



FAA
Office of Commercial Space

Waivers for FAA Licensed Launch or Reentry Activity

As applicable to U.S Commercial Space Transportation

Introduction

The Commercial Space Launch Act of 1984, as amended and codified at 51 U.S.C. 50901–50923 (the Act), authorizes the Secretary of Transportation 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. The Secretary of Transportation’s licensing and regulatory authority for commercial space transportation is delegated to the Administrator of the Federal Aviation Administration (FAA). The Office of Commercial Space Transportation, led by the Associate Administrator, licenses commercial launch and reentry operations via this regulatory authority.

Title 51 U.S.C. 50905(b)(3) grants the Secretary of Transportation, and by delegation the Associate Administrator of the Office of Commercial Space Transportation, the authority to waive a regulatory requirement, including the requirement to obtain a license, for an individual applicant¹ if the Secretary decides that the waiver is in the public interest and will not jeopardize the public health and safety, safety of property, and national security and foreign policy interests of the United States. The Secretary may not grant a waiver that would permit the launch or reentry of a launch vehicle or a reentry vehicle without a license or permit if a human being will be on board.

Consistent with 51 U.S. 50905(b)(3), the FAA in accordance with 14 CFR § 404.7(a) may grant a waiver if it determines that the waiver (1) will not jeopardize public health and safety, safety of property; (2) will not jeopardize national security and foreign policy interests of the United States; and (3) will be in the public interest. These criteria must all be met for a waiver to be granted. Furthermore, the public health and safety takes into consideration the health and safety of people that are not involved in supporting a licensed or permitted launch or reentry, regardless of location or nationality.

¹ This includes an applicant for a launch or reentry license, a launch or reentry site license, or an experimental permit.