



**NUCLEAR PROLIFERATION
PREVENTION PROJECT**

Comment on docket number FAA-2026-8614, “Waiver of Specified Statutory Requirements for Commercial Space Launch and Reentry Actions,” published in the *Federal Register* of July 30, 2026

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According to the *Federal Register* (Vol. 91, No. 145, July 30, 2026, p. 47997ff), the “FAA proposes to exercise the Secretary's statutory authority to reduce regulatory barriers to obtaining a commercial space license or permit and eliminate environmental review processing.” The proposal argues that, under 51 U.S.C. 50905(b)(2)(C), the Secretary of Transportation can eliminate any requirement of law if he “decides the requirement is not necessary to protect the public health and safety, safety of property, and national security and foreign policy interests of the United States.”

This comment focuses on only one type of activity subject to the proposed regulatory change: the launching of radioactive payloads. Such payloads inherently raise environmental risks because in the event of a launch failure the radioactive material can return to earth and be dispersed in the United States or other countries. For such payloads, under no circumstances could the Secretary legally and competently determine that “environmental review processing ... is not necessary to protect the public health and safety, safety of property, and national security and foreign policy interests of the United States.” Accordingly, the proposal should be amended to exempt radioactive payloads from the proposed regulatory change.

Moreover, the proposal should be further amended to add two requirements for launches of radioactive payloads:

1. An Environmental Assessment, at the least, should be required, consistent with NASA’s interim final rule (NASA-2026-0100-0001), effective August 17, 2026, stating that, “The following classes of actions normally require environmental assessments...Launching a spacecraft containing a space nuclear system. Space nuclear systems include radioisotope power systems, such as radioisotope thermoelectric generators and radioisotope heater units, and fission systems used for surface power and spacecraft propulsion.” It makes no sense that FAA should have weaker environmental requirements than NASA for launches of equivalent radioactive payloads.
2. Public notification should be required in advance of every such launch, regardless of whether a similar or identical payload has been launched previously, so that concerned Americans can take precautions against potential launch failure.

These suggested changes are crucial not only to protect public safety but also to sustain public support of commercial spaceflight. If the American people find out that radioactive payloads have been launched over their heads without prior notification, it could severely degrade public support for future such launches. If they find this out only after the failure of a radioactive launch, it could end public support.

Regrettably, the first-ever commercial launch of a radioactive payload under the FAA’s Advisory Circular AC 450.45-1, “Launch and Reentry of Space Nuclear Systems,” was conducted without prior public notification, on July 7, 2026. This payload contained radioactive tritium for a betavoltaic electrical source. The lack of prior public notification was a dangerous precedent that, if not rectified, could threaten both public safety and public support. The FAA must amend its regulations to prevent something like this ever happening again.