This document is scheduled to be published in the Federal Register on 2026-11-09 and available online at https://www.federalregister.gov/d/2026-22782, and on https://govinfo.gov

[4910-13-P]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 450

[Docket No.: FAA-2026-9943; Notice No. 26-21]

RIN 2120-AM37

Flight Abort Burden Reducing Clarification on End of Flight Safety Limits

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FAA proposes to amend its commercial space launch and reentry licensing regulations to streamline the licensing process and reduce regulatory burden for license applicants. Specifically, FAA proposes to clarify the conditions under which a vehicle operator is not required to abort a flight.

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-2026-9943 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, SE, West Building, 5th Floor (W58-213), Washington, DC 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, SE,

Washington, DC 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.

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.

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, SE, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lisa E. Cacciatore, Office of Commercial Space Transportation, Federal Aviation Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 880-1489; email Lisa.E.Cacciatore@faa.gov.

SUPPLEMENTARY INFORMATION:

I. Overview

In accordance with Executive Order (E.O.) 14335 "Enabling Competition in the Commercial Space Industry," FAA proposes to amend its commercial space launch and reentry regulations at 14 CFR part 450 to further streamline the commercial licensing process. Currently, 14 CFR 450.108(e) provides that a vehicle operator using flight abort as a hazard control strategy is not required to initiate flight abort to protect against high consequence events once certain conditions are met. The proposed rule would clarify that

the exception in paragraph (e) applies only to a phase of flight in which the conditions are present.

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 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.

III. Background

FAA has established commercial space regulations governing licensing of launch and reentry in 14 CFR chapter III. On December 10, 2020, FAA issued a final rule consolidating all substantive launch and reentry licensing regulations into a new part 450 (85 FR 79566) that went into effect on March 10, 2021.

On August 13, 2025, the President issued E.O. 14335, "Enabling Competition in the Commercial Space Industry," requiring the Secretary of Transportation to "reevaluate, amend, or rescind" the part 450 regulations for the purpose of further streamlining the commercial licensing process. This proposed rule is being published in furtherance of this E.O.

Section 450.101(c) provides that an operator may use flight abort as a hazard control strategy to protect against a high consequence event in uncontrolled areas. Flight abort accomplishes a controlled ending to vehicle flight, such as through explosive

destruct. Section 450.108 provides requirements for flight abort, including requirements for flight safety limits. Flight safety limits, in this context, define the criteria under which a vehicle operator must initiate flight abort.

For some mission scenarios, at some point in flight, flight abort can no longer mitigate risk, and applicants may wish to turn off the flight abort system to prevent accidental initiation of the abort system. This possibility is addressed by § 450.108(e), which states that a flight does not need to be aborted to protect against high consequence events beginning immediately after critical vehicle parameters are validated, if the vehicle is able to achieve a useful mission, and if, for the remainder of flight: (1) flight abort would not materially decrease the risk from a high consequence event; and (2) there are no key flight safety events.

To meet the first condition that flight abort would not materially decrease the risk of a high consequence event for the remainder of flight, an operator should perform a comparison of the risk (i.e., expected casualties (E_C)) with and without flight abort from failure modes that produce conditional expected casualties (CE_C) greater than 0.01. If flight abort would not reduce E_C associated with each failure mode materially, then this condition is met. To meet the second condition, an operator must demonstrate that the remainder of flight does not include any "key flight safety event," which is defined in 14 CFR 401.7 to mean "a flight activity that has an increased likelihood of causing a failure compared with other portions of flight." However, even if these conditions are satisfied for the remainder of flight, an operator is only permitted to switch off the flight abort system if, during flight, the operator is able to validate "critical vehicle parameters," meaning parameters that demonstrate the vehicle is capable of completing safe flight through the upcoming phase of flight where population is exposed to hazardous debris effects from reasonably foreseeable failure modes.

IV. Discussion of the Proposal

The proposed rule maintains the essential requirements and structure of § 450.108(e), with two minor revisions. First, the proposed rule would change the title of § 450.108(e) from "End of flight abort" to "End of flight safety limits" to match the intention of the paragraph more closely. Paragraph (e) does not require an operator to turn off flight abort capability or eliminate flight abort as a hazard control strategy, as unintentionally suggested by the current title, but rather describes conditions under which an operator is not required to set flight safety limits to protect against high consequence events in uncontrolled areas during some subsequent phases of flight.

Second, the proposed rule would also scope paragraph (e) to apply only to a phase of flight rather than "the remainder of flight," as the paragraph currently states. Current paragraph (e) was drafted with the understanding that most operators would only turn off the flight abort capability at the end of a flight, such as the phase immediately before orbital insertion. However, FAA anticipates that operators may seek to turn off flight abort capability during one phase of flight and turn it back on during a subsequent phase. As such, this revision would provide additional flexibility to operators while preserving public safety by explicitly accommodating this practice. This proposal, therefore, would amend paragraph (e) to say that a flight does not need to be aborted for the remainder of a phase of flight if the specified conditions are present during that phase.

V. 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 this proposed rule is not a significant regulatory action as defined in Section 3(f) of E.O. 12866.

The proposed rule would change the title of § 450.108(e) from "End of flight abort" to "End of flight safety limits" to match the intention of the paragraph more closely. Paragraph (e) does not require an operator to turn off flight abort capability or eliminate flight abort as an option during any subsequent phase of flight, as suggested by the current title, but rather describes conditions under which an operator is not required to set flight safety limits to protect against high consequence events in uncontrolled areas during a specified phase of flight. In addition, the proposed rule would amend § 450.108(e) so that the section only applies to a phase of flight rather than "the remainder of flight," as the paragraph currently states. This proposed rule would not impose incremental costs. However, there may be minimal cost savings. FAA estimates that the change would save FAA time in providing guidance per licensee. The proposed rule would provide operators the additional flexibility to turn off flight abort capability during one phase of flight and turn it back on during a subsequent phase of flight. In addition, FAA estimates that the change would also save licensees time in seeking and receiving guidance. FAA requests public comments on these assumptions.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), agencies must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rulemaking on small entities (i.e., small businesses, small organizations, and small government jurisdictions). No regulatory flexibility analysis is required, however, if the head of an agency certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities. FAA has concluded and hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities; therefore, an analysis is not included.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96-39), as amended by the Uruguay Round Agreements Act (Pub. L. 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, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. FAA has determined there are no ICAO Standards and Recommended Practices that correspond to these proposed regulations.

G. Environmental Analysis

The Department has analyzed the environmental impacts of this notice of proposed rulemaking pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321, et seq.). FAA has determined this rule is categorically excluded pursuant to FAA Order 1050.1G. Categorical exclusions are categories of actions FAA has determined normally do not significantly affect the quality of the human environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). In analyzing the applicability of a categorical exclusion, FAA must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. This proposed rulemaking, which would clarify the conditions under which a vehicle operator is not required to abort a flight. is categorically excluded pursuant to FAA Order 1050.1G, Appendix B, Paragraph B-2.6(f), which categorically excludes issuance of regulatory documents. FAA does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

VI. 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,[1] and FAA Order 1210.20, American Indian and Alaska Native Tribal Consultation Policy and Procedures,[2] 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. At this point, FAA has not identified any unique or significant effects, environmental or otherwise, on Tribes resulting from this proposed rule.

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 action under the policies and agency responsibilities of E.O. 13609 and has determined this action would have no effect on international regulatory cooperation.

---

[1] 65 FR 67249 (November 6, 2000).

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

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.

VII. 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.

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 that 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, 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 SW, Washington, DC 20591, or by calling (202) 267-9677. Requesters 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 in 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 450— LAUNCH AND REENTRY LICENSE REQUIREMENTS

1. The authority citation for part 450 is revised to read as follows:

Authority: 51 U.S.C. Chapter 509.

2. Revise § 450.108(e) to read as follows:

§ 450.108 Flight abort.

* * * * *

(e) *End of flight safety limits*. A flight does not need to be aborted to protect against high consequence events in uncontrolled areas for the remainder of a phase of flight beginning immediately after critical vehicle parameters are validated, if the vehicle is able to achieve a useful mission and the following conditions are met for the remainder of the phase:

* * * * *

Issued under authority provided by 49 U.S.C. 106(f) and 51 U.S.C. chapter 509 in Washington, DC

Anh Minh Ngoc Nguyen,
Deputy Associate Administrator, Office of Commercial Space Transportation.

[FR Doc. 2026-22782 Filed: 11/6/2026 8:45 am; Publication Date: 11/9/2026]