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Subpart A—General and License Terms and Conditions

§417.1 General information.

- (a) *Scope.* This part sets forth—
 - (1) The responsibilities of a launch operator conducting a licensed launch of an expendable launch vehicle; and
 - (2) The requirements for maintaining a launch license obtained under part 415 of this chapter. Parts 413 and 415 of this chapter contain requirements for preparing a license application to conduct a launch, including information

reviewed by the FAA to conduct a policy, safety, payload, and environmental review, and a payload determination.

(b) *Applicability.* (1) The administrative requirements for filing material with the FAA in subpart A of this part apply to all licensed launches from a Federal launch range or a non-Federal launch site, except where noted.

(2) The safety requirements of subparts B through E of this part apply to all licensed launches of expendable launch vehicles. See paragraphs (d) and (e) of this section for exceptions to this provision.

(c) *“Meets intent”* certification. For a licensed launch from a Federal launch range, a launch operator need not demonstrate to the FAA that an alternative means of satisfying a requirement of this part provides an equivalent level of safety for a launch if written evidence demonstrates that a Federal launch range has, by the effective date of this part, granted a “meets intent certification,” including through “tailoring,” that applies to the requirement and that launch. See paragraph (f) of this section for exceptions to this provision. Written evidence includes:

- (1) Range flight plan approval,
- (2) Missile system pre-launch safety package,
- (3) Preliminary and final flight data packages,
- (4) A tailored version of EWR 127-1,
- (5) Range email to the FAA stating that the MIC was approved, or
- (6) Operation approval.

(d) *Waiver.* For a licensed launch from a Federal launch range, a requirement of this part does not apply to a launch if written evidence demonstrates that a Federal launch range has, by the effective date of this part, granted a waiver that allows non-compliance with the requirement for that launch. See paragraph (f) of this section for exceptions to this provision. Written evidence includes:

- (1) Range flight plan approval,
- (2) Missile system pre-launch safety package,
- (3) Preliminary and final flight data packages,
- (4) A tailored version of EWR 127-1,
- (5) Range email to the FAA stating that the waiver was approved, or

(6) Operation approval.

(e) *Grandfathering.* For a licensed launch from a Federal launch range, a requirement of this part does not apply to the launch if the Federal launch range’s grandfathering criteria allow noncompliance with the requirement for that launch. See paragraph (f) of this section for exceptions to this provision.

(f) *Exceptions to Federal launch range meets intent certifications, waivers, and grandfathering.* Even if a licensed launch from a Federal launch range satisfies paragraph (c), (d), or (e) of this section for a requirement of this part, the requirement applies and a launch operator must satisfy the requirement, obtain FAA approval of any alternative, or obtain FAA approval for any further noncompliance if—

(1) The launch operator modifies the launch vehicle’s operation or safety characteristics;

(2) The launch operator uses the launch vehicle, component, system, or subsystem in a new application;

(3) The FAA or the launch operator determines that a previously unforeseen or newly discovered safety hazard exists that is a source of significant risk to public safety; or

(4) The Federal launch range previously accepted a component, system, or subsystem, but did not then identify a noncompliance to a Federal launch range requirement.

(g) *Equivalent level of safety.* The requirements of this part apply to a launch operator and the launch operator’s launch unless the launch operator clearly and convincingly demonstrates that an alternative approach provides an equivalent level of safety.

§417.3 Definitions and acronyms.

For the purpose of this part,

Command control system means the portion of a flight safety system that includes all components needed to send a flight termination control signal to an onboard vehicle flight termination system. A command control system starts with any flight termination activation switch at a flight safety crew console and ends at each command-transmitting antenna. It includes all intermediate equipment, linkages, and software and any auxiliary transmitter