

Berkeley Center for Law and Business University of California, Berkeley School of Law Boalt Hall #7200 Berkeley, CA 94720-7220

Virgin Galactic Makes Progress on Regulatory Front, Clearing the Way for Private Space Flights

By Will Orner, J.D. Candidate 2022

Before Virgin Galactic can send private individuals into space, it must emerge from a complex regulatory web. The company, led by Richard Branson, has made significant progress on this front in 2020, receiving the majority of the approvals it needs for its commercial license to go into effect.

Virgin Galactic Holdings, Inc. is a commercial space flight company that aims to construct <u>infrastructure</u> to enable private space exploration. In the near term, that means building high altitude planes and offering tourists and researchers flights to the <u>lower thermosphere</u>. Customers entering this region of earth's atmosphere, where the International Space Station orbits, will experience several minutes of weightlessness. Tickets cost \$250,000. Though in the long run, the company hopes its investments will push down launch prices, so even more individuals can experience space travel.

To make space tourism a reality, Virgin Galactic is focusing on commercial viability and approval of its launch mechanism. The company must work closely with the Federal Aviation Administration, which governs space tourism. The FAA <u>regulates</u> launch sites, payload, and reentry, and grants experimental and commercial flight permits. In 2016, the FAA issued Virgin Galactic a commercial operating <u>license</u>. Still, after four years, the license is not yet validated.

The FAA hold-up may be attributed to a 2014 crash of an experiential flight backed by the company. The crash prompted the National Transportation Safety Board to <u>criticize</u> the FAA's review process. In its report, the NTSB blamed the agency for failing to provide sufficient oversight and for rushing to approve experimental flight permits. But after six years, Virgin received 20 of the 29 approvals it needs to validate its license.

Barring another mishap, it appears that Virgin Galactic is on its way to providing customers \$250,000 tickets to the thermosphere. All seats for the first flights are reserved.

