

[Docket Number FAA-2000-7953]

Summary of comments received at Range Users Advisory Committee Board meeting in Colorado Springs, CO on 2/22/01.

Prior to a briefing by industry I spoke about the FAA's 60 day extension for comments and that no comments had as yet been received. I handed out copies of the extension notice. I also provided 20 copies of frequently asked questions developed by AST which spoke to industry concerns with the NPRM. Before and following the briefing I frequently requested that the FAA be provided industry comments as soon as they were available. I made no commitments during the meeting.

The Range Users Advisory Committee briefing was entitled "FAA Proposed Safety Rules For Federal and Non-federal Ranges". The handout was provided and is attached to this summary.

Several comments on the FAA NPRM were made at the beginning of the briefing including concerns that:

1. The FAA proposal provides solutions which are not performance based and that this will be in conflict with the new EWR 127-1 that is now being developed.
2. How are the NPRM and the MOA consistent (when the NPRM and 127-1 may differ)?
3. Since 127-1 is being revised at the same time as the NPRM is being issued there is a sense of not knowing which will be in effect when new systems (e.g. EELV) are ready for launch.

During the briefing industry said that they recognized the goals of minimizing regulation and developing common safety standards. They had recently received word that the FAA had extended the comment period for 60 days. However an extended period was necessary because of the incompatibility of the 127-1 and the NPRM.

Comments on Slide 3 brought questions about the conservative approach used by the FAA for safety including design, testing, process and data. This approach apparently does not support grandfathering of existing (tailored) programs.

There were many comments attached to slide 4. This included the concern that there would be a significant impact on industry if there are dual requirements - one set for government launches and one for commercial launches. As stated in the chart, the added benefits of the NPRM were questionable as the existing range process had proven effective. "Meets intent" has been the basic tenet at the range - this is described as flexibility in interpretation and application of requirements. This is not the same as picking the correct interpretation when the Eastern and Western Range differ.

The last comment on page 4 expressed the concern that detailed requirements in the appendices go against the trend toward performance standards. Another concern was that the tailoring process is costly (and any new change would again increase costs). The tailoring process is accomplished during the development cycle of the vehicle (not after the vehicle has been completed) and takes 1 1/2 to 2 years. There is a concern that the EELV system will not meet requirements if there is one set of rules for the government launch and another for commercial launch, i.e. two sets of rules on the range and that it has been developed with 127-1 in mind.

Slide 5 detailed the concern that costs will be higher for the NPRM's detailed requirements. The way vehicles are developed has always been in an evolved manner. Therefore, systems and components which are used from previous vehicles are well known. Industry expressed the concern that they will be challenged to provide data and analysis at every system and component level for known systems/components - this is a major cost element. Scheduling would also be impacted. The third point on the slide states that the NPRM should establish minimum safety requirements while industry should be responsible for design solutions - there are too many design solutions in the regulation. Finally, it appears

that the NPRM is designed for people who are uncomfortable with past practices and do not have the insight (vs. oversight) that is needed to keep costs down while maintaining safety.

Other comments:

Industry has become very lean as a result of cutbacks and their current efforts to work on both the new 127-1 comments and the NPRM are time consuming. There were several implementing suggestions made which would decrease industry's cost while implementing the FAA regulation including:

1. Hold off on applying appendices to the detail level that the industry can accept.
2. Allow tailoring within the regulation.
3. Allow industry to partner with the FAA using COMSTAC for rewriting the appendices. Industry has not been involved with the development of the appendices.
4. Implement the regulation at non-federal facilities first.

At the wrap up of the meeting some additional comments were made including:

1. The need for 180 days to align the new 127-1 - which is to be performance based. (NOTE - One member of the Air Force/FAA group that is developing the new 127-1 stated that the new 127-1 to be completed for review in March will not be performance based.)
2. The Air Force and the FAA should assure that there is only one set of regulations/standards at the federal ranges applicable to both government and commercial launches.

Herb Bachner

Manager, Space Systems Development Division

FAA, Office of the Associate Administrator for Commercial Space Transportation