA completes its reviews and makes the approvals and determinations required by the regulations, the FAA issues a license or permit. The license or permit will include one or more orders listing terms and conditions of the license or permit.

If an application has been denied, the FAA will inform the applicant, in writing, and state the reasons for denial. An applicant then has two options. One is to request a hearing. Procedures for hearings are found in 14 CFR part 406. An applicant's other option is to correct the deficiencies that resulted in the denial and request reconsideration of the revised application. The FAA has 60 days within which to reconsider its determination, or the number of days remaining in the 180-day review period, whichever is greater. If the application is denied again after reconsideration, an applicant may still request a hearing.

2.7 License or Permit Renewal

Section 413.23 allows a licensee and a permittee to apply for renewal of an expiring license or permit, as long as the authorization sought is substantially the same as the authorization under the expiring license or permit. A licensee must apply for a renewal of a license and a permittee for a renewal of a permit at least 90 days before the expiration date of its license or permit. The licensee or permittee must describe any proposed changes in its conduct of licensed or permitted activities and provide any additional clarifying information required by the FAA. The renewal application must satisfy all of

the requirements for a license or a permit, although the application may incorporate by reference information provided as part of the application for the expiring license or permit. The application review and license or permit issuance or denial procedures are otherwise the same as for an original license or permit or any modification to that license or permit.

3 GENERAL POINTS

As noted above, the procedures described in this Guide are applicable to applications for a license or permit. The specific requirements for safety, payload, policy, environmental, and financial responsibility may be found in the regulations. A few general points are worth considering when preparing material to meet those requirements:

AST issues licenses or permits based on a policy review, a payload determination, and an evaluation of the applicant's ability to ensure public safety and the safety of property.

The applicant is responsible for ensuring public safety and safety of property relative to licensed and permitted operations. Its ability and resources to handle this responsibility should be documented.

The application should identify and address all critical or sensitive public safety issues. All conclusions should be well supported with facts.

The review process will be based on the information provided by the applicant, so the application should include supportable facts and figures.