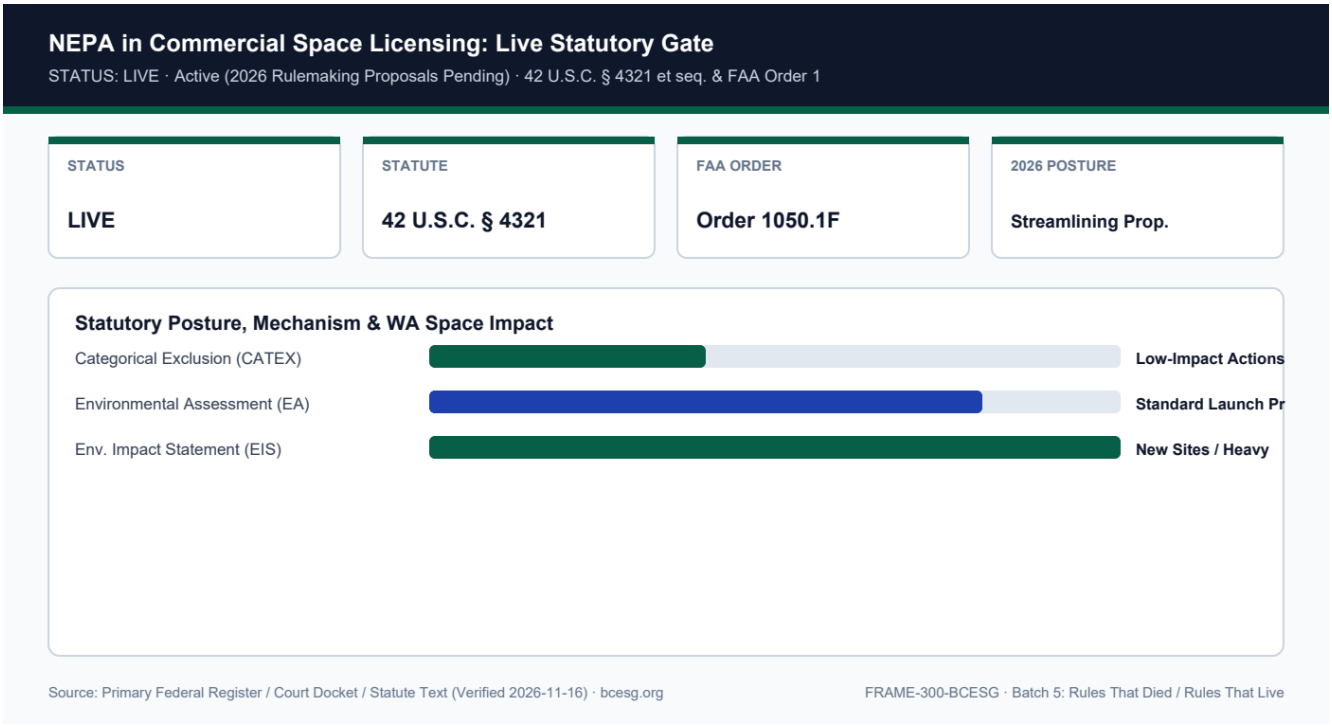
BC ESG · RULES THAT DIED / RULES THAT LIVE · STATUS: LIVE

NEPA as Applied to Launch Licensing (42 U.S.C. § 4321): LIVE — Statutory Gate Amid 2026 Waiver Proposals

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Rule: National Environmental Policy Act (NEPA) Review for FAA Commercial Space Licensing | **Status:** LIVE | **Instrument:** 42 U.S.C. § 4321 et seq. & FAA Order 1050.1F (2026 Streamlining Proposals Pending) | **Date:** Active (2026 Rulemaking Proposals Pending)

Verdict & Proof: NEPA review for commercial launch and launch-site licensing is LIVE. Under 42 U.S.C. § 4321 and FAA Order 1050.1F, issuing an FAA Part 450 license or launch-site operator license remains a major federal action requiring an EA, EIS, or Categorical Exclusion—even as mid-2026 FAA proposals seek statutory streamlining.



NEPA Pathway	Trigger	Status (Nov 16, 2026)
CATEX	Routine / de minimis federal action	LIVE (FAA Order 1050.1F)
Environmental Assessment (EA)	New vehicle or cadence increase	LIVE (Required before license)
EIS	Major new launch site / heavy-lift impact	LIVE (Multi-year review)

Who Owes What by When: Parallel Safety & Environmental Tracks

Obtaining an FAA Part 450 Vehicle Operator License or Part 420 Launch Site Operator License triggers federal NEPA compliance under 42 U.S.C. § 4321 and FAA Order 1050.1F. Applicants must fund and supply technical data for a Categorical Exclusion (CATEX), Environmental Assessment (EA), or Environmental Impact Statement (EIS) covering noise, sonic booms, water quality, endangered species, and hazardous propellants.

While mid-2026 executive-directed FAA proposals aim to truncate review timelines and create targeted waiver pathways, NEPA remains an active statutory prerequisite for launch licensing.

Washington Angle: Ground Test vs. Downrange Launch

Washington space companies testing engines in Kent, Redmond, or Moses Lake trigger state/local SEPA, while their orbital launches from Cape Canaveral, Vandenberg, or Wallops trigger federal FAA NEPA.

Verified Primary Sources & Internal Bridges

- FAA Commercial Space Environmental Review: https://www.faa.gov/space/environmental
- Council on Environmental Quality (CEQ): https://ceq.doe.gov/