

SUBCHAPTER A—GENERAL

PART 400—BASIS AND SCOPE

Sec.

400.1 Basis.

400.2 Scope.

AUTHORITY: Secs. 3, 6, 13 and 21, Pub. L. 98-575 (49 U.S.C. App. 2601 note).

SOURCE: Docket No. 43810, 51 FR 6876, Feb. 26, 1986, unless otherwise noted.

§ 400.1 Basis.

The basis for the regulations in this chapter is the Commercial Space Launch Act of 1984, and applicable treaties and international agreements to which the United States is party.

§ 400.2 Scope.

These regulations set forth the procedures and requirements applicable to the authorization and supervision of all space launch activities conducted from U.S. territory or by U.S. citizens. The regulations in this chapter do not apply to amateur rocket activities, or to U.S. Government ranges, launches, payloads carried by such launches, or to U.S. Government payloads.

PART 401—ORGANIZATION AND DEFINITIONS

Sec.

401.1 The Office of Commercial Space Transportation.

401.3 The Director of Commercial Space Transportation.

401.5 Definitions.

AUTHORITY: Sec. 4, Pub. L. 98-575 (49 U.S.C. App. 2601 note), § 1.68 Regulations of the Office of the Secretary of Transportation, 49 CFR 1.68.

SOURCE: Docket No. 43810, 51 FR 6876, Feb. 26, 1986, unless otherwise noted.

§ 401.1 The Office of Commercial Space Transportation.

The Office of Commercial Space Transportation, referred to in these regulations as the "Office," is a unit within the Office of the Secretary of Transportation and is located in the Department of Transportation Head-

quarters, 400 Seventh Street, SW., Washington, DC 20590.

§ 401.3 The Director of Commercial Space Transportation.

The Office is headed by a Director appointed by the Secretary of Transportation to exercise the Secretary's authority to license and otherwise regulate commercial space launch activities and to discharge the Secretary's responsibility to encourage, facilitate and promote commercial space launches by the United States private sector.

§ 401.5 Definitions.

As used in this chapter—

Act—means the Commercial Space Launch Act of 1984, Pub. L. 98-575.

Amateur rocket activities—means launch activities involving rockets powered by a motor or motors having a total impulse of 200,000 pound-seconds or less and a total burning or operating time of less than 15 seconds, and a rocket having a ballistic coefficient—i.e., gross weight in pounds divided by frontal area of rocket vehicle—less than 12 pounds per square inch.

Commercial launch activities—means the launch activities subject to the authority of the Department of Transportation regardless of whether such activities are conducted by a private or public entity, or for profit.

Director—means the Director of the Office of Commercial Space Transportation, or any person designated by the Director to exercise the authority or discharge the responsibilities of the Director.

Launch—means to place, or attempt to place, a launch vehicle and/or payload in a suborbital trajectory, in Earth orbit in outer space, or otherwise in outer space.

Launch activity—means the launch of a launch vehicle and any payload, the operation of a launch site, or both.

Launch vehicle—means any vehicle constructed for the purpose of operating in, or placing a payload in, outer space, and any suborbital rocket.

Licensee—means the person authorized by a license to conduct specified commercial launch activities and responsible for conducting such activities in conformance with applicable requirements.

Operation of a launch site—means the conduct of approved safety operations at a permanent site for purposes of supporting, for compensation or hire, the launching of launch vehicles and payloads.

Mission—means the objective to be accomplished by a proposed launch and includes the general plan for achieving that objective.

Payload—means an object which a person undertakes to place in outer space by means of a launch vehicle, and includes subcomponents of a launch vehicle specifically designed or adapted for that object.

Person—means any individual and any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of any State or Nation.

Safety operations—means the personnel, equipment, facilities, documented plans and procedures, and any other resource needed for safe preparation and launch of a launch vehicle and its payload.

State and United States—when used in a geographical sense, mean the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, The U.S. Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States; and

United States citizen—means:

(a) Any individual who is a citizen of the United States;

(b) Any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of the United States or any State; and

(c) Any corporation, partnership, joint venture, association, or other entity which is organized or exists under the laws of a foreign nation, if the controlling interest in such entity is held by an individual or entity described in paragraphs (a) or (b) of this definition. "Controlling interest" means ownership of an amount of equity in such entity sufficient to direct management of the entity or to void transactions entered into by management. Ownership of at least fifty-one percent of the equity in an entity by persons described in paragraphs (a) or (b) of this definition creates a rebuttable presumption that such interest is controlling.