

The US Office of Space Commerce Seeks Industry Feedback on a Potential New Regulatory Authorization Regime for “Novel” Commercial Space Activities

Client Alerts

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On December 3, 2025, the Office of Space Commerce hosted the first stakeholder engagement session to shape the regulatory landscape that will ultimately form the mission authorization for novel commercial space activities pursuant to Section 5 of Executive Order No. 14335, *Enabling Competition in the Commercial Space Industry*, August 13, 2025, which directs the Secretary of Commerce to develop and implement a mission-authorization process for novel commercial space activities.

During the briefing on the office’s concept for an initial framework, the Director of Policy, Advocacy and International Division, Mr. Gabriel Swiney, described the OSC’s overarching goal to streamline mission authorization while expediting authorization of US novel commercial space activities. While Executive Order 14335 does not define novel commercial space activities, the OSC is considering creating a regulatory framework for operators who engage in satellite servicing, In-Space Servicing, Assembly and Manufacturing (ISAM) activities generally, commercial low-earth orbit destinations (CLDs), lunar operations, space resource operations, and perhaps even nuclear power and propulsion activities in space. OSC emphasized that these categories are preliminary and that it has not yet released draft rules, application requirements, timelines, or process flows.

Additionally, Mr. Swiney highlighted that the office was mindful of stakeholders’ consistent feedback that the authorization processes currently in place often require several duplicative applications, and that the final approval or licensing timelines remain lengthy. Thus, the OSC has undertaken interagency coordination across the federal government to draft an initial concept of the forthcoming regulatory process where the OSC would coordinate with the relevant government stakeholders on a set timeline.

Notably, OSC did not present any concrete regulatory proposal at the December 3 session. The discussion remained conceptual, with OSC explicitly stating that it is still developing the structure, scope, and timelines for a new authorization regime.

Although the Office of Space Commerce did not address the Federal Communications Commission's ongoing work during the December 3 session, the FCC has actively modernized its regulatory framework for ISAM and other on-orbit operations. Between 2023 and 2024, the FCC adopted several ISAM-related orders updating requirements for proximity operations, reliability disclosures, and orbital-debris mitigation, and it continues to consider additional maneuverability, disposal, and reporting obligations in pending rulemakings. The FCC underscored this modernization effort in its recent *Satellite and Earth Station Second Report and Order*, explaining that the updated satellite licensing framework is designed to accommodate rapidly evolving activities such as in-space servicing, assembly, and other emerging commercial on-orbit operations. At present, these FCC efforts constitute the most detailed federal regulatory guidance applicable to many ISAM and servicing activities.

Commerce's mission-authorization concept is intended to offer operators with a single point of contact and single point of application for orbital mission authorization, rather than change existing substantive approval and licensing requirements. The FCC, for example, will continue to exercise exclusive authority over all communications and spectrum operations for ISAM and other novel missions, and operators should expect to maintain compliance with FCC requirements even after a Commerce-administered authorization process is established. Until the federal government formally implements a unified or harmonized approach, companies pursuing novel commercial space activities will likely navigate parallel regulatory processes across multiple agencies. Moreover, Commerce indicates that the Federal Aviation Administration (FAA) intends to accept OSC's analysis as part of its expedited review process under a forthcoming predetermined timeline.

OSC's Draft Concept (December 2025):

The Office of Space Commerce's current draft concept entails a single *opt-in* process for novel activities – a "**space commerce certification**."

Under this approach:

- OSC identifies light-touch commitments that applicants must make to protect fundamental national interests, including but not limited to national security, international obligations, and safety of third parties.
- Industry applies through the OSC process and makes the relevant commitments to their planned operations.
- OSC circulates the application and commitments to the U.S. Government interagency with firm deadlines to be notified of additional identified commitments, while conducting basic due diligence.
- OSC reviews and may choose to "certify" the proposed operations under these commitments (*while reserving the right to not certify, thereby sending applicants back through the "traditional" regulatory process*).
- FAA expedites their statutory payload review process and accepts the OSC certification as a sufficient pre-review for novel space activity. While the FAA holds statutory authority to make determinations, the FAA would accept OSC analysis as part of an expedited review process under a predetermined timeline.
- The FCC would likewise accept this certification as sufficient to meet non-frequency requirements.

The result: a single process for novel activities.

NOTE: This is an OSC working draft that is subject to changes and will still require senior political sign-off. The express purpose for sharing this early draft is to solicit and consider the perspectives of U.S. commercial space industry stakeholders.

The OSC continues to invite dialogue with stakeholders, accepting feedback via their webpage. Commerce accepts opt-in mailing and engagement list requests from the public and email inputs.

Finally, Commerce anticipates submitting the regulatory proposal for approval in late January 2026.

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