

configurations. *Grant, November 5, 1992, Exemption No. 5547.*

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Office of Commercial Space Transportation

[Notice 92-27]

Commercial Space Transportation; Evaluation of COMET Reentry Vehicle System

AGENCY: Office of the Secretary; Office of Commercial Space Transportation, DOT.

ACTION: Notice.

SUMMARY: Pursuant to the Commercial Space Launch Act of 1984, as amended, and the Commercial Space Transportation Licensing Regulations, the Department of Transportation Licensing Regulations, the Department of Transportation (the Department) is evaluating a proposed commercial reentry vehicle system as part of the first application for a license to place a reentry vehicle into space. This Notice describes generally the Department's approach to ensuring that the proposed reentry mission can be conducted safely.

FOR FURTHER INFORMATION CONTACT: Norman C. Bowles, Associate Director, Licensing and Safety Division, Office of Commercial Space Transportation, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590 (202) 366-2929.

SUPPLEMENTARY INFORMATION:

Background

In a notice published March 24, 1992 in the *Federal Register* (57 FR 10213-10216) (the notice), the Office of Commercial Space Transportation (OCST) described its process for evaluating the first commercial reentry vehicle system to ensure that the vehicle is capable of operating safely and reliably. The vehicle safety approval process is one component of OCST's approach to protecting the public health and safety, safety of property, and national security and foreign policy interests of the United States, consistent with the Department's mandate under the Commercial Space Launch Act of 1984, as amended (the Act), 49 U.S.C. App. 2601-2623.

As explained in the Notice, OCST evaluates license applications for the conduct of proposed launch activities on a case-by-case basis, thereby retaining the flexibility necessary to address the

wide variety of launch proposals presented for licensing.

The notice identifies and explains the three criteria against which the first reentry vehicle developed under the Commercial Experiment Transporter or COMET Program is being evaluated prior to issuing a vehicle safety approval. The criteria are designed to assess the capability of the COMET reentry vehicle system as it relates to public safety.

In the notice, OCST indicated that it was planning to issue two licenses relating to the reentry mission—one for the launch of a conventional expendable launch vehicle (ELV) placing the COMET reentry vehicle system into orbit, and one for the reentry operation returning the reentry vehicle to a designated landing site on earth. Subject to final approval by the Air Force, the designated landing site for the reentry vehicle is the Utah Test and Training Range, a U.S. Government facility located in a sparsely populated area of Utah.¹

OCST now intends to issue a single license authorizing the ELV launch into space of the COMET reentry vehicle system for its intended reentry to earth. For purposes of licensing the ELV launch, the reentry vehicle system carried aboard the ELV and then placed into orbit is the payload.

From a public safety perspective, this change in licensing approach has no impact.

Section 6(b)(2) of the Act gives the Department broad authority to determine whether the launch of any payload not otherwise subject to licensing by another Federal agency should be prevented because it would jeopardize the public health and safety, safety of property, or any national security interest or foreign policy interest of the United States (49 U.S.C. App. 2605(b)(2)). OCST exercises its regulatory authority over unlicensed payloads through the mission review process described in §§ 411.7 and 415.21-415.25 (14 CFR 411.7, 415.21-415.25) of the Commercial Space Transportation Licensing Regulations (the regulations, 14 CFR Chapter III). Under § 411.7 of the regulations, the operator of an unlicensed payload may apply to OCST for this determination, in advance of a launch license request or request for mission approval (14 C.F.R. 411.7).

¹ The Department has requested to be a cooperating agency with the Air Force in conducting a site-specific environmental assessment for the COMET reentry vehicle operation. An Environmental Impact Statement for Commercial Reentry Vehicles was issued by the Department in May, 1992.

Under the single license approach adopted by OCST for the first COMET reentry mission, Space Industries, Inc. (SII), as the operator of the reentry vehicle system, may submit an application for a payload determination. The payload determination is one element of OCST's mission review process, and will become part of the record used to support the licensing action for the ELV launch (14 CFR 411.7, 415.7, 415.23, 415.25).

In conducting the payload determination, OCST will continue the vehicle safety review process, as described in the Notice, and evaluate SII's capability for operating the system safely. Following appropriate interagency coordination, upon issuance of a vehicle safety approval, if any, and a determination that the vehicle can be operated safely by SII, OCST will issue a payload determination to SII finding that there is no public safety or other reason under the regulations to prevent the launch of the COMET reentry vehicle system (49 U.S.C. App. 2605(b)(2)). The payload determination will reflect the precise design and operating limits approved by OCST as part of the vehicle safety approval, and any conditions on the vehicle's approval and its operation determined necessary to protect public safety.

Issued in Washington, DC., this 12 day of November 1992.

Donald R. Trilling,

Acting Director, Office of Commercial Space Transportation.

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DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: November 17, 1992.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.