

**Commercial Space Transportation, FAA, DOT**

**§ 405.1**

of property, and national security and foreign policy findings;

(2) The FAA will provide its decision in writing; and

(3) The FAA may grant the request, deny the request, or grant an alternative time frame that differs from what was requested.

[Doc. No. FAA-2019-0229, Amdt. 404-7, 85 FR 79710, Dec. 10, 2020]

**§ 404.17 Additional rulemaking proceedings.**

The FAA may initiate other rulemaking proceedings, if necessary or desirable. For example, it may invite interested people to present oral arguments, participate in conferences, appear at informal hearings, or participate in any other proceedings.

[Doc. No. FAA-2006-24197, 72 FR 17016, Apr. 6, 2007]

**§ 404.19 Hearings.**

(a) Sections 556 and 557 of Title 5, United States Code, do not apply to

hearings held under this part. As a fact-finding forum, each hearing held under this part is nonadversarial and there are no formal pleadings or adverse parties. Any rule issued in a proceeding in which a hearing is held is not based exclusively on the record of the hearing, but on the entire record of the rulemaking proceeding.

(b) The Associate Administrator designates a representative to conduct any hearing held under this part. The FAA Chief Counsel designates a legal officer for the hearing.

[53 FR 11013, Apr. 4, 1988, as amended by Amdt. 404-2, 68 FR 35289, June 13, 2003]

**APPENDIX A TO PART 404—ALTERNATIVE TIME FRAMES**

**A404.1 GENERAL**

*Alternative time frames.* This appendix lists the sections and corresponding paragraphs in this chapter that provide the eligible time frames for an applicant, licensee, permittee, or safety element approval holder, as applicable, to request an alternative time frame.

**TABLE A404.1—ELIGIBLE TIME FRAMES**

Sections	Paragraphs
§ 404.5—Filing a petition for waiver .....	(a).
§ 413.23—License or permit renewal .....	(a).
§ 414.31—Safety element approval renewal .....	(a).
§ 420.57—Notifications .....	(d).
§ 437.89—Pre-flight reporting .....	(a), (b).
§ 440.15—Demonstration of compliance .....	(a)(1), (a)(2), (a)(3), (a)(4).
§ 450.169—Launch and Reentry Collision Avoidance Analysis Requirements .....	(f)(1).
§ 450.213—Pre-flight reporting .....	(b), (c), (d), (e).
§ 450.215—Post-flight reporting .....	(a)

[Doc. No. FAA-2019-0229, Amdt. 404-7, 85 FR 79710, Dec. 10, 2020]

**PART 405—COMPLIANCE AND ENFORCEMENT**

Sec.

405.1 Monitoring of licensed, permitted, and other activities.

405.3 Authority to modify, suspend or revoke.

405.5 Emergency orders.

AUTHORITY: 51 U.S.C. 50901-50923.

SOURCE: Docket No. 43810, 53 FR 11014, Apr. 4, 1988, unless otherwise noted.

**§ 405.1 Monitoring of licensed, permitted, and other activities.**

Each licensee or permittee must allow access by and cooperate with Federal officers or employees or other individuals authorized by the Associate Administrator to observe licensed facilities and activities, including launch sites and reentry sites, as well as manufacturing, production, testing, and training facilities, or assembly sites used by any contractor, licensee, or permittee to produce, assemble, or test a launch or reentry vehicle and to integrate a payload with its launch or reentry vehicle. Observations are conducted to monitor the activities of the licensee, permittee, or contractor at

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such time and to such extent as the Associate Administrator considers reasonable and necessary to determine compliance with the license or permit or to perform the Associate Administrator's responsibilities pertaining to payloads for which no Federal license, authorization, or permit is required.

[Doc. No. FAA-2006-24197, 72 FR 17016, Apr. 6, 2007]

#### § 405.3 Authority to modify, suspend or revoke.

(a) The FAA may modify a license or permit issued under this chapter upon application by the licensee or permittee or upon the FAA's own initiative, if the FAA finds that the modification is consistent with the requirements of the Act.

(b) The FAA may suspend or revoke any license or permit issued to such licensee or permittee under this chapter if the FAA finds that a licensee or permittee has substantially failed to comply with any requirement of the Act, any regulation issued under the Act, the terms and conditions of a license or permit, or any other applicable requirement; or that public health and safety, the safety of property, or any national security or foreign policy interest of the United States so require.

(c) Unless otherwise specified by the Office, any modification, suspension or revocation made by the Office under this section:

(1) Takes effect immediately; and

(2) Continues in effect during any review of such action under Part 406 of this chapter.

(d) Whenever the FAA takes any action under this section, the FAA immediately notifies the licensee or permittee in writing of the FAA's finding and the action, which the FAA has taken or proposes to take regarding such finding.

[Doc. No. 43810, 53 FR 11014, Apr. 4, 1988, as amended by Amdt. 405-3, 72 FR 17016, Apr. 6, 2007]

#### § 405.5 Emergency orders.

The Associate Administrator may immediately terminate, prohibit, or suspend a licensed or permitted launch, reentry, or operation of a launch or reentry site if the Associate Administrator determines that—

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(a) The licensed or permitted launch, reentry, or operation of a launch or reentry site is detrimental to public health and safety, the safety of property, or any national security or foreign policy interest of the United States; and

(b) The detriment cannot be eliminated effectively through the exercise of other authority of the Office.

[53 FR 11014, Apr. 4, 1988, as amended by Amdt. 405-1, 65 FR 56657, Sept. 19, 2000; Amdt. 405-3, 72 FR 17017, Apr. 6, 2007]

## PART 406—INVESTIGATIONS, ENFORCEMENT, AND ADMINISTRATIVE REVIEW

### Subpart A—Investigations and Enforcement

Sec.

406.1 Hearings in license, permit, and payload actions.

406.3 Submissions; oral presentation in license, permit, and payload actions.

406.5 Administrative law judge's recommended decision in license, permit, and payload actions.

406.7 [Reserved]

406.9 Civil penalties.

406.10-406.100 [Reserved]

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