BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 400, 420, 433, 437, 450

Docket No. FAA-2026-8614; Notice No. 26-11

RIN 2120-AM51

Waiver of Specified Statutory Requirements for Commercial Space Launch and Reentry Actions

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FAA proposes to amend its commercial space licensing regulations to streamline the licensing process and reduce regulatory burden for applicants. Specifically, FAA proposes to invoke the Secretary of Transportation's statutory authority to waive requirements of laws of the U.S. for a license or permit, after consultation with the head of the appropriate executive agency, when 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. FAA proposes waiving requirements under 13 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.

DATES: Send comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Send comments identified by docket number FAA-2026-8614 using any of the following methods:

- Federal eRulemaking Portal: Go to www.regulations.gov and follow the online instructions for sending your comments electronically.
- Mail: Send comments to Docket Operations: U.S. Department of Transportation (DOT), 1200 New Jersey Avenue S.E., West Building, 5th Floor (W58-213), Washington, D.C., 20590-0001.
- Hand Delivery or Courier: Take comments to Docket Operations in Room W58-213 of the West Building, 5th Floor, at 1200 New Jersey Avenue S.E., Washington, D.C., 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Fax: Fax comments to Docket operations at (202) 493-2251.

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W58-213 of the West Building 5th Floor at 1200 New Jersey Avenue S.E., Washington, D.C. 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Randy Repcheck, Federal Aviation Administration, 800 Independence Avenue SW, Washington, D.C. 20591; telephone (202) 267-9677; email 9-FAA-Waiver-NPRM@faa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Executive Order 14335

On August 13, 2025, President Trump signed Executive Order "*Enabling Competition in the Commercial Space Industry*" (E.O. 14335).[1] As detailed in E.O. 14335, the U.S. must facilitate efficient launches, reentries, and missions in space to continue enhancing economic growth, national security, and accomplish Federal space objectives. To achieve this objective and maintain American leadership in the commercial space industry, the U.S. will streamline approvals for commercial space licenses and permits.

B. Statement of the Problem

In accordance with section 3(a) of E.O. 14335, FAA is exploring the use of all available authorities to eliminate or expedite environmental reviews and other obstacles from licenses to operate launch and reentry vehicles, licenses to launch and reentry sites, and experimental permits. Specifically, under section 50905(b)(2)(C) of title 51 of the United States Code (U.S.C.) the Secretary of Transportation may prescribe by regulation that a requirement of a law of the U.S. not be a requirement for a license or permit if the Secretary, after consulting with the head of the appropriate executive agency, decides 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.

II. Authority for This Rulemaking

The Commercial Space Launch Act of 1984, as amended and codified at 51 U.S.C. 50901–50924, authorizes the Secretary of Transportation to oversee, license, and regulate commercial launch and reentry activities, and the operation of launch and reentry

[1] 90 FR 40219 (Aug. 19, 2025).

sites within the United States (U.S.) or as carried out by U.S. citizens. Section 50905 directs the Secretary to exercise this responsibility consistent with public health and safety, safety of property, and the national security and foreign policy interests of the United States. In addition, section 50903 requires the Secretary to encourage, facilitate, and promote commercial space launches and reentries by the private sector. As codified in 49 CFR 1.83(b), the Secretary has delegated authority to the FAA Administrator to carry out these functions.

Finally, under 51 U.S.C. 50905(b)(2)(C), the Secretary of Transportation may prescribe by regulation that a requirement of a law of the U.S. not be a requirement for a license or permit if the Secretary, after consulting with the head of the appropriate executive agency, decides 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.

III. Background

Chapter III of title 14 of the Code of Federal Regulations (14 CFR) sets forth the procedures and requirements applicable to the authorization and supervision under 51 U.S.C. subtitle V, chapter 509, of commercial space transportation activities conducted in the United States or by a U.S. citizen, with certain exceptions.[2] The issuance of licenses to operate a launch site (part 420), licenses to operate a reentry site (part 433), experimental permits (part 437), and licenses for the operation of launch and reentry vehicles (part 450), respectively, constitutes a major Federal action under NEPA, which

[2] 14 CFR 400.2(a) through (c) set forth the exceptions to the scope of Chapter III.

triggers an environmental review that may be extensive.[3] In accordance with §§ 420.15, 433.7, 437.21, and 450.47, an applicant must provide the FAA with information needed to show that the FAA complies with the procedures and policies of NEPA and other applicable environmental laws, regulations, and Executive Orders. These respective sections also require that, if a Categorical Exclusion (CATEX)[4] does not apply to the proposed action, an applicant must prepare an Environmental Assessment (EA), assume financial responsibility for preparation of an Environmental Impact Statement (EIS), or provide information to support a written re-evaluation of a previously submitted EA or EIS, when directed by the FAA. While FAA strives to complete these environmental reviews expeditiously, these environmental reviews for each license to operate a launch site, license to operate a reentry site, experimental permit, and license to operate a launch or reentry vehicle can involve multiple statutes and agencies, sometimes leading to duplicative processes and delay for near-term launch operations.

As the Supreme Court explained in Seven County Infrastructure Coal v. Eagle County,

> NEPA has transformed from a modest procedural requirement into a blunt and haphazard tool employed by project opponents (who may not always be entirely motivated by concern for the environment) to try to stop or at least slow down new infrastructure and construction projects. . . . All of that has led to more agency analysis of separate projects, more consideration of attenuated effects, more exploration of alternatives to proposed agency

[3] These four types of authorizations are collectively referred to in this document as “commercial space license(s) or permit(s).”

[4] National Environmental Policy Act of 1969, as amended, defines a categorical exclusion as a category of actions that a Federal agency has determined normally does not significantly affect the quality of the human environment within the meaning of 42 U.S.C. 4332(2)(C). 42 U.S.C. 4336(e).

> action, more speculation and consultation and estimation and litigation. Delay upon delay, so much so that the process sometimes seems to "borde[r] on the Kafkaesque." Vermont Yankee, 435 U. S., at 557. Fewer projects make it to the finish line. Indeed, fewer projects make it to the starting line. Those that survive often end up costing much more than is anticipated or necessary, both for the agency preparing the EIS and for the builder of the project. And that in turn means fewer and more expensive railroads, airports, wind turbines, transmission lines, dams, housing developments, highways, bridges, subways, stadiums, arenas, data centers, and the like. And that also means fewer jobs, as new projects become difficult to finance and build in a timely fashion. [5]

And just as the Supreme Court recognized a need for a "course correction" in the judicial review of NEPA,[6] so too has DOT and FAA identified a need for course correction in application of NEPA and other related laws to the commercial space licensing and permitting process.

Therefore, FAA proposes to exercise the Secretary's statutory authority to reduce regulatory barriers to obtaining a commercial space license or permit and eliminate environmental review processing while protecting public health and safety, safety of property, and national security interests and foreign policy interests of the U.S. Because the Secretary of Transportation's authority to waive certain laws under 51 U.S.C. 50905 applies broadly to commercial space licenses or permits, the Secretary finds this authority extends to waive laws applicable to licenses to operate a launch site, licenses to operate a

[5] Seven County Infrastructure Coal v. Eagle County, 605 U.S. 168, 183 (2025).

[6] *Id. at 184.*

reentry site, experimental permits, and licenses to operate launch and reentry vehicles.[7] The Secretary proposes that the identified provisions of the following 13 laws may not be necessary in some or all licensing circumstances to protect public health and safety, safety of property, national security, or foreign policy interests of the United States in the context of commercial space licenses and permits.

1. 42 U.S.C. §§ 4321 *et seq.* (National Environmental Policy Act);

2. 49 U.S.C. § 303(f) (U.S. Department of Transportation Act);

3. 16 U.S.C. §§ 1531 *et seq.* (Endangered Species Act);

4. 33 U.S.C. §§ 1251 *et seq.* (Clean Water Act);

5. 16 U.S.C. §§ 1451 *et seq.* (Coastal Zone Management Act);

6. 42 U.S.C. §§ 7401 *et seq.* (Clean Air Act);

7. 54 U.S.C. §§ 300101 *et seq.* (National Historic Preservation Act);

8. 16 U.S.C. §§ 1361 *et seq.* (Marine Mammal Protection Act);

9. 16 U.S.C. §§ 1801 *et seq.* (Magnuson-Stevens Fishery Conservation and Management Act);

10. 16 U.S.C. §§ 1271 *et seq.* (Wild and Scenic Rivers Act);

11. 42 U.S.C. §§ 4901 *et seq.* (Noise Control Act of 1972);

12. 33 U.S.C. §§ 401 *et seq.* (Rivers and Harbors Act); and

13. 16 U.S.C. § 1431 *et seq*. (National Marine Sanctuaries Act).

[7] The authority under paragraph (b)(2)(C) authorizes waiver via regulation of requirements for a “license or permit…” Therefore, FAA finds that licenses to operate a launch site and reentry site, experimental permits, and licenses to operate launch and reentry vehicles fall squarely within the Secretary’s jurisdiction to waive under section 50905(b)(2)(C).

Other Federal agencies may take actions that authorize and facilitate launch and reentry operations, subject to the CSLA and subject to NEPA, and are required to support an FAA license or permit and the resulting operations. For example, many commercial space launch and reentry operations take place at Federal sites owned or operated by the Federal Government such as the National Aeronautics and Space Administration (NASA), the U.S. Department of the Air Force (DAF), and other agencies. To operate from a Federal site, operators must first enter into an agreement, such as a real property agreement, with the Federal custodian (*e.g.*, NASA or DAF). The execution of a real property agreement or other instrument that allows substantial modification of a site or commercial space launch and reentry operations is often a major Federal action subject to NEPA given the Federal agency's substantial Federal control and responsibility over the action and the potential for significant impacts to the human environment.[8] Waiving NEPA only for the commercial space licensing and permitting actions covered under Chapter 509 would merely shift the responsibility for leading the NEPA review and ensuring compliance with other requirements from one executive agency to another. Therefore, the Secretary proposes that the requirements associated with the provisions of the prior 13 laws also may not be necessary to protect public health and safety, safety of property, national security, or foreign policy interests of the United States in the context of commercial space licenses and permits in the following licensing or permitting circumstances including, but not limited to:

[8] 14 CFR § 1216.302(c).

(1) Issuance, renewal, or modification of Chapter 509 Licenses or Experimental Permits;

(2) Authorizing airspace closures in accordance with FAA Order 7400.2R, Procedures for Handling Airspace Matters;

(3) Unconditional or mixed Airport Layout Plan (ALP) approval of airport development for which the FAA has ALP approval authority under 49 U.S.C. § 47107(a)(16) and § 47107(x).);

(4) Lease of land to operator from a Federal site.

Pursuant to the procedural requirements of 51 U.S.C. 50905(b)(2)(C), during the pendency of this rulemaking, the FAA will consult with the heads of appropriate executive agencies, including the Council on Environmental Quality, the Environmental Protection Agency, the Department of the Interior, the Department of Commerce, NASA, Department of War, and the Advisory Council on Historic Preservation, as applicable, on the Secretary's determination that the enumerated requirements are not necessary to protect the public health and safety, safety of property, and national security and foreign policy interests of the United States.

To effectuate the waiver of these laws to the commercial space licenses and permits across several FAA parts (*i.e.*, parts 420, 433, 437, and 450), FAA proposes a new 14 CFR 400.3, titled General Waiver,[9] which would set forth the applicability provision (*i.e.*, parts 420, 433, 437, and 450) of the waiver in proposed § 400.3(a),

[9] While the authority in 51 U.S.C. 50905(b)(2)(C) may colloquially be referred to as a general waiver authority, the Secretary has separate authority to waive a requirement as long as the Secretary determines the waiver is in the public interest and will not jeopardize public health and safety, safety of property, and national security and foreign policy interests of the United States. 51 U.S.C. 50905(b)(3); *see also* 14 CFR part 404. These are two distinct waiver authorities with distinct implementation processes.

identify the specific laws that will no longer be a requirement for such licenses and permits in proposed § 400.3(b), and apply waiver of the laws in paragraph (b) to related actions outside of 14 CFR chapter III (i.e., the preceding list of four licensing or permitting circumstances) in proposed § 400.3(c). FAA also proposes conforming amendments to §§ 420.15(b), 433.7, 437.21(b)(1), and 450.47, to cross-reference the exceptions that would be set forth in proposed § 400.3.

FAA invites comments on the Secretary's proposed waiver of these laws. FAA also invites comment on other requirements not included that are not necessary, for example: Ocean Dumping Act (33 U.S.C. 1401–1445; 40 CFR 220–229); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. § 9601 et seq.); Safe Drinking Water Act (42 U.S.C. 300f–300j-26; 40 CFR 141–143); Resource Conservation and Recovery Act (42 U.S.C. 6901–6992k; 40 CFR 239–282); Toxic Substances Control Act (15 U.S.C. 2601–2692; 40 CFR 700–799); Bald and Golden Eagle Protection Act (16 U.S.C. § 668 et seq.); Migratory Bird Treaty Act (16 U.S.C. § 703 *et seq*.); and National Wildlife Refuge System Administration Act (16 U.S.C. 668dd *et seq*.).

Further, FAA seeks comment on the following specific areas of interest:

a. Should applicability be scoped to specific Federal sites, licensed launch and reentry sites, or exclusive use sites?

b. Are any specific launch and reentry sites so differently situated that they warrant different treatment?

c. How have the 13 laws identified for waiver in this proposed rule applied, in the launch and reentry site/launch and reentry context, to reduce a legally cognizable environmental harm? FAA encourages providing quantifiable, technical data to support a response.

d. How would application of these waivers further Congress's purpose to "promote economic growth and entrepreneurial activity through use of the space environment"?[10]

e. Would exempting launch and reentry/launch and reentry site development from these laws fulfill Congress's mandate to "simplify and expedit[e] the issuance and transfer of commercial licenses"?[11] If so, how?

f. Would exempting launch and reentry/launch and reentry site development from these laws fulfill Congress's mandate to "facilitate the strengthening and expansion of the United States space transportation infrastructure"?[12] If so, how?

IV. Regulatory Notices and Analyses

A. Regulatory Impact Analysis

E.O. 12866 ("Regulatory Planning and Review") and E.O. 13563 ("Improving Regulation and Regulatory Review") require agencies to regulate in the "most cost-effective manner," to make a "reasoned determination that the benefits of the intended regulation justify its costs," and to develop regulations that "impose the least burden on society." The Office of Management and Budget has determined that this proposed rulemaking is a significant regulatory action as defined in section (3)(f) of E.O. 12866.

[10] 51 U.S.C. 50901(b)(1).

[11] 51 U.S.C. 50905(b)(2).

[12] 51 U.S.C. 50905(b)(4).

FAA expects the streamlining of its commercial space licensing regulations would significantly reduce the time required to obtain commercial space licenses and permits. Furthermore, there would be significant reductions in costs and time to draft and obtain the necessary approvals related to developing the currently required EAs and EISs. The FAA invites comments on the expected savings from these proposals, as well as any other costs or cost savings.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. No. 104–121) and the Small Business Jobs Act of 2010 (Pub. L. No. 111–240,), requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term “small entities” comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This proposed rule would amend commercial space licensing and permitting regulations to streamline the licensing and permitting process and reduce regulatory burden for applicants. Therefore, there are no significant economic impacts to small entities.

If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may so certify under section 605(b) of the RFA. Therefore, as provided in section 605(b) and based on the foregoing, the head of FAA certifies that this rulemaking would not result in a significant economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. No. 96-39), as amended by the Uruguay Round Agreements Act (Pub. L. No. 103-465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, they be the basis for U.S. standards.

FAA has assessed the potential effect of this proposed rule and determined that it would not create unnecessary obstacles to the foreign commerce of the United States.

D. Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or Tribal government or the private sector to incur direct costs without the Federal Government having first provided the funds to pay those costs. FAA determined the proposed rule would not result in the expenditure of $193,000,000 or more ($100,000,000 adjusted for inflation using the most current Implicit Price Deflator for the Gross Domestic Product) by State, local, or Tribal governments, in the aggregate, or the private sector, in any one year.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires FAA consider the impact of paperwork and other information collection burdens imposed on the public. FAA has determined there would be no new requirement for information collection associated with this proposed rule.

F. International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, the FAA generally seeks to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPs) to the maximum extent practicable. As part of the final rule, the FAA anticipates determining whether this rule affects FAA's conformity with any SARPs or other international obligations and invites public comments on this question.

G. Environmental Analysis

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4347) requires Federal agencies to consider the environmental impacts of their actions in the decision-making process. DOT Order 5610.1D, DOT's Procedures for Considering Environmental Impacts (90 FR 29621, July 3, 2025), establishes DOT's procedures and practices for implementing NEPA. In addition, FAA Order 1050.1G, FAA National Environmental Policy Act Implementing Procedures (90 FR 29615, July 3, 2025), establishes FAA's policies and procedures for the evaluation of environmental impacts under NEPA. Appendix B of FAA Order 1050.1G identifies FAA's categorical exclusions. Categorical exclusions are categories of actions that the agency has determined normally do not significantly affect the quality of the human environment within the meaning of section 102(2)(C) of NEPA and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). See NEPA § 4336e(1) and DOT Order 5610.1D § 9. In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. See DOT Order 5610.1D § 9(b). FAA has evaluated this NPRM in accordance with NEPA, DOT Order 5610.1D, and FAA Order 1050.1G. The FAA has determined that this NPRM does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed environmental analysis is not required because this NPRM qualifies for the categorical exclusion identified in FAA Order 1050.1G, Appendix B, Paragraph B-2.6(d) for notices of proposed regulations and do not involve any extraordinary circumstances. The publication of a regulatory proposal is procedural, informational, and without environmental effects; it is not operative and does not normally have a significant effect on the environment. By its nature, a proposed rule is not the type of final action to which NEPA attaches. A final decision on the level of NEPA analysis required will be made at the final rule stage.

V. E.O. Determinations

A. E.O. 13132, Federalism

FAA has analyzed this proposed rule under the principles and criteria of E.O. 13132, Federalism. FAA has determined this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have federalism implications.

B. E.O. 13175, Consultation and Coordination With Indian Tribal Governments

Consistent with E.O. 13175, Consultation and Coordination with Indian Tribal Governments,[13] and FAA Order 1210.20, American Indian and Alaska Native Tribal Consultation Policy and Procedures,[14] FAA ensures Federally Recognized Tribes (Tribes) are given the opportunity to provide meaningful and timely input regarding proposed Federal actions that have the potential to affect uniquely or significantly their respective Tribes. During the pendency of the rulemaking and comment period to inform the final rule, FAA will identify any unique or significant effects, environmental or otherwise, on Tribes and engage as necessary.

C. E.O. 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

FAA analyzed this proposed rule under E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). FAA has determined it would not be a "significant energy action" under the E.O. and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

D. E.O. 13609, Promoting International Regulatory Cooperation

E.O. 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to (1) meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or (2) prevent unnecessary differences in regulatory requirements. FAA has analyzed this

[13] 65 FR 67249 (November 6, 2000).

[14] FAA Order No. 1210.20 (January 28, 2004), available at www.faa.gov/documentLibrary/media/1210.pdf.

action under the policies and agency responsibilities of E.O. 13609 and has determined this action may effect international regulatory cooperation; FAA will address those effects during the pendency of this rulemaking and the final rule stage.

E. E.O. 14192, Unleashing Prosperity Through Deregulation

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.

VI. Additional Information

A. Comments Invited

FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. FAA also invites comments relating to the economic, environmental, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rule. Before acting on this proposal, FAA will consider all comments it receives on or before the closing date for comments. FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process better. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

B. Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and is relevant or responsive to this NPRM, it is important you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to the person in the **FOR FURTHER INFORMATION CONTACT** section of this document. Any commentary FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

C. Electronic Access and Filing

A copy of this NPRM, a plain language summary of the proposed rule, all comments received, any final rule, and all background material may be viewed online at www.regulations.gov using the docket number listed above. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at www.federalregister.gov and the Government Publishing Office's website at www.govinfo.gov. A copy may also be found at FAA's Regulations and Policies website at www.faa.gov/regulations_policies.

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue S.W., Washington, D.C. 20591, or by calling (202) 267-9677. Requests must identify the docket or notice number of this rulemaking.

All documents FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed in the electronic docket for this rulemaking.

D. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104 121, 110 Stat. 857, Mar. 29, 1996) requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the Internet, visit www.faa.gov/regulations_policies/rulemaking/sbre_act/.

List of Subjects

14 CFR Part 400

Space transportation and exploration.

14 CFR Part 420

Environmental protection, Reporting and recordkeeping requirements, Space transportation and exploration.

14 CFR Part 433

Aviation safety, Environmental protection, Investigations, Reporting and recordkeeping requirements, Space transportation and exploration.

14 CFR Part 437

Aircraft, Aviation safety, Reporting and recordkeeping requirements, Space transportation and exploration.

14 CFR Part 450

Aircraft, Aviation safety, Environmental protection, Investigations, Reporting and recordkeeping requirements, Space transportation and exploration.

The Proposed Amendments

For the reasons discussed in the preamble, the Federal Aviation Administration proposes to amend chapter III of title 14, Code of Federal Regulations as follows:

PART 400— BASIS AND SCOPE

1. The authority citation for part 400 continues to read as follows:

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

2. Add a new § 400.3 to read as follows:

§ 400.3 General Waiver.

(a) This section applies to licenses to operate a launch site under part 420 of this chapter, licenses to operate a reentry site under part 433 of this chapter, experimental permits under part 437 of this chapter, and licenses to operate a launch or reentry vehicle under part 450 of this chapter issued or modified on or after [INSERT EFFECTIVE DATE OF FINAL RULE].

(b) The requirements of the following Federal laws and associated implementing regulations shall not apply to a license or permit as set forth in paragraph (a) of this section:

(1) 42 U.S.C. §§ 4321, et seq (National Environmental Policy Act);

(2) 49 U.S.C. § 303(f) (U.S. Department of Transportation Act);

(3) 16 U.S.C. § 1536 (Endangered Species Act);

(4) 33 U.S.C. §§ 1341, 1344 (Clean Water Act);

(5) 16 U.S.C. § 1456 (Coastal Zone Management Act);

(6) 42 U.S.C. § 7506(c) (Clean Air Act);

(7) 54 U.S.C. § 306108 (Section 106 of the National Historic Preservation Act);

(8) 16 U.S.C. §§ 1371, 1374 (Marine Mammal Protection Act);

(9) 16 U.S.C. § 1855(b)(2) (Magnuson-Stevens Fishery Conservation and Management Act);

(10) 16 U.S.C. §§ 1276(d)(1); 1283(a) (Wild and Scenic Rivers Act);

(11) 42 U.S.C. § 4903 (Noise Control Act of 1972);

(12) 33 U.S.C. § 403 (Rivers and Harbors Act); and

(13) 16 U.S.C. § 1434(d) (National Marine Sanctuaries Act).

(c) The requirements of Federal laws and any implementing regulations as set forth in paragraph (b) of this section shall not apply to a license or permit requirement associated with:

(1) Issuance, renewal, or modification of Chapter 509 Licenses or Experimental Permits;

(2) Authorizing airspace closures in accordance with FAA Order 7400.2R, Procedures for Handling Airspace Matters;

(3) Unconditional or mixed Airport Layout Plan (ALP) approval of airport development for which the FAA has ALP approval authority under 49 U.S.C. § 47107(a)(16) and § 47107(x); and

(4) Lease of land to operator from a Federal site.

PART 420— LICENSE TO OPERATE A LAUNCH SITE

3. The authority citation for part 420 continues to read as follows:

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

4. Amend § 420.15 by revising paragraph (b) to read as follows:

§ 420.15 Information requirements.

*   *   *   *   *

(b) ***Environmental***. Except as provided in § 400.3 of this chapter, the FAA is responsible for complying with the procedures and policies of the National Environmental Policy Act (NEPA) and other applicable environmental laws, regulations, and Executive Orders prior to issuing a launch site operator license. An applicant must provide the FAA with information needed to comply with such requirements. The FAA will consider and document the potential environmental effects associated with issuing a launch site operator license.

*   *   *   *   *

PART 433— LICENSE TO OPERATE A REENTRY SITE

5. The authority citation for part 433 continues to read as follows:

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

6. Amend § 433.7 by revising paragraph (a) to read as follows:

§ 433.7 Environmental.

(a) ***General***. Except as provided in § 400.3 of this chapter, the FAA is responsible for complying with the procedures and policies of the National Environmental Policy Act (NEPA) and other applicable environmental laws, regulations, and Executive Orders prior to issuing a reentry site operator license. An applicant must provide the FAA with information needed to comply with such requirements. The FAA will consider and document the potential environmental effects associated with issuing a reentry site operator license.

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PART 437— EXPERIMENTAL PERMITS

7. The authority citation for part 437 continues to read as follows:

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

8. Amend § 437.21 by revising paragraph (b)(1)(i) to read as follows:

§ 437.21 General.

*   *   *   *   *

(b) Other regulations — (1) Environmental — (i) ***General.*** Except as provided in § 400.3 of this chapter, the FAA is responsible for complying with the procedures and policies of the National Environmental Policy Act (NEPA) and other applicable environmental laws, regulations, and Executive Orders prior to considering and documenting the potential environmental effects associated with proposed reusable suborbital vehicle launches or reentries. An applicant must provide the FAA with information needed to comply with such requirements. The FAA will consider and document the potential environmental effects associated with proposed reusable suborbital vehicle launches or reentries.

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PART 450— LAUNCH AND REENTRY LICENSE REQUIREMENTS

9. The authority citation for part 450 continues to read as follows:

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

10. Amend § 450.47 by revising paragraph (a) to read as follows

§ 450.47 Environmental review.

(a) ***General***. Except as provided in § 400.3 of this chapter, the FAA is responsible for complying with the procedures and policies of the National Environmental Policy Act (NEPA) and other applicable environmental laws, regulations, and Executive Orders prior to issuing a launch or reentry license. An applicant must provide the FAA with information needed to comply with such requirements. The FAA will consider and document the potential environmental effects associated with issuing a vehicle operator license consistent with paragraph (b) of this section.

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Sean P. Duffy,

Secretary of Transportation