

Supporting Statement A

**COMMERCIAL SPACE TRANSPORTATION REUSABLE LAUNCH
VEHICLE MISSION LICENSING REGULATIONS**

14 CFR Part 431

Effective November 2000

And

**COMMERCIAL SPACE TRANSPORTATION REENTRY OF A VEHICLE
OTHER THAN A REUSABLE LAUNCH VEHICLE LICENSING
REGULATIONS**

14 CFR Part 435

Effective November 2000

OMB Control Number 2120-0643

1. Explain the circumstances that make collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The data is necessary for a U.S. citizen to apply for and obtain a reusable launch vehicle (RLV) mission license or a reentry license for activities by commercial or non-federal entities (that are not done by or for the U.S. Government) as defined and required by 51 U.S.C. Chapter 509, formerly known as the Commercial Space Launch Act of 1984, as amended. The information is needed in order to demonstrate to the FAA Office of Commercial Space Transportation (FAA/AST) that the proposed activity meets applicable public safety, national security, and foreign policy interests of the United States.

The FAA issued the final rule for Commercial Space Transportation Reusable Launch Vehicle and Reentry Licensing Regulations in 2000. Related to these, a final rule for Human Space Flight Requirements for Crew and Space Flight Participants was issued in 2007.

This information collection activity supports the Department of Transportation's strategic goal on safety. This goal is to promote the public health and safety by working toward the elimination of transportation-related deaths, injuries, and property damage.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Commercial or non-federal entities who desire to obtain a reusable launch vehicle (RLV) mission license or a reentry license are mandated to report to this information collection.

The information to be collected includes data required for performing a safety review, which includes a technical assessment to determine if the applicant launches or reenters an RLV or a reentry vehicle to a designated site without jeopardizing public health and safety and the safety of property. This information collection requirement is intended for incorporating acquired data into the license, which then becomes binding on the launch and/or reentry operator.

Under the policy review and approval process, an applicant is required to submit information that enables FAA/AST to summarize the application requirements identifying foreign ownership of the vehicle. FAA/AST determines, before issuing a license, if issuance of an RLV mission license would jeopardize the foreign policy or national security interests of the U.S.

In accordance with the requirements of the National Environmental Policies Act, 42 U.S.C. § 4321, et. seq., (NEPA), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA, 40 CFR Parts 1500-1508, and the DOT's Procedures for Considering Environmental Impacts, DOT Order 5610.1C, applicants are required to submit environmental information concerning proposed RLVs and reentry vehicles that are not currently described in the environmental impact statements, as well as payloads that may have significant environmental impacts in the event of a launch accident.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

In accordance with the Government Paperwork Elimination Act, a website is maintained to improve the ability of the public to access information pertaining to the collection of information. However, due to the highly sensitive and proprietary nature of information collected, applicants that apply for a license generally choose to submit their information through secure mail or couriers. Also, a small number of applicants is expected, and therefore the number of paperwork submissions will remain very low.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for purposes described in Item 2 above.

Due to the proprietary nature of the information collected, it is not publicly available and the FAA is the only agency that collects this type of information.

5. If the collection of information impacts small businesses or other small entities, describe the methods used to minimize burden.

Pursuant to the Regulatory Flexibility Act of 1980 (RFA), FAA/AST certifies that the rule does not have a significant impact on a substantial number of small entities. Regulations are written to allow flexibility and innovation.

6. Describe the consequence to Federal programs or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Without the collection of information upon every occasion, the FAA would not be able to complete its strategic goal of safety.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- *requiring respondents to report information to the agency more often than quarterly;*
- *requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;*
- *requiring respondents to submit more than an original and two copies of any document; requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;*
- *in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;*
- *requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*
- *that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or*
- *requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.*

This requirement follows the guidelines in 5 CFR 1320.5(d)(2)(i)-(viii).

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission.

Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A 60-day notice was published in the Federal Register on March 28, 2018 (83 FR 13338), to solicit comments on the collection related to Commercial Space Transportation Reusable Launch Vehicle Reentry Licensing Regulations. No comments were received.

9. Explain any decisions to provide any payment as gift to respondents, other than reenumeration of contractors or grantees.

No payments or special compensation to respondents will be made.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

All information collected, including company proprietary information, will be protected in accordance with §413.9 of the Code of Federal Regulations and 49 USC 70114.

Under §413.9, "Confidentiality," of the Code of Federal Regulations:

"(a) Any person furnishing information or data to the FAA may request in writing that trade secrets or proprietary commercial or financial data be treated as confidential...."

"(d) Information or data for which confidential treatment has been requested or information or data that qualifies for exemption under section 552(b)(4) of Title 5, United States Code, will not be disclosed to the public unless the Associate Administrator determines that the withholding of the information or data is contrary to the public or national interest."

51 U.S.C. Chapter 509, 50916, "Disclosing information," states that "The Secretary of Transportation, an officer or employee of the United States Government, or a person making a contract with the Secretary under section 50907(b) of this title may disclose information under this chapter that qualifies for an exemption under section 552(b)(4) of title 5 or is designated as confidential by the person or head of the executive agency providing the information only if the Secretary decides withholding the information is contrary to the public or national interest."

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No sensitive information is required.

**12. Provide estimates of the hour burden of the collection of information.
The statement should:**

The burden estimates for industry in completing the RLV mission license application are based on the hours required for pre-application consultation, preparation of the license application, and resolution of questions associated with the application process. It is estimated that the number of RLV license applicants will range from three to six per year over a three-year period beginning in 2018.

As shown in Table 1, the total estimated annualized cost to industry per year for all RLV mission license applications (and reentry vehicles) is calculated by multiplying the estimated cost to industry per application by the total annual applications. Discussions with industry representatives resulted in a substantial range in the estimates of hours required to obtain a RLV mission license. Therefore, hours and cost estimates provided in this document encompass the range of estimates offered by industry. The estimated cost to industry per application ranges from \$189,000 to \$315,000.

The total annual industry hours for submitting licensing applications (3,000 to 15,000) are calculated by multiplying industry hours to submit an application (3,000 to 5,000) by total annual applications (3 to 6). The industry hourly rate (\$63.00) is the unit labor cost for aerospace engineering personnel involved in gathering, reviewing, and formatting the information required in each license application. The industry hourly rate is based on aerospace engineering personnel only; it does not include rates for executive or managerial personnel. The industry hourly rate includes a fringe benefit multiplier of about 32 percent, based on discussions with industry. The estimated cost to industry per application (\$189,000 to \$315,000) is calculated by multiplying the estimated unit labor cost by the estimated industry hours required to submit an application (3,000 to 5,000). The total estimated annualized costs (\$567,000 to \$1,890,000) are calculated by multiplying the cost to industry per application by the total annual applications (3 to 6).

Based upon current use (there have been 1 in 2015, 1 in 2017, and 2 in 2018 to date) and advances in technology, the FAA is continuing to request approval of the high-end estimated burden.

Table 1: RLV Mission (and Reentry Vehicle) License Regulations Estimated Burden Hours and Annual Costs to Industry

	<u>Low</u>	<u>High</u>
Annual number of applicants	3	6
Annual number of applications per applicant	1	1
Total annual applications	3	6
Industry hours to submit an application	3,000	5,000
Total annual industry hours	9,000	30,000
Industry hourly rate	\$63.00	\$63.00
Cost to industry per application	\$189,000	\$315,000

Total estimated annualized costs	\$567,000	\$1,890,000
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The high-end estimated burden is 6 responses and 30,000 hours annually.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

There is no additional cost other than that shown in Item 12.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The estimated annualized cost for FAA/AST to administer the provisions of the regulation for a single application ranges from \$329,742 to \$611,484 (see Table 2). Based on the 2014 GS 13 Step 5 wage, an annual cost is \$109,534 per federal worker. The government hourly rate (\$52.66) is calculated by dividing the annual salary by the total yearly government working hours (2,080) per worker. A fringe benefit multiplier of 36.25% is used to increase the government hourly rate to \$71.75. The total annual government hours for processing RLV mission license applications (9,000 to 36,000) are calculated by multiplying government hours required to process each application (3,000 to 6,000) by the total number of new applications (3 to 6). The total estimated annualized costs (ranging from \$582,120 to \$2,378,480) are calculated by multiplying the cost to the Government per application (\$194,040 to \$388,080) by the total annual applications (3 to 6).

Burden estimates for the government are based on those hours required for facilitating pre-application consultation; license application acceptance and review procedures; disposition of a license (i.e., approved or disapproved); and issuance of the license.

Table 2: RLV Mission (and Reentry Vehicle) License Regulations Estimated Burden Hours and Annual Costs to Government

	Low	High
Annual number of applicants	3	6
Annual number of applications per applicant	1	1
Total annual applications	3	6
Government hours to process an application	3,000	6,000
Total annual Government hours	9,000	36,000
Government hourly rate	\$71.75	\$71.75
Cost to Government per application	\$194,040	\$388,080
Total estimated annualized costs	\$582,120	\$2,378,480

Based upon current use and advances in technology the FAA is continuing to request approval of the high-end estimate.

15. Explain the reasons for any program changes or adjustments.

Adjustments are a result of using 2018 labor rates for the calculation of government and commercial burden costs. The government rate is based on the 2018 national average salary and hourly rate for GS13, step 5 employees. The industry rate is based on the 2018 Bureau of Labor Statistics average annual salary for aerospace engineers.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

FAA/AST does not intend to publish this information.

17. If seeking approval to not display the expiration date of OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not seeking approval.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions.