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COSMIC

CONSORTIUM FOR SPACE MOBILITY AND ISAM CAPABILITIES

REGULATIONS 103: FEDERAL AVIATION ADMINISTRATION (FAA) AND THE DEPARTMENT OF STATE

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1. Workshop Report

1.1 Summary

On January 15, 2026, COSMIC hosted a Policy and Regulation workshop focused on regulatory topics of particular interest to the COSMIC community. Participating in the workshop were Sabrina Jawed, Acting Deputy Assistant Chief Counsel of the FAA’s Regulations Division; Ryan Guglietta, Foreign Affairs Officer at the U.S. Department of State; and Tony Lin, Partner and lead for the Spacetech and Satellite Initiative at Cooley LLP. This workshop discussed the process for obtaining FAA payload safety review and space object registrations and when and why such authorizations are necessary for In-Space Servicing, Assembly, and Manufacturing (ISAM) operations.

A summary of the workshop and questions asked during the event are provided below. A recording of the workshop is available to COSMIC members [here](#).

1.2 Key Topics and Questions Addressed at the Workshop

1.2.1 FAA Overview

- The FAA, as part of the Department of Transportation, is authorized to regulate launch activities, reentry activities, launch sites, and reentry sites for commercial operations.
- The FAA's primary focus is commercial space launches. The FAA does not regulate launch and reentry activities that the government carries out for the government.
- The FAA ensures that commercial launches do not jeopardize public health and safety, safety of property, national security, or the foreign policy interests of the United States.
 - For commercial operations from the United States, FAA oversight may extend to certain pre-flight hazardous activities at a launch site through payload deployment, depending on the nature of the activity.
 - For reentries, FAA oversight includes activities conducted in Earth orbit or outer space to determine reentry readiness and that are critical to ensuring public health and safety and the safety of property during reentry flight, as well as activities necessary to return the vehicle, vehicle component, or site to a safe condition after impact or landing.

1.2.2 State Department Overview

- The State Department handles international aspects of space exploration. Several different offices at the State Department handle different types of space issues. The Office of Space Affairs at the State Department leads on civil and commercial space issues, including



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international agreements, commercial sector engagement and advocacy, spaceflight safety, and hosts many bilateral and multilateral engagements.

- The State Department coordinates with various agencies, including the FAA, NASA, NOAA, and the Department of Defense, on space-related issues.
- The FAA and State Department work together, and with interagency partners, to ensure that U.S. space activities comply with international obligations.

1.2.3 Interagency Coordination and Payload Reviews

- The FAA will not authorize launch of a reentry vehicle as a payload that will require a reentry authorization to return to Earth unless the reentry vehicle operator has obtained the appropriate reentry authorization.
- The FAA has a pre-application consultation process for launch and reentry licenses, in accordance with 14 CFR 413.5. This consultation may also include discussion of potential payloads.
- Payload reviews can occur either: (i) as part of a larger launch license application submitted to the FAA by the proposed launch provider; or (ii) separately as a request for a payload approval submitted by a payload owner/operator, with specific requirements outlined in [14 CFR 450.43](#).
- A [payload review form](#), [checklist](#), and Advisory Circular specific to payload reviews ([AC No. 450-31-1](#)) are available online to help applicants navigate the process.
- The FAA evaluates the request or license application for public health and safety, safety of property, national security, and foreign policy concerns. It also coordinates an interagency review in which other relevant government agencies analyze the information. If no concerns are identified, the FAA grants the payload approval.
- Early consultation with the FAA helps avoid delays in the payload review process, particularly for cases with novel or unique payloads or situations that may require more extensive interagency review and coordination.

1.2.4 Payload Safety and Foreign Ownership

- Foreign ownership of a payload must be disclosed as part of the payload approval process in accordance with 14 CFR 450.43(i)(iv). The percentage and identity of foreign owners may trigger additional review time due to national security concerns.
- Payload reviews are handled on a case-by-case basis. The FAA may authorize some payloads more quickly than others depending on several factors beyond foreign ownership alone. Providing detailed and complete information helps the FAA and other agencies process requests more quickly.



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- The State Department participates in the FAA’s policy and payload review process, specifically reviewing foreign policy interests and international obligations. The State Department also leads in space object registration, addressing obligations under the Outer Space Treaty and Registration Convention. The growth of private-sector and international space activities has made the process of registering space objects more complicated, as single space objects often involve multiple countries.

1.2.5 Nuts and Bolts of the FAA Payload Review Process

- There is no fee associated with a payload request for review. However, recent legislation introduced a Commercial Space User Fee that is tied to the mass of the payload. The FAA is developing a process to implement that Congressional directive.
- The current statutory deadline for reviewing a commercial license application is 180 days from the date the application is accepted. The FAA generally does not require the entire 180 days for its review. In accordance with 14 CFR 413.15(b), the FAA can toll the processing deadline if, for example, certain information is missing from the applicant. For separate payload reviews not tied to a license application, there is no statutory timeline.
- The FAA Office of Space Transportation (AST) [website](#) has additional information.
- The State Department’s Office of Space Affairs typically first engages with companies through direct outreach on specific matters, through either a Federal Register Notice process they organize or connections through other agencies, such as the FCC or NOAA. One topic that has seen increased engagement in recent years is ISAM, and specifically U.S. companies planning servicing missions with commercial or government entities from foreign countries.

1.2.6 Pending and Open Processes

- To fulfill a direction in [Executive Order 14335](#), the Department of Commerce has begun to develop a proposed process for “individualized mission authorizations for activities that are covered by [Article VI of the Outer Space Treaty of 1967](#), but not clearly or straightforwardly governed by existing regulatory frameworks.” It is working particularly closely with agencies (FCC and NOAA) that currently have the authority to issue commercial space-related licenses.
- The FAA is actively involved in discussions with the Department of Commerce to ensure efficiency and avoid duplication of efforts.
- The FAA could file comments in the Commerce proceeding, but it is unlikely that the FAA will do so at this time.
- The State Department is also involved in this process.



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1.3 Audience Questions

1.3.1 How does verification that the actual payload is as described in the registration documents work? Does the FAA or another federal agency visit the payload owner to inspect or is a certification from the payload owner sufficient?

In accordance with 14 CFR 450.209, the FAA may monitor a licensee for compliance. The FAA may inspect payloads at launch sites to ensure compliance with licensing requirements. At that point, it is the licensee’s obligation to ensure the payload description is accurate. Once a license is approved, all information attached to the application becomes part of the license and is thereafter the responsibility of the licensee.

1.3.2 A lot of ISAM activities are very unique. What type of ISAM activities trigger additional reviews? Are there decisions that the government has previously issued that are available to the public for use as references to determine if a particular situation might require additional review?

The FAA is not looking at the ISAM activity itself as much as whether the payload poses a risk to the public during launch or reentry. This is a somewhat narrow review. There is discussion within the government about whether there should be additional oversight of ISAM activities, which the FAA referred to as the “on orbit” piece.

Regarding the public information question, the FAA publishes all its launch and reentry licenses on the [Office of Commercial Space Transportation’s website](#), but those licenses do not provide in-depth detail on ISAM activities. If a payload owner/operator requests a separate review, that information is not available publicly.

1.3.3 Are there a lot of separate payload reviews requested?

A separate payload review is usually submitted in particularly unusual circumstances, where the expectation is that there might be a longer lead time for government approval.

1.3.4 What about once the launch is fully executed and the payload is deployed? Are there any obligations or requirements for the payload operator?

For a payload that has been deployed, the FAA does not have any requirements because its responsibility applies only to the launch and reentry license. Additionally, FAA requirements attach to the license holder, so if the launch or reentry licensee is separate from the payload operator, then FAA requirements may not attach to the payload operator during any portion of the mission. However, payloads requiring FCC and NOAA licenses may have additional requirements imposed by those agencies. The State Department confirmed that the [Outer Space Treaty](#) Article VI, requires authorization and continuing supervision by the appropriate State Party of activities of non-governmental entities in outer space, including the moon and other celestial bodies. FAA, FCC, and NOAA licenses and authorities are relevant to these obligations.



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The Department of Commerce is also examining the mission authorization process and novel activities more generally to see how that process may evolve.

1.3.5 On nuclear material payload reviews, how many have been submitted, and how much time does it take to process them?

The FAA is taking a forward leaning approach on this issue, as it is an area of growing interest within the industry. The FAA issued an Advisory Circular, [AC 450.45-1](#), which provides guidance specific to nuclear payloads. The review process is extensive due to the potential risks involved.

1.3.6 Has a nuclear payload request ever been reviewed?

There are companies that are interested in this technology.

1.3.7 If an export-restricted item is included in the payload and is approved for launch, does any federal agency review reentry plans for this restricted item?

The State Department is involved in, and can grant licenses for, export control related issues. There may be additional considerations if a space object is expected to survive reentry. The offices within the Department of State, as well as other relevant departments and agencies, should be consulted on these matters, as appropriate.

1.3.8 Can you please give more information about the interplay between departments with respect to registration?

There is significant interagency coordination in the registration process. When [Space Policy Directive 3](#) was issued in 2018, one of its directives was to streamline the interagency process to ensure accurate and timely submissions to the UN, which set the current interagency process in motion. Each month, agencies collaborate on reports of ongoing launch activities to ensure that all agencies are aware of one another’s work and that the information is consolidated in one place. This information is then used to determine the appropriate State of registry and furnish the relevant information to the United Nations.

1.3.9 Regarding space objects, who decides what gets identified as a U.S. space object versus another type of label?

The Outer Space Treaty raises the issue of State Parties maintaining a registry of space objects, and the Registration Convention requires launching States to register space objects in a registry and furnish that information to the United Nations so that it can be included in a public register. Under the Registration Convention, a “launching state” is a state which launches or procures the launching of a space object or a state from whose territory or facility a space object is launched. Initially, it was easier to identify which state should register an object (e.g., launch, operations, licensing, etc. were handled by a single country), but today it is more difficult to determine as more than one country may be involved in the process. Influential factors can include where the object is licensed, where requests for authorizations were filed, and other regulatory touchpoints. When other countries are involved, the State Department liaises with its counterparts abroad to determine which state will register the object. This process is usually



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straightforward, but there have been instances where complications have arisen in determining the proper registration of an object.

States submit formal documentation to the United Nations when they register a space object. The FAA noted that the launch operator has a post-licensing obligation to provide registration-related information, which the FAA then forwards to the State Department.

1.3.10 Follow-up to prior question: How can the space object owner/operator help expedite this process if registration issues occur?

If an operator has questions about space object registration, they are encouraged to reach out to the State Department's Office of Space Affairs. They can also ask their contacts within the FCC, NOAA, or FAA to connect them. If there are questions about the appropriate State of registry, the State Department will coordinate with the relevant country, or countries, to discuss the issue. If a satellite operator is aware that another country intends to register their space object, the State Department will follow up with that country if they have any questions.

For those who do not know where to start the process, the State Department is always willing to begin those conversations.

1.3.11 Can you please go over the reentry licensing process?

The reentry process is very similar to the launch process. As previously mentioned, the reentry process covers the initial safety check on orbit through the reentry and safing of the vehicle on Earth.

A recent FAA policy states that the FAA will not authorize launch of a reentry vehicle as a payload that will require a reentry authorization to return to Earth unless the reentry vehicle operator has obtained the appropriate reentry authorization.

1.3.12 Is there any recognition of the reentry license process, like reciprocity?

There is no formally recognized reciprocity at this time. Congress has tasked the FAA with reviewing and processing licenses, which limits the extent to which foreign licensing processes can reduce the FAA's review obligations. The FAA has held discussions with other countries about how to reduce the burden on U.S. operators who launch from foreign sites but must still obtain a U.S. launch license. The FAA is very interested in ways to alleviate duplicative requirements; however, because the FAA is tasked with issuing the licenses, some level of review would still be required.

1.3.13 The FAA runs a designated engineering representative (DER) program for airplanes. This program allows engineers on-site for safety inspections and supervision. Is a DER program in the works for the space industry?

The FAA is not required by law to inspect launches and reentries, but it has the authority to do so when there are concerns about public health and safety and to ensure compliance. For aviation, there are statutory provisions for the DER program. Because of the growth in the space industry, there is concern



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about available resources. There have been discussions about adding a DER program for space, but there are currently no statutory provisions authorizing such a program.

1.3.14 What about Point-to-Point (P2P) licensing? Could you speak to licensing considerations for a vehicle that launches from one point and lands at another site? Please include launch site and reentry considerations as well.

For P2P, the FAA closely reviews whether an application falls under Title 51 versus Title 49, because this largely depends on the type of vehicle conducting the operation, i.e., whether it is considered a launch vehicle or an aircraft.

1.3.15 Regarding the Outer Space Treaty, particularly Article VI, what constitutes authorization and continuing supervision for ISAM activities under U.S. legal interpretation? NOAA and FCC have made clear that their authorities extend only to imaging and RF spectrum use, respectively.

The State Department views the licenses issued by the FAA and other agencies as one component of "authorization and continuing supervision," per the Outer Space Treaty. As activities become more diverse and novel, there will be additional considerations to take into account.

Regarding ISAM, in situations in which a U.S. company interacts with a space company from another country, the State Department would coordinate with the foreign company's government. To date, these types of issues have been rare so there is no formal process for handling them. However, as these activities proliferate, there will likely need to be discussions on how to address these situations more efficiently.

There are groups at COSMIC and CONFERS that are discussing how to develop a multilateral framework for this process.

1.3.16 With respect to launches that are by or on behalf of the government, what are the FAA and State Department roles in those situations (which are different than those for commercial space launches)?

There have been rare instances where it was unclear whether a launch should be classified as a government or commercial space launch. Looking ahead, the FAA anticipates continued growth in public/private partnerships, such as NASA partnering with a private company, and would assist in making a determination about whether such launches would be classified as government or commercial, as needed. In these situations, the FAA considers whether the government agency is directing or controlling the launch to help make the classification.

