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Caitlyn E. Stewart
Vice President – Regulatory Affairs

August 31, 2026

The Honorable Sean P. Duffy
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

RE: Waiver of Specified Statutory
Requirements for Commercial
Space Launch and Reentry Actions
(Docket No. FAA-2026-8614)

Dear Secretary Duffy:

The American Waterways Operators is the tugboat, towboat and barge industry's advocate, resource, and united voice for safe, sustainable, and efficient transportation on America's waterways, oceans, and coasts. As the largest segment of the nation's 45,000-vessel domestic maritime fleet, our industry plays a vital part in America's supply chain and national security, moving the nation's commerce on U.S. inland and intracoastal waterways, the Atlantic, Pacific and Gulf Coasts, and the Great Lakes. On behalf of AWO's more than 300 member companies, we appreciate the opportunity to comment on the Federal Aviation Administration's proposed rule to waive specified statutory requirements for commercial space launch and reentry actions.

AWO supports the continued growth of the United States commercial space industry, and our members are increasingly supporting this emerging sector. However, before finalizing a waiver of 33 USC §401 et seq. as described in the notice, we recommend that the FAA consult the Department of Homeland Security and the U.S. Coast Guard as an appropriate executive agency under 51 U.S.C. §50905(b)(2)(C).

The proposed rule states that, during the pendency of this rulemaking, the FAA will consult with the heads of appropriate executive agencies including the Council on Environmental Quality, the Environmental Protection Agency, the Department of the Interior, the Department of Commerce, NASA, the Department of War, and the Advisory Council on Historic Preservation. Neither the Department of Homeland Security nor the Coast Guard appears on that list. The Department of Homeland Security and the Coast Guard are appropriate executive

agencies for consultation regarding 33 USC §401 et seq. given the Coast Guard's oversight of bridge permitting and alteration under 33 CFR Subchapter J and its statutory responsibility for the safety of navigation. AWO believes that a determination that Rivers and Harbors Act requirements are not necessary to protect public health and safety, safety of property, and the national security interests of the United States cannot be fully informed without the participation of the Coast Guard.

AWO therefore recommends that the FAA add the Department of Homeland Security and Coast Guard to the list of executive agencies consulted under 51 U.S.C. §50905(b)(2)(C) before any waiver of the Rivers and Harbors Act is finalized, and document that consultation in the record for the final rule. Should the FAA proceed with the waiver following that consultation, the final rule should reflect how navigation obstruction and launch and reentry hazard footprint impacts will be identified and addressed going forward for licensing and permitting actions affecting navigable waters. Adopting this recommendation will allow the FAA to advance the President's goal of streamlining commercial space licensing while ensuring navigation safety and facilitating maritime commerce.

Thank you for the opportunity to comment on FAA-2026-8614. AWO would be pleased to provide additional information as needed.

Sincerely,

A handwritten signature in cursive script that reads "Caitlyn E. Stewart". The ink is dark and the signature is fluid, with the first and last names being more prominent than the middle initial.

Caitlyn E. Stewart
Vice President – Regulatory Affairs
The American Waterways Operators