

SUBCHAPTER B—PROCEDURE

PART 404—REGULATIONS AND LICENSING REQUIREMENTS

Subpart A—General

- Sec.
404.1 Scope.
404.3 Filing of petitions to the Associate Administrator.
404.5 Action on petitions.

Subpart B—Rulemaking

- 404.11 General.
404.13 Petitions for extension of time to comment.
404.15 Consideration of comments received.
404.17 Additional rulemaking proceedings.
404.19 Hearings.

AUTHORITY: 49 U.S.C. 70101–70121.

SOURCE: Docket No. 43810, 53 FR 11013, Apr. 4, 1988, unless otherwise noted.

Subpart A—General

§ 404.1 Scope.

This part establishes procedures for issuing regulations to implement 49 U.S.C. Subtitle IX, chapter 701, and for eliminating or waiving requirements for licensing or permitting of commercial space transportation activities under that statute.

[Doc. No. FAA–2006–24197, 72 FR 17016, Apr. 6, 2007]

§ 404.3 Filing of petitions to the Associate Administrator.

(a) Any person may petition the Associate Administrator to:

- (1) Issue, amend, or repeal a regulation to eliminate as a requirement for a license or permit any requirement of Federal law applicable to commercial space launch and reentry activities and the operation of launch and reentry sites;
- (2) Waive any such requirement in the context of a specific application for a license or permit; or
- (3) Waive the requirement for a license.

(b) Each petition filed under this section must:

- (1) Be submitted in duplicate to the:
 - (i) Office of Commercial Space Transportation, Federal Aviation Adminis-

tration, 800 Independence Avenue, SW., Room 331, Washington, DC 20591; or

- (ii) Be submitted in duplicate to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590;

- (2) Set forth the text or substance of the regulation or amendment proposed, the regulation to be repealed, the licensing or permitting requirement to be eliminated or waived, or the type of license or permit to be waived;

- (3) In the case of a petition for a waiver of a particular licensing or permitting requirement, explain the nature and extent of the relief sought;

- (4) Contain any facts, views, and data available to the petitioner to support the action requested; and

- (5) In the case of a petition for a waiver, be submitted at least 60 days before the proposed effective date of the waiver unless good cause for later submission is shown in the petition.

(c) A petition for rulemaking filed under this section must contain a summary, which the Associate Administrator may cause to be published in the FEDERAL REGISTER, which includes:

- (1) A brief description of the general nature of the action requested; and

- (2) A brief description of the pertinent reasons presented in the petition for instituting the rulemaking.

(d) A petition filed under this section may request, under 14 CFR 413.9, that the Department withhold certain trade secrets or proprietary commercial or financial data from public disclosure.

[Doc. No. FAA–2005–21234, 71 FR 51971, Aug. 31, 2006, as amended at 72 FR 68475, Dec. 5, 2007]

§ 404.5 Action on petitions.

(a) *General.* No public hearing, argument or other proceeding is held on a petition before its disposition under this section.

(b) *Grants.* In the case of a petition for a waiver, the Associate Administrator may grant the waiver if the Associate Administrator determines that the waiver is in the public interest and will not jeopardize public health and