

has entered final judgment in favor of the Director, the Director shall recover the civil penalty assessed in any appropriate district court of the United States.

(c) For purposes of conducting any hearing under this section, the Director may:

(1) Issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, documents, and other records;

(2) Seek enforcement of such subpoenas in the appropriate district court of the United States; and

(3) Administer oaths and affirmations.

PART 406—ADMINISTRATIVE REVIEW

Sec.

406.1 Hearings.

406.3 Submission; oral presentation.

406.5 Administrative law judge's recommended decision.

AUTHORITY: Sec. 12, Pub. L. 98-575 (49 U.S.C. App. 2601, note).

SOURCE: Docket No. 43810, 51 FR 6879, Feb. 26, 1986, unless otherwise noted.

§ 406.1 Hearings.

(a) Pursuant to section 12 of the Commercial Space Launch Act, the following are entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5 U.S. Code:

(1) An applicant for a license and a proposed transferee of a license regarding any decision to issue or transfer a license with conditions or to deny the issuance or transfer of such license;

(2) An owner or operator of a payload regarding any decision to prevent the launch of such payload;

(3) A licensee regarding any decision to suspend, modify, or revoke a license, or to terminate, prohibit, or suspend any licensed launch activity; and

(4) A person found by the Director to have violated a requirement of the Act, a regulation issued under the Act, or any term, condition or restriction of any license issued or transferred by the Director if the Director seeks civil penalties.

(b) An administrative law judge will be designated to preside over any hearing held under this part.

§ 406.3 Submission; oral presentation.

(a) Determinations under this part will be made on the basis of written submissions unless the administrative law judge, on petition or on his or her own initiative, determines that an oral presentation is required.

(b) Submissions shall include a detailed exposition of the evidence or arguments supporting the petition.

(c) Petitions shall be filed as soon as practicable, but in no event more than 30 days after issuance of the Director's decision or finding under § 406.1.

§ 406.5 Administrative law judge's recommended decision.

(a) The recommended decision of the administrative law judge shall be reviewed by the Director, who shall make the final decision on the matter at issue. The Director shall make such final decision within thirty days of issuance of the recommended decision.

(b) The authority and responsibility to review and decide rests solely with the Director and may not be delegated.