

without the intent of fulfilling the payload operations requirements agreed to by NASA and the customer.

(e) *Launch agreement.* The primary document between NASA and the non-U.S. government, reimbursable customer, containing the detailed terms, conditions, requirements and constraints under which NASA commits to provide launch services.

(f) *Marginal cost.* Solely for the purposes of determining the cost of a re-flight launch, marginal cost is defined as the cost to the U.S. Government, as determined by NASA's normal accounting procedures, associated with the addition or reduction of one flight in a given U.S. government fiscal year.

(g) *Non-U.S. government reimbursable customers* are:

(1) All non-U.S. Government persons or entities paying NASA for Shuttle services under this subpart 1214.1; or

(2) U.S. Government agencies obtaining reimbursable Shuttle services for those persons or entities cited in paragraph (g)(1) of this section; e.g., the Department of Defense under a Foreign Military sales case.

(h) *Optional services.* Those non-standard services provided at the customer's request and with the concurrence of NASA. The price for optional services is not included in the standard flight price.

(i) *Payload integration documentation.* Documentation developed to reflect NASA/customer agreements on payload requirements, payload/Shuttle interfaces, and ground and flight implementation of the mission. Includes the Payload Integration Plan, its Annexes and all related documentation.

(j) *Payload length.* The maximum length of the payload in the Space Shuttle cargo bay at any time during launch, landing, operations, deployment, servicing or retrieval. It includes any clearance length necessary for items such as dynamic envelope considerations, deployment, retrieval, servicing and use of the remote manipulator system.

(k) *Payload weight.* The maximum weight of the payload in the Space Shuttle cargo bay, including the weight of the payload itself and a pro rata share of the weight of any special

equipment or materials needed for the mission.

(l) *Scheduled launch date.* NASA's official then-best-estimate of the data of launch. This will be the date of record for all scheduling and reimbursement procedures.

(m) *Shared flight.* A flight that may be shared by more than one customer.

(n) *Shuttle standard flight price.* The price for Shuttle standard services provided to the customer.

(o) *Standard launch.* A launch meeting all the launch and orbit criteria defined in §1214.117.

(p) *Standard services.* Those services which are generally made available for all customers, which for Space Shuttle are generically defined in NASA document NSTS 07700, Volume XIV, and which are included in the standard flight price. If the payload uses only a portion of the standard services, the standard flight price will not be affected.

§1214.103 Reimbursement for standard services.

(a) *Establishment of price.* NASA will establish, and update as appropriate, the standard flight price under this §1214.1.

(b) *Advance pricing.* NASA normally will agree to a standard flight price no later than 3 years in advance of launch.

(c) *Price stability.* The standard flight price will be fixed, subject to the terms of the launch agreement, and subject to escalation pursuant to §1214.103(d), and will be the price set by NASA as of the time of signing a launch agreement.

(d) *Escalation of payments.* With the exception of payments for earnest money, all payments will be escalated according to the U.S. Bureau of Labor Statistics Index, "Private Business Sector, All Persons: Productivity, Hourly Compensation, Unit Labor Cost and Prices Seasonally Adjusted" table, "Compensation, Per Hour," column published in the U.S. Department of Labor, Bureau of Labor Statistics, news release entitled "Productivity and Costs."

(e) *Independence of pricing and manifesting.* The standard flight price for a shared flight payload as computed from 1214.103(g) will be independent from the

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actual payload manifest for a specific shared flight.

(f) *Allocation of services.* (1) Customers contracting for a dedicated flight are eligible for the full standard services, as defined in § 1214.115, available on the flight.

(2) Customers contracting for a standard shared flight meeting the criteria of § 1214.117 are eligible for a portion of the standard services, as defined in § 1214.115, available on the flight. The basis of apportionment will be determined by NASA and will be a function of the payload load factor.

(g) *Computation of prices.* (1) The Shuttle standard flight price for a dedicated flight is the dedicated flight price as defined in § 1214.102(c).

(2) The Shuttle standard flight price for a standard shared flight is the product of the payload's charge factor and the dedicated flight price as defined in § 1214.102(c).

(3) The computed charge factor for a payload is defined as:

$$\frac{\text{Load Factor}}{0.75}$$

If the computed charge factor exceeds 1.0, the charge factor will be 1.0. If the computed charge factor is less than 0.067, the charge factor will be 0.067.

(4) The load factor is defined as the maximum of:

$$\frac{\text{Payload length, m}}{18.29 \text{ m}} \text{ or } \frac{\text{Payload weight, kg}}{\text{Shuttle lift capability, kg}}$$

where:

(i) Payload length is as defined in § 1214.102(j);

(ii) Payload weight is as defined in § 1214.102(k);

(iii) For those payloads for which NASA has reviewed and accepted a NASA Form 1628 (Request for Flight Assignment) and received earnest money (if required) prior to (insert date of publication in FEDERAL REGISTER), the Shuttle lift capability for a shared flight, standard launch will be 29,478 kg. For all other payloads, the lift capability for a shared flight, standard launch will be 21,542 kg.

(h) *Payment schedule—(1) Earnest money.* Earnest money in the amount of \$100,000 per payload will be paid to NASA by the customer. The earnest money will be paid at the time of submission of a NASA Form 1628, and will be applied to the first payment made by the customer toward the standard flight price, or will be retained by NASA unless NASA determines that the payload does not meet the eligibility criteria referenced in § 1214.101.

(2) *Payment schedule for standard services.* (i) Payment for standard services will be made in accordance with the following schedule:

Number of months before launch flight is scheduled	Percent of price due							
	At time of scheduling	Months prior to scheduled launch date						
		33	24	18	12	6	3	Total
33 or more		10	10	15	25	25	15	100
24-32	11		10	15	25	25	15	101
18-23	23			15	25	25	15	103
12-17	42				25	25	15	107
6-11*	73					25	15	113
3-5*	107						15	122
Less than 3*	122							122

*Additional charges pursuant to § 1214.103(h)(2)(ii) also may apply.

(ii) Unless otherwise agreed to by NASA, for purposes of the payment schedule of § 1214.103(h)(2)(i), the percent of price due at the time of scheduling will be the cumulative amount due at the time of:

- (A) NASA's initial commitment to the schedule of a newly scheduled payload;
- (B) A customer's requested rescheduling of a payload such that it will be launched at an earlier date; or

(C) Rescheduling of a payload postponed at the request of the customer or caused by the customer.

(iii) If the time from a customer's request for initial scheduling or rescheduling of a payload is less than 1 year from the launch date being requested, and NASA can accommodate the request, NASA may also charge the customer any estimated additional cost of providing standard services on such a shortened schedule.

(iv) Normally no charges for standard services will be made after the flight, except for a final adjustment for escalation.

(i) *Late payment fees.* Customers who do not meet the payment schedule defined in § 1214.103(h) will be subject to a late payment fee established by NASA in the launch agreement.

§ 1214.104 Reimbursement for optional services.

(a) *Pricing basis.* To the extent practical, optional services will be provided on a fixed-price or fixed-rate basis. If this is not practical, the price will be on a governmental cost basis; i.e., the actual cost or in certain cases the estimated actual costs.

(b) *Escalation of payments.* All payments for optional services subject to escalation will be escalated in accordance with the provisions of § 1214.103(d).

(c) *Schedules of payments.* NASA will establish payment schedules for optional services and will incorporate those schedules in the launch agreement at the time a particular optional service is agreed to between the customer and NASA.

(d) *Late payment fees.* Customers who do not make payments by the due dates defined by NASA will be subject to a late payment fee established by NASA in the launch agreement.

§ 1214.105 Apportionment and/or assignment of services.

(a) Subject to NASA approval, a customer may apportion and/or assign Shuttle services to third parties within the payload. No apportionment and/or assignment of Shuttle services may take place outside the payload.

(b) Integration of apportioned/assigned payload elements within the payload is the responsibility of the cus-

tomers. Any NASA assistance in such integration will be provided as an optional service.

(c) Customers intending to apportion and/or assign services will so designate at the time the launch agreement is signed.

§ 1214.106 Minor delays.

NASA will attempt to accommodate customer requested minor launch delays. Such delays will normally be requested just prior to launch. Except for potential optional service charges, delays up to 72 hours can normally be accommodated at no charge. This 72-hour period is shared by all customers on a particular flight. The basis of proration will be established in the launch agreement. Delays beyond 72 hours will require NASA's approval and will result in an additional charge as established in the launch agreement.

§ 1214.107 Postponement.

(a) Provisions of this paragraph apply to postponements requested or caused by the customer.

(b) A customer postponing the flight of a payload will pay a postponement fee to NASA. The fee will be computed as a percentage of the customer's Shuttle standard flight price and will be based on the table below.

Months before scheduled launch date when postponement occurs	Postponement fee, percent of standard flight price	
	Dedicated flights	Shared flights
More than 33	0	0
18 or more but less than or equal to 33		
—1st postponement	0	0
—2nd and subsequent	5	5
17 or more but less than 18	6	9
16 or more but less than 17	7	13
15 or more but less than 16	8	17
14 or more but less than 15	10	20
13 or more but less than 14	11	24
12 or more but less than 13	12	28
11 or more but less than 12	13	32
10 or more but less than 11	14	36
9 or more but less than 10	15	40
8 or more but less than 9	17	43
7 or more but less than 8	18	47
6 or more but less than 7	19	51
Less than 6	20	55

(c) If at any point, a customer postponement results in a launch date more than 12 months later than the original scheduled launch date, the standard flight price for the customer's