

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

**14 CFR Parts 413 415, 417, 431, 435, and 450.**

### **United States Department of Transportation Policy Statement on its Practice for Publishing Waivers for Public Awareness**

**AGENCY:** Federal Aviation Administration (FAA), DOT

**ACTION:** Policy Statement

**SUMMARY:** The Federal Aviation Administration (FAA) is issuing this Policy Statement to describe the Federal Aviation Administration (FAA) Office of Commercial Space Transportation's Practice for Publishing Waivers for Public Awareness. This Practice also clarifies the differences between unprecedented, customary, and proprietary waivers.

**DATES:** The policy described herein will be effective May 11, 2026.

**FOR FURTHER INFORMATION CONTACT:** For additional information concerning this action, contact Executive Director, Office of Operational Safety, via letter: 800 Independence Ave SW, Washington, DC 20591; via email: 9-AST-Inquiries@faa.gov; via phone: 202-267-7793.

**AUTHORITY:** By the authority conferred in the Commercial Space Launch Act of 1984, as amended and codified under Title 51 of the U.S. Code, Chapter 509: Commercial Space Activities, Sections 50901-50923, the FAA, through delegation from the Department of Transportation (DOT), is authorized to oversee, license, and regulate commercial space launch and reentry activities. Additionally, as stated in §50905(b)(3), the FAA is authorized to waive a requirement, including the requirement to obtain a license in certain circumstances, as long as 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.

### **POLICY STATEMENT:**

#### **AST Practice of Publishing Waivers for Public Awareness**

The FAA is responsible for considering the public health and safety, safety of property, and the national security and foreign policy interests of the United States when it reviews each commercial space license or permit application for launch and/or reentry.

Per 14 CFR 404.3(a), an operator may petition the Administrator to issue, amend, repeal, or waive a regulation as a requirement for a license or permit. Generally, when a commercial space operator is unable to meet the regulations as provided in the CFR, the operator may petition for a waiver. In considering a petition for a waiver, the FAA must determine whether the waiver would be in the public interest, and whether the waiver would

jeopardize public health and safety, safety of property, and the national security and foreign policy interests of the United States.

The FAA will publish waiver determinations on the FAA website ([Legislation & Policies, Regulations & Guidance | Federal Aviation Administration](#)) for public awareness.

Publishing a waiver determination, whether in its entirety or as a summary, increases transparency into FAA determinations.

The FAA will only publish approved precedent-setting waivers.

- Precedent-setting waivers include:
  - First-time waivers with substantive rationale that has not been addressed in a previously approved waiver, e.g.: novel innovations with potentially broader application that could enable advancements in space capabilities
  - A waiver to a regulation that has not been previously waived and announced.
- When an unprecedented waiver contains proprietary information, the FAA will include an elemental summary without proprietary information.
- Waivers will not normally be published in the Federal Register.

The FAA will not publish non-precedential waivers. Non-precedential waivers are waivers that waive regulations the FAA has waived previously and that include rationale, limitations, and conditions which have been used previously to support the waiver request.

Consolidating unprecedented approved waivers on the FAA’s website will provide greater benefit to the public by increasing transparency into the FAA’s determinations in an easily-accessible forum. Additionally, by using the FAA website to publish waivers, the FAA can refer potential applicants to the archive of waivers to enhance their ability to submit successful applications.

## **Supplementary Information: Launch License Waivers of Regulatory Requirements**

### General Waivers

14 CFR § 404.5 provides the requirements for an operator to file a petition for waiver. A petition for a waiver must be submitted at least 60 days before the proposed effective date of the waiver unless the Administrator agrees to a different time frame in accordance with § 404.15. The petition for waiver must include—

- (1) The specific section or sections of 14 CFR chapter III from which the petitioner seeks relief;
- (2) The extent of the relief sought and the reason the relief is being sought;
- (3) The reason why granting the request for relief 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; and

(4) Any additional facts, views, and data available to the petitioner to support the waiver request (e.g., any limitations or conditions including a “get-well” plan).

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