



Federal Aviation Administration

Fact Sheet – Moon Express Payload Review Determination

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Contact: Laura Brown

Phone: 202-267-3883

On April 8, 2016, Moon Express, Inc. submitted a request to the Federal Aviation Administration (FAA) for a Payload Review and Determination on the MX-1E spacecraft. On April 21, 2016, the FAA accepted this application and proceeded with review.

The MX-1E is a spacecraft/lander capable of transfer from Earth orbit to the Moon, making a soft landing on the lunar surface, and performing post-landing relocations through propulsive “hops.”

On July 20, 2016, the FAA made a favorable payload determination for the Moon Express MX-1E mission. The FAA has determined that the launch of the payload does not jeopardize public health and safety, safety of property, U.S. national security or foreign policy interests, or international obligations of the United States. As long as none of the information provided to the FAA changes in a material manner and the FAA does not become aware of any issues the review did not consider that could affect the determination, the FAA considers this determination final. Additionally, if a launch operator applies to the FAA for a license to launch a vehicle carrying the MX-1E payload, the favorable payload determination will be incorporated in our review of the license application.

The FAA's authority to make payload determinations is derived from 51 U.S.C. 50904. The FAA's regulatory requirements for payload reviews is outlined in 14 CFR §415, Subpart D. A payload review may be conducted as part of a license application review or a payload owner or operator may request it in advance of or apart from a license application. The FAA consults with other agencies to determine whether the launch of a proposed payload or payload class would present any issues affecting public health and safety, safety of property, U.S. national security or foreign policy interests, or international obligations of the United States. The interagency process is outlined in 14 CFR §415, Subpart D.

The requirements for a payload review can be found in 14 CFR §415.59. They include payload name, class,

physical dimensions, owner and operator (if different from person requesting payload review), orbital parameters, hazardous materials, intended payload operations, and delivery point in flight at which the payload will no longer be under the licensee's control.

Article VI of the Outer Space Treaty requires, in relevant part, that "The activities of non-governmental entities in outer space, including the Moon and other celestial bodies, shall require authorization and continuing supervision by the appropriate State Party to the Treaty." The FAA consulted with the Department of State as to the relevant portions of the Treaty and considered comments from the Department as part of the payload determination. The representations made by the payload operator in the request are enforceable through Chapter 509 of Title 51, United States Code, and FAA regulations. For this particular mission and set of circumstances, the FAA concludes, in concurrence with the Department of State, that the enforcement of these representations constitutes compliance with Article VI of the Outer Space Treaty. This determination does not extend to future missions by Moon Express, Inc. or similar missions from other entities. Any future requests for a payload determination from Moon Express, Inc. or another entity will be evaluated on a case-by-case basis.

The FAA made a favorable payload determination for this particular mission, however, not all non-traditional space missions may lend themselves to favorable payload determinations under the payload review authority in 51 U.S.C. 50904. Future missions may require additional authority to be provided to the FAA to ensure conformity with the Outer Space Treaty. Suggested language for legislative relief and the relative merits and needs has been transmitted to Congress in compliance with Section 108 of the Commercial Space Launch Competitiveness Act (Public Law 114-90). In the absence of legislative relief, the FAA will continue to work with the commercial space industry to provide support for non-traditional missions on a case-by-case basis when the law permits.

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