August 31, 2026

Hon. Bryan Bedford
Administrator, Federal Aviation Administration
U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590-0001

Re: Docket No. FAA-2026-8614

Dear Administrator Bedford:

The Commercial Space Federation (CSF), the premier trade association representing the American space industry, strongly supports the U.S. Department of Transportation (DOT) and Federal Aviation Administration's (FAA) leadership and proposals to reduce regulatory barriers to commercial space launch and reentry activity through the proposed rule "Waiver of Specified Statutory Requirements for Commercial Space Launch and Reentry Actions."[1] Consistent with Congressional direction established in the Commercial Space Launch Act of 1984 (CSLA) and reaffirmed in subsequent expansions of that historic legislation and other Federal policies including the National Space Policy and National Space Transportation Policy, the proposed rule would encourage, facilitate, and promote commercial space activity while upholding protection of public health, property, and safety.[2] To be clear, CSF and its members are committed to maintaining the highest standards of public safety and environmental protection, and neither would be harmed by streamlining or reducing the specific, unnecessary bureaucratic requirements targeted by this rule.

The American commercial space industry is experiencing a period of unprecedented growth, delivering capabilities, products, and services that are absolutely vital to U.S. national security, economic development, scientific research and exploration, and public life. Additionally, continued progress on national objectives including the National Aeronautics and Space Administration's (NASA) Artemis campaign and the Department of War's (DOW) Golden Dome for America initiative, as well as the ongoing development of an in-space economy, is dependent on ensuring readily available commercial space transportation services and a robust American spaceport network. The President's recent National Space Transportation Policy directs federal agencies to prepare for at least 1,000 annual commercial space launches by 2030, nearly five times the current record of 204 U.S.-licensed operations in 2025.[3] CSF's recent report *Scrubbed: America's Launch Capacity Challenge*, released in partnership with Rational

[1] Federal Aviation Administration, Waiver of Specified Statutory Requirements for Commercial Space Launch and Reentry Actions, Docket No. FAA-2026-8614.
[2] 51 USC § 50901(b); 50905(b)(2)(C) (2026).
[3] Executive Office of the White House, Presidential Memoranda: The National Space Transportation Policy, August 20, 2026. Available here: https://www.whitehouse.gov/presidential-actions/2026/08/national-security-presidential-memorandum-nspm-17/

Futures, identified a potential scenario where U.S. launch demand reaches 7,000 annual launches by the mid-2030s.[4] The Secretary of Transportation expects the American space industry to well exceed even this total by that time, soaring above 10,000 FAA-licensed activities.[5] U.S. space transportation infrastructure is already constrained by current demand, and rapid expansion and enhancement of space infrastructure and facilities is critical to supporting the increasing cadence of operations.[6]

America remains the world leader in space due to the strength of the U.S. commercial space industry. Yet, outdated, unnecessary, and burdensome licensing processes and regulatory requirements are collectively adding years of delays across industry and significantly limiting necessary infrastructure buildout and flight rate growth, while foreign adversaries like China are committed to leapfrogging the United States. Agency misinterpretation and slow implementation of the National Environmental Policy Act (NEPA) and other applicable laws—well in excess of the original Congressional intent—are frequently the longest lead item in the licensing process. As the FAA recognizes in the proposed rule, regulatory reforms addressing these concerns are critical to unleashing American commercial space companies and encouraging continued growth and operational cadence.

The CSLA grants the Secretary of Transportation authority to oversee, license, and regulate commercial launch and reentry activities, and the operation of launch and reentry sites within the United States or as carried out by U.S. citizens.[7] The Secretary is required to exercise this authority consistent with public health and safety, safety of property, and the national security and foreign policy interests of the United States. The Secretary is also required to encourage, facilitate, and promote commercial space launches and reentries by the private sector.[8] These responsibilities are delegated to the FAA Office of Commercial Space Transportation (AST).[9]

Critically, the Secretary is also authorized to prescribe by regulation that a requirement of a U.S. law may not be a requirement for a license or permit if, after consulting with the head of an appropriate executive agency, the Secretary decides that the requirement is not necessary to protect the public health and safety, safety of property, and national security and foreign policy interests of the United States.[10] CSF supports the proposal to invoke this authority and waive requirements under the 13 cited laws for commercial space licenses and permits. Waiving application of these laws would facilitate a modern, efficient licensing process that maintains public health and safety, safety of property, and U.S. national security and foreign policy interests, consistent with the CSLA.

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[4] Commercial Space Federation, "Scrubbed: America's Launch Capacity Challenge," May 18, 2026. Available here: https://commercialspace.org/news_events/scrubbed/.
[5] U.S. Department of Transportation, Trump's Transportation Secretary Sean P. Duffy Launches New Initiatives to Supercharge Space Port Construction, Develop New Space Launch Routes, August 21, 2026. Available here: https://www.transportation.gov/briefing-room/trumps-transportation-secretary-sean-p-duffy-launches-new-initiatives-supercharge.
[6] *Ibid.*
[7] 51 U.S.C. §§ 50901-50924.
[8] *Id.* § 50905.
[9] *See* 49 C.F.R. § 1.83(b).
[10] 51 U.S.C. 50905(b)(2)(C).

The implementation of NEPA review and the other identified environmental laws in the FAA-AST licensing process is too often applied in ways that are disproportionate to the actual environmental impacts of commercial space activities, and beyond the intent of NEPA itself as a "procedural" statute meant to educate agencies and the public on the potential environmental harm of federal actions.[11] As the U.S. Government Accountability Office (GAO) noted in a 2024 analysis of NEPA implementation in the U.S. commercial space industry, the potential environmental harm of almost all active and proposed launches and reentries is now well understood. All 22 commercial space NEPA reviews the FAA had conducted by 2023 resulted in conclusions that the potential environmental impacts of the launch and reentry activities were either below significant levels or were mitigated to be below significant levels overall.[12] Furthermore, 19 of the 22 NEPA reviews were based on previous environmental assessments or environmental impact statements.[13] Further unproductive application of NEPA and other previously assessed environmental laws creates major licensing obstacles and lengthy or duplicative review processes for activities which are already well understood from an environmental impact perspective, delaying mission timelines, increasing costs, and eroding U.S. competitiveness and security in space.

The challenges associated with environmental compliance reviews are compounded by interagency consultation requirements. In instances where FAA-AST operates as the lead agency implementing the NEPA framework, they must coordinate with multiple other consulting government agencies. These agencies often have limited-to-no familiarity with space operations or space infrastructure. This disconnect adds significant schedule to the licensing process. While both FAA-AST and industry have extensively engaged to share information and educate these other authorities, the unique parameters of space operations are often lost in specific personnel or management changeovers.

This has imposed procedural burdens and delays that neither improve environmental outcomes nor reflect the unique operational realities of modern space activities. CSF is proud of the commercial space industry's perfect public safety record that is the result of FAA-AST and industry's dedicated efforts. CSF agrees that, fundamentally, the implementation of the NEPA framework and the other identified environmental laws is not consistent with the CSLA's requirement to encourage commercial space activities and is unnecessary to ensure the public health and safety, safety of property, and U.S. national security and foreign policy interests. In practice, the implementation of the requirements of the 13 laws identified for waiver in the proposed rule have not resulted in the reduction of legally cognizable environmental harm in the commercial space launch and reentry or site licensing and permitting context. Instead, current application of NEPA reviews and other applicable environmental processes produce barriers to the ongoing growth of the competitive U.S. commercial space industry and space infrastructure development with no tangible benefit to environmental sustainability. Importantly, the proposed

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[11] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350, 109 S.Ct. 1835, 1846, 104 L.Ed.2d 351 (1989) (holding "If the adverse environmental effects of the proposed action are adequately identified and evaluated, the agency is not constrained by NEPA from deciding that other values outweigh the environmental costs.)."
[12] U.S. Government Accountability Office, "Commercial Space Transportation: How FAA Considers Environmental and Airspace Effects," April 2024. Available here: https://www.gao.gov/assets/gao-24-106193.pdf.
[13] *Ibid.*

rule would not comprehensibly exempt operators from longstanding environmental legislation like the Clean Air Act or the Clean Water Act.[14] It would simply take steps to increase efficiency for obtaining commercial space licenses from FAA in accordance with CSLA authorities.

CSF therefore strongly supports the expeditious adoption of FAA-AST's proposal to invoke the Secretary of Transportation's statutory authority to waive requirements under the 13 cited laws for commercial space licenses and permits to operate a launch site, licenses to operate a reentry site, experimental permits, and licenses to operate a launch or reentry vehicle. The proposed rule would reduce regulatory burdens, timelines, and compliance costs imposed on the American commercial space industry while facilitating increased competition and enhanced U.S. space transportation infrastructure development. CSF urges that, upon adoption, the proposed rule's applicability be scoped as broadly as possible to encompass all commercial space operations and activities, and supports the scope of the General Waiver as drafted.[15] CSF agrees that waiving FAA-application of the identified laws would only shift responsibility for compliance and supports expansion of the waivers to include lease of Federal lands to an operator and authorizing airspace closures.[16] Finally, CSF encourages the Secretary to coordinate with other relevant federal departments and agencies to ensure that waivers are accepted by any department or agency also involved in commercial space launch and reentry licenses, permitting, operations or siting.

To maximize the effectiveness and accessibility of this waiver authority, CSF recommends that DOT implement a Final Rule with maximum flexibility in scope and application. CSF strongly supports adoption of proposed § 400.3 and waiver of the enumerated laws and requirements in § 400.3(b) and (c). CSF suggests a slight revision to the text of the General Waiver language to clarify that it applies throughout the application process, and not solely after issuance of a license.[17] CSF also recommends that the FAA release a proposed rulemaking on a consistent cadence to identify whether additional laws satisfy the requirements for waiver and should be added to the General Waiver under the Secretary's authority.[18] These efforts could be informed by maintaining a record of individual operators' petitions for relief from requirements of federal environmental laws.[19] Additionally, CSF recommends the development of supportive guidance—such as Advisory Circulars—that identify how the General Waiver interacts with the licensing process, providing industry with predictability and clarity on application process. Further guidance should be provided to both existing licensees and applicants regarding adoption of the General Waiver and effect on existing license applications, licensees, and related documentation.

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[14] *See* FAA NPRM at 48001-02.
[15] *See* FAA NPRM at 48001 (applying the General Waiver to all activities under parts 420, 433, 437, and 450).
[16] FAA NPRM at 47998-99.
[17] For instance, revising proposed § 400.3(a) to read: "This section applies to requirements for obtaining and maintaining licenses to operate…" FAA NPRM at 48001; *c.f.,* 14 C.F.R. § 450.1.
[18] *See, e.g.,* FAA NPRM at 47999 (inviting comment on other requirements).
[19] *See* 51 U.S.C. § 50905(b)(3); 14 C.F.R. § 404.3. CSF also urges the FAA to maintain and publish guidance applicable to action on these requests. Clear guidance on the bounds and considerations that inform waiver decisions will enable operators to better structure their applications and understand where proposed operations may not benefit from the General Waiver, allowing them to request targeted review and provide appropriate technical justification and analysis.

CSF recommends that DOT and FAA-AST continue parallel efforts to streamline underlying environmental review processes and policies, as this authority eases requirements during promulgation of the General Waiver and its potential future expansion. Specifically, CSF encourages continued development and adoption of categorical exclusions (CATEXs) under NEPA for commercial space operations. The FAA should expeditiously apply a CATEX under NEPA for commercial space licensing to be utilized until such time as these requirements are waived via a Final Rule.

Where FAA develops sufficient technical expertise and analytical frameworks, the agency should be empowered to conduct assessments independently rather than relying on consulting agencies with limited space-sector experience. As FAA gains experience through both traditional licensing and application of the General Waiver, codifying lessons learned via future rulemakings will provide long-term stability for industry planning that can better withstand transitions in leadership. This dual-track approach—waiver authority providing immediate relief while continuously improving the waiver program—will ensure sustainable, resilient progress in commercial space licensing efficiency beyond reliance on discretionary authority alone.

Thank you for your consideration of this comment. CSF looks forward to continuing to work with the DOT, FAA, and AST to streamline licensing and regulatory requirements as clearly authorized by the CSLA and in furtherance of U.S. superiority in space.

Sincerely,

Dave Cavossa
President
Commercial Space Federation