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September 23, 1999

U.S. Department of Transportation Dockets  
Docket No. FAA-1999-5833-13  
400 Seventh Street SW  
Room Plaza 401  
Washington, DC 20590

To Whom It May Concern:

The efficient operation of a launch site is of the utmost importance for a commercial launch services company. While Kistler understands that the referenced NPRM addresses expendable launch systems and sites with multiple users, and is therefore not strictly applicable to Kistler, Kistler would like to enter these comments as its contribution to the ongoing dialog on launch operations.

Kistler would like to thank the FAA for the opportunity to comment on this NPRM. Should you have any questions or require clarification, please do not hesitate to contact me at the above address and phone number.

Sincerely,

(signed)  
Paul W. Birkeland  
Systems Engineer, Licensing  
Kistler Aerospace Corporation

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OFFICE OF THE  
CHIEF COUNSEL  
RULES DOCKET

**KISTLER AEROSPACE CORPORATION**  
COMMENTS TO  
Docket Number FAA- 1999-5833  
NOTICE OF PROPOSED RULEMAKING FOR  
LICENSING AND SAFETY REQUIREMENTS FOR  
OPERATION OF A LAUNCH SITE

**Introduction**

Kistler Aerospace Corporation is pleased to submit these brief comments in response to the FAA's Notice of Proposed Rulemaking for launch site operations. While Kistler intends to operate from a dedicated launch site, Kistler would like to make some clarifying comments to the docket.

**Comment 1**

Kistler understands that the methodologies presented in this NPRM assume the operation of *an expendable* launch system from the candidate spaceport. Among the items indicating this are:

- the assumption of a flight termination (destruct) system;
- the assumption of a ground-based tracking system;
- the lack of discussion of abort scenarios;
- the assumption that a casualty expectation analysis is necessary for assessing risk.

Kistler further understands that the FAA intends to treat reusable launch vehicles on a case-by-case basis as stated in the following passage from the NPRM.

*“The safety of launch points for reusable launch vehicles will be evaluated on a case-by-case basis in a manner consistent with the principles expressed here.”*

Kistler believes that this approach is the proper one and fully justified in light of the new capabilities and operational concepts that will be brought to the industry by reusable launch systems.

**Comment 2**

The FAA states that certain siting requirements need not be met by operators operating out of federal ranges since these ranges already have such rules in place.

*“Pursuant to proposed section 420.31 (b), the requirement to submit an explosive site plan to the FAA would not apply to an applicant applying for a license to operate a launch site at a federal launch range. Federal launch ranges have separate rules*

*which are either identical or similar to the rules proposed, or require mitigation measures which otherwise ensure safety.”*

Kistler commends the FAA for its foresight in striving to keep the regulatory environment free from redundant requirements levied by multiple agencies.

Kistler recommends that this approach be expanded to include launch site operators operating out of localities that already address these same requirements through local rules or ordinances. In Kistler’s case, for example, the Nevada Test Site is typically not included as one of the federal launch ranges, but siting requirements in regard to hazardous operations and hazardous material storage already exist, and Kistler will be held subject to them.

FAA acquiescence to Department of Energy, or any local oversight authority that addresses the topics addressed in this NPRM, would further relieve the industry of duplicative rules and requirements.