§ 437.9 Issuance of an experimental permit.

The FAA issues an experimental permit authorizing an unlimited number of launches or reentries for a suborbital rocket design for the uses described in §437.5.

§ 437.11 Duration of an experimental permit.

An experimental permit lasts for one year from the date it is issued. A permittee may apply to renew a permit yearly under part 413 of this subchapter.

§ 437.13 Additional experimental permit terms and conditions.

The FAA may modify an experimental permit at any time by modifying or adding permit terms and conditions to ensure compliance with 51 U.S.C. Subtitle V, chapter 509.


§ 437.15 Transfer of an experimental permit.

An experimental permit is not transferable.

§ 437.17 Rights not conferred by an experimental permit.

Issuance of an experimental permit does not relieve a permittee of its obligation to comply with any requirement of law that applies to its activities.

Subpart B—Requirements to Obtain an Experimental Permit

§ 437.21 General.

To obtain an experimental permit an applicant must make the demonstrations and provide the information required by this section.

(a) This subpart. An applicant must provide a program description, a flight test plan, and operational safety documentation as required by this subpart.

(b) Other regulations—(1) Environmental. An applicant must provide enough information for the FAA to analyze the environmental impacts associated with proposed reusable suborbital rocket launches or reentries. The information provided by an applicant must be sufficient to enable the FAA to comply with the requirements of the National Environmental Policy Act, 42 U.S.C. 4321 et seq., and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR parts 1500–1508.

(2) Financial responsibility. An applicant must provide the information required by part 3 of appendix A of part 440 for the FAA to conduct a maximum probable loss analysis.

(c) Use of a safety approval. If an applicant proposes to use any reusable suborbital rocket, safety system, process, service, or personnel for which the FAA has issued a safety approval under part 414 of this subchapter, the FAA will not reevaluate that safety element to the extent its use is within its approved envelope. As part of the application process, the FAA will evaluate the integration of that safety element into vehicle systems or operations.

(d) Inspection before issuing a permit. Before the FAA issues an experimental permit, an applicant must make each reusable suborbital rocket planned to be flown available to the FAA for inspection. The FAA will determine whether each reusable suborbital rocket is built as represented in the application.

(e) Other requirements. The FAA may require additional analyses, information, or agreements if necessary to protect public health and safety, safety of property, and national security and foreign policy interests of the United States.

Program Description

§ 437.23 Program description.

(a) An applicant must provide—

(1) Dimensioned three-view drawings or photographs of the reusable suborbital rocket; and

(2) Gross liftoff weight and thrust profile of the reusable suborbital rocket.
(b) An applicant must describe—
   (1) All reusable suborbital rocket systems, including any structural, flight control, thermal, pneumatic, hydraulic, propulsion, electrical, environmental control, software and computing systems, avionics, and guidance systems used in the reusable suborbital rocket;
   (2) The types and quantities of all propellants used in the reusable suborbital rocket;
   (3) The types and quantities of any hazardous materials used in the reusable suborbital rocket;
   (4) The purpose for which a reusable suborbital rocket is to be flown; and
   (5) Each payload or payload class planned to be flown.

(c) An applicant must identify any foreign ownership of the applicant as follows:
   (1) For a sole proprietorship or partnership, identify all foreign ownership,
   (2) For a corporation, identify any foreign ownership interests of 10% or more, and
   (3) For a joint venture, association, or other entity, identify any participating foreign entities.

§ 437.25 Flight test plan.
An applicant must—
(a) Describe any flight test program, including estimated number of flights and key flight-safety events.
(b) Identify and describe the geographic coordinates of the boundaries of one or more proposed operating areas where it plans to perform its flights and that satisfy §437.57(b) of subpart C. The FAA may designate one or more exclusion areas in accordance with §437.57(c) of subpart C.
(c) For each operating area, provide the planned maximum altitude of the reusable suborbital rocket.

§ 437.27 Pre-flight and post-flight operations.
An applicant must demonstrate how it will meet the requirements of §437.53(a) and (b) to establish a safety clear zone and verify that the public is outside that zone before and during any hazardous operation.

§ 437.29 Hazard analysis.
(a) An applicant must perform a hazard analysis that complies with §437.55(a).
(b) An applicant must provide to the FAA all the results of each step of the hazard analysis required by paragraph (a) of this section.

§ 437.31 Verification of operating area containment and key flight-safety event limitations.
(a) An applicant must identify, describe, and provide verification evidence of the methods and systems used to meet the requirement of §437.57(a) to contain its reusable suborbital rocket’s instantaneous impact point within an operating area and outside any exclusion area. The description must include, at a minimum—
   (1) Proof of physical limits on the ability of the reusable suborbital rocket to leave the operating area; or
   (2) Abort procedures and other safety measures derived from a system safety engineering process.
(b) An applicant must identify, describe, and provide verification evidence of the methods and systems used to meet the requirements of §437.59 to conduct any key flight-safety event so that the reusable suborbital rocket’s instantaneous impact point, including its expected dispersions, is over unpopulated or sparsely populated areas, and to conduct each reusable suborbital rocket flight so that the reentry impact point does not loiter over a populated area.

§ 437.33 Landing and impact locations.
An applicant must demonstrate that each location for nominal landing or any contingency abort landing of the reusable suborbital rocket, and each location for any nominal or contingency impact or landing of a component of that rocket, satisfies §437.61.

§ 437.35 Agreements.
An applicant must enter into the agreements required by §437.63, and provide a copy to the FAA.

§ 437.37 Tracking.
An applicant must identify and describe each method or system used to