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FEDERAL AVIATION  
ADMINISTRATION  
DOCKET SECTION

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OFFICE OF THE  
CHIEF COUNSEL  
RULES DOCKET

1999 JUL 15 P 4:10

Date: 7/8/99 8:48 PM  
Sender: <Maryniak@aol.com>  
To: 9-NPRM-CMTS  
cc: Maryniak@aol.com  
Priority: Normal  
Subject: Reusable Launch Vehicle and Reentry Licensing Regulations

U.S. Transportation Dockets  
Docket No. FAA-1999-5535  
400 Seventh Street SW  
Room Plaza 401  
Washington, DC 20590

RE: Comments on Notice of Proposed Rule Making Regarding Commercial Space Transportation Reusable Launch Vehicle and Reentry Licensing Regulations

The X PRIZE Foundation is a non profit education organization dedicated to fostering public spaceflight. Our principal tool is a prize, modeled after the Orteig Prize which motivated Charles' Lindbergh's epic Spirit of St. Louis flight and changed the course of aviation history.

At present 16 teams on 3 continents are registered to compete for the \$10 Million dollar X PRIZE. The flight requires private teams to fly a three-place piloted vehicle to an altitude of 100 km. To prove reusability the winning team must repeat this feat within a 2 week period with the same vehicle.

The purpose of the X PRIZE is to create an incentive for the development of the first vehicles which can begin to address the next large commercial space launch market: space tourism. Just as barnstorming preceded air-mail and scheduled air passenger service, providing the public with an opportunity to experience spaceflight will be a very significant economic activity for RLV operators in the near future. This statement is based upon market research conducted in the United States, Europe, Canada and Japan.

As an organization with a keen interest in the development of near-term commercially viable RLV's we appreciate the opportunity to comment upon the proposed rules for RLV licensing. We further offer our organization's continued support as a resource on space commercialization operating without a design-related bias.

Specific comments:

We applaud the efforts of AST to create an environment conducive to RLV development and testing.

In general the proposed rules appear written to accommodate orbital flights and the potential for international obligations pursuant to existing space treaties. In the case of suborbital flights where there is no international overflight we would propose standards which impose less of a burden upon operators in the absence of compelling safety or other strong public policy rationales.

For example, the proposed 60 day preflight notice period will create difficulties for operators hoping to achieve flexibility and cost savings to customers. Particularly in the case of suborbital trips, such a lengthy

period of time does not appear to result in safety benefits to the public. We therefore propose that the notice period be no longer than that required for the issuance of appropriate Notices to Airmen / Notices to Mariners.

With respect to the requirements of a dedicated safety official, it is our belief that while such a requirement is an extremely good practice in the case of unpiloted vehicles, that there is a better model to use as a basis for operation of piloted craft. Specifically we recommend that the ultimate responsibility for operational safety decisions in the case of piloted vehicles should reside with the pilot in command. Similar responsibility and authority exists within the FAR's for pilots of aircraft.

Regarding the issue of payload review we would hope that where people are the payload that the review process would only be required once for a given operator or vehicle and the results applied to any and all future flights of a similar nature.

Respectfully submitted,

X PRIZE Foundation

Gregg E. Maryniak  
Executive Director

cc: 9-NPRM-CMTS@faa.gov (via electronic mail)



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COMMEN-1 DOC

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