



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

May 11, 2023

The Honorable Maria Cantwell
Chair
Committee on Commerce, Science, and Transportation
United States Senate
428 Dirksen Senate Office Building
Washington, DC 20510

Dear Madam Chair:

In November 2022, the Government Accountability Office (GAO) publicly released a report entitled “Satellite Licensing: FCC Should Reexamine Its Environmental Review Process for Large Constellations of Satellites.” (Report). The Report examines (1) how federal agencies consider potential environmental or other effects from large constellations of commercial satellites, and (2) how the Federal Communications Commission (FCC or Commission) determines whether licensing large constellations or commercial satellites is categorically excluded or requires an environmental assessment or environmental impact statement under the National Environmental Policy Act (NEPA).

The Report makes three recommendations to the FCC. These are: (1) the FCC should review whether licensing large constellations of satellites normally does not have significant effects on the human environment and document FCC’s resulting decision (Recommendation 1); (2) the FCC should establish a timeframe and process for a periodic review of its categorical exclusion under NEPA, and publish both on the FCC website (Recommendation 2); and (3) the FCC should identify the factors that FCC will consider in determining whether an extraordinary circumstance is present when reviewing licenses for large constellations of satellites and make the results available to the public (Recommendation 3).

I appreciate the recommendations GAO provides in the Report regarding the Commission’s consideration of potential environmental or other effects from the increasing number of large constellations of satellites. The FCC regulates the use of non-federal spectrum by space and earth stations in the public interest as an independent multimember Commission established by Congress in the Communications Act of 1934.¹ The Commission has established rules and processes to promote United States leadership in the emerging space economy, and it assesses the suitability of these rules and processes for the increasing number of satellites and new activities in space.² In their October 12, 2022 comments on GAO’s draft report (FCC

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Comment Letter), the Chief of the International Bureau and the Acting Chiefs of the Office of Engineering and Technology and the Wireless Telecommunications Bureau noted that the Commission is committed to ensuring that its actions, including satellite licensing activities, are in compliance with the requirements of NEPA. I echo these same sentiments.

As recognized in the FCC Comment Letter, Recommendations 1 and 3 involve applicability of NEPA to activities undertaken primarily in an outer space environment, which the FCC has recognized as presenting a new and novel issue.³ The FCC reviews each satellite application or petition on a case-by-case basis, evaluating facts specific to each filing to determine whether the grant of such application or petition would serve the public interest. In this context, the FCC coordinates with other government agencies on issues of mutual interest, including those involving environmental and other effects, and benefits from their input and expertise. The FCC will continue to review applications and petitions on a case-by-case basis under its rules, including the rules implementing NEPA.

The FCC will consider any potential future action under these three recommendations, in a manner consistent with the Council of Environmental Quality's (CEQ) regulations for implementing NEPA.⁴ As noted, in the FCC Comment Letter, the CEQ is in the process of revising its NEPA regulations, and we expect that those rules will require Federal agencies to update their NEPA implementing procedures to conform to the new CEQ regulations.⁵ We

proposals for further mitigation); Space Innovation; Mitigating Orbital Debris in the New Space Age, *Second Report and Order*, FCC 22-74 (2022) (adopting a rule requiring operators to dispose of their satellites in low-Earth orbit within five years after mission completion)). See also Space Innovation; Facilitating Capabilities for In-Space Servicing, Assembly, and Manufacturing, *Notice of Inquiry*, FCC 22-66 (2022) (a notice of inquiry seeking to establish a record on the current state of the industry regarding in-space servicing, assembly, and manufacturing capabilities, including orbital debris remediation and active debris removal, and seeking comment on what FCC processes are most appropriate for efficiently licensing these missions and what, if any, changes may need to be made to FCC rules to facilitate development of these technologies).

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I appreciate the opportunity to comment on the Report and would be happy to discuss further if you have any questions. We look forward to continuing to engage with GAO in the future.

Sincerely,

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Jessica Rosenworcel

cc: The Honorable Tammy Duckworth
The Honorable Brian Schatz



FEDERAL COMMUNICATIONS COMMISSION
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CHAIRWOMAN

May 11, 2023

The Honorable Ted Cruz
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate
512 Hart Senate Office Building
Washington, DC 20510

Dear Ranking Member Cruz:

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FEDERAL COMMUNICATIONS COMMISSION
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May 11, 2023

The Honorable Cathy McMorris Rodgers
Chair
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

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May 11, 2023

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
2322 Rayburn House Office Building
Washington, DC 20515

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May 11, 2023

The Honorable Gary Peters
Chairman
Committee on Homeland Security and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

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I appreciate the opportunity to comment on the Report and would be happy to discuss further if you have any questions. We look forward to continuing to engage with GAO in the future.

Sincerely,

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Jessica Rosenworcel

cc: The Honorable Tammy Duckworth
The Honorable Brian Schatz



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

May 11, 2023

The Honorable Rand Paul
Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate
442 Hart Senate Office Building
Washington, DC 20510

Dear Ranking Member Paul:

In November 2022, the Government Accountability Office (GAO) publicly released a report entitled “Satellite Licensing: FCC Should Reexamine Its Environmental Review Process for Large Constellations of Satellites.” (Report). The Report examines (1) how federal agencies consider potential environmental or other effects from large constellations of commercial satellites, and (2) how the Federal Communications Commission (FCC or Commission) determines whether licensing large constellations or commercial satellites is categorically excluded or requires an environmental assessment or environmental impact statement under the National Environmental Policy Act (NEPA).

The Report makes three recommendations to the FCC. These are: (1) the FCC should review whether licensing large constellations of satellites normally does not have significant effects on the human environment and document FCC’s resulting decision (Recommendation 1); (2) the FCC should establish a timeframe and process for a periodic review of its categorical exclusion under NEPA, and publish both on the FCC website (Recommendation 2); and (3) the FCC should identify the factors that FCC will consider in determining whether an extraordinary circumstance is present when reviewing licenses for large constellations of satellites and make the results available to the public (Recommendation 3).

I appreciate the recommendations GAO provides in the Report regarding the Commission’s consideration of potential environmental or other effects from the increasing number of large constellations of satellites. The FCC regulates the use of non-federal spectrum by space and earth stations in the public interest as an independent multimember Commission established by Congress in the Communications Act of 1934.¹ The Commission has established rules and processes to promote United States leadership in the emerging space economy, and it assesses the suitability of these rules and processes for the increasing number of satellites and new activities in space.² In their October 12, 2022 comments on GAO’s draft report (FCC

¹ The majority of the rules governing these stations, including space stations, are found in Part 25 of the Commission rules. See 47 CFR part 25.

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Comment Letter), the Chief of the International Bureau and the Acting Chiefs of the Office of Engineering and Technology and the Wireless Telecommunications Bureau noted that the Commission is committed to ensuring that its actions, including satellite licensing activities, are in compliance with the requirements of NEPA. I echo these same sentiments.

As recognized in the FCC Comment Letter, Recommendations 1 and 3 involve applicability of NEPA to activities undertaken primarily in an outer space environment, which the FCC has recognized as presenting a new and novel issue.³ The FCC reviews each satellite application or petition on a case-by-case basis, evaluating facts specific to each filing to determine whether the grant of such application or petition would serve the public interest. In this context, the FCC coordinates with other government agencies on issues of mutual interest, including those involving environmental and other effects, and benefits from their input and expertise. The FCC will continue to review applications and petitions on a case-by-case basis under its rules, including the rules implementing NEPA.

The FCC will consider any potential future action under these three recommendations, in a manner consistent with the Council of Environmental Quality's (CEQ) regulations for implementing NEPA.⁴ As noted, in the FCC Comment Letter, the CEQ is in the process of revising its NEPA regulations, and we expect that those rules will require Federal agencies to update their NEPA implementing procedures to conform to the new CEQ regulations.⁵ We

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Jessica Rosenworcel

cc: The Honorable Tammy Duckworth
The Honorable Brian Schatz



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

May 11, 2023

The Honorable James R. Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Comer:

In November 2022, the Government Accountability Office (GAO) publicly released a report entitled “Satellite Licensing: FCC Should Reexamine Its Environmental Review Process for Large Constellations of Satellites.” (Report). The Report examines (1) how federal agencies consider potential environmental or other effects from large constellations of commercial satellites, and (2) how the Federal Communications Commission (FCC or Commission) determines whether licensing large constellations or commercial satellites is categorically excluded or requires an environmental assessment or environmental impact statement under the National Environmental Policy Act (NEPA).

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Jessica Rosenworcel

cc: The Honorable Tammy Duckworth
The Honorable Brian Schatz



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

May 11, 2023

The Honorable Jamie Raskin
Ranking Member
Committee on Oversight and Accountability
U.S. House of Representatives
2471 Rayburn House Office Building
Washington, DC 20515

Dear Ranking Member Raskin:

In November 2022, the Government Accountability Office (GAO) publicly released a report entitled “Satellite Licensing: FCC Should Reexamine Its Environmental Review Process for Large Constellations of Satellites.” (Report). The Report examines (1) how federal agencies consider potential environmental or other effects from large constellations of commercial satellites, and (2) how the Federal Communications Commission (FCC or Commission) determines whether licensing large constellations or commercial satellites is categorically excluded or requires an environmental assessment or environmental impact statement under the National Environmental Policy Act (NEPA).

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cc: The Honorable Tammy Duckworth
The Honorable Brian Schatz



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

May 11, 2023

The Honorable Steve Womack
Chairman
Committee on Appropriations
Subcommittee on Financial Services and General Government
U.S. House of Representatives
2000 Rayburn House Office Building (G Floor)
Washington, DC 20515

Dear Chairman Womack:

In November 2022, the Government Accountability Office (GAO) publicly released a report entitled “Satellite Licensing: FCC Should Reexamine Its Environmental Review Process for Large Constellations of Satellites.” (Report). The Report examines (1) how federal agencies consider potential environmental or other effects from large constellations of commercial satellites, and (2) how the Federal Communications Commission (FCC or Commission) determines whether licensing large constellations or commercial satellites is categorically excluded or requires an environmental assessment or environmental impact statement under the National Environmental Policy Act (NEPA).

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The Honorable Brian Schatz
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

May 11, 2023

The Honorable Steny H. Hoyer
Ranking Member
Committee on Appropriations
Subcommittee on Financial Services and General Government
U.S. House of Representatives
1036 Longworth Office Building
Washington, DC 20515

Dear Ranking Member Hoyer:

In November 2022, the Government Accountability Office (GAO) publicly released a report entitled “Satellite Licensing: FCC Should Reexamine Its Environmental Review Process for Large Constellations of Satellites.” (Report). The Report examines (1) how federal agencies consider potential environmental or other effects from large constellations of commercial satellites, and (2) how the Federal Communications Commission (FCC or Commission) determines whether licensing large constellations or commercial satellites is categorically excluded or requires an environmental assessment or environmental impact statement under the National Environmental Policy Act (NEPA).

The Report makes three recommendations to the FCC. These are: (1) the FCC should review whether licensing large constellations of satellites normally does not have significant effects on the human environment and document FCC’s resulting decision (Recommendation 1); (2) the FCC should establish a timeframe and process for a periodic review of its categorical exclusion under NEPA, and publish both on the FCC website (Recommendation 2); and (3) the FCC should identify the factors that FCC will consider in determining whether an extraordinary circumstance is present when reviewing licenses for large constellations of satellites and make the results available to the public (Recommendation 3).

I appreciate the recommendations GAO provides in the Report regarding the Commission’s consideration of potential environmental or other effects from the increasing number of large constellations of satellites. The FCC regulates the use of non-federal spectrum by space and earth stations in the public interest as an independent multimember Commission established by Congress in the Communications Act of 1934.¹ The Commission has established rules and processes to promote United States leadership in the emerging space economy, and it assesses the suitability of these rules and processes for the increasing number of satellites and

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new activities in space.² In their October 12, 2022 comments on GAO’s draft report (FCC Comment Letter), the Chief of the International Bureau and the Acting Chiefs of the Office of Engineering and Technology and the Wireless Telecommunications Bureau noted that the Commission is committed to ensuring that its actions, including satellite licensing activities, are in compliance with the requirements of NEPA. I echo these same sentiments.

As recognized in the FCC Comment Letter, Recommendations 1 and 3 involve applicability of NEPA to activities undertaken primarily in an outer space environment, which the FCC has recognized as presenting a new and novel issue.³ The FCC reviews each satellite application or petition on a case-by-case basis, evaluating facts specific to each filing to determine whether the grant of such application or petition would serve the public interest. In this context, the FCC coordinates with other government agencies on issues of mutual interest, including those involving environmental and other effects, and benefits from their input and expertise. The FCC will continue to review applications and petitions on a case-by-case basis under its rules, including the rules implementing NEPA.

The FCC will consider any potential future action under these three recommendations, in a manner consistent with the Council of Environmental Quality’s (CEQ) regulations for implementing NEPA.⁴ As noted, in the FCC Comment Letter, the CEQ is in the process of revising its NEPA regulations, and we expect that those rules will require Federal agencies to update their NEPA implementing procedures to conform to the new CEQ regulations.⁵ We

² See *Orbital Debris in the New Space Age, Report and Order and Further Notice of Proposed Rulemaking*, 35 FCC Rcd. 4156 (2020) (updating the Commission’s orbital debris mitigation rules and seeking further comment on proposals for further mitigation); *Space Innovation; Mitigating Orbital Debris in the New Space Age, Second Report and Order*, FCC 22-74 (2022) (adopting a rule requiring operators to dispose of their satellites in low-Earth orbit within five years after mission completion). See also *Space Innovation; Facilitating Capabilities for In-Space Servicing, Assembly, and Manufacturing, Notice of Inquiry*, FCC 22-66 (2022) (a notice of inquiry seeking to establish a record on the current state of the industry regarding in-space servicing, assembly, and manufacturing capabilities, including orbital debris remediation and active debris removal, and seeking comment on what FCC processes are most appropriate for efficiently licensing these missions and what, if any, changes may need to be made to FCC rules to facilitate development of these technologies).

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⁵ In July 2020, CEQ made wholesale revisions to the NEPA regulations for the first time in more than 40 years. That final rule was published on July 16, 2020, and became effective on September 14, 2020. CEQ is now engaged in a comprehensive review of the 2020 rule pursuant to E.O. 13990 (January 20, 2021). CEQ issued an Interim Final Rule on June 29, 2021, which extended the deadline by two years (to September 14, 2023) for Federal agencies to develop or update their NEPA implementing procedures to conform to the CEQ regulations. On April 20, 2022, CEQ issued the Phase 1 Final Rule. The rule finalizes a narrow set of changes to generally restore

anticipate that the FCC will conduct a review of its NEPA rules following the issuance of the revised CEQ rules, including a review of whether licensing large constellations of satellites normally does not have significant effects on the human environment (Recommendation 1) and, if such actions remain subject to a categorical exclusion, the factors that the FCC will consider in determining whether an extraordinary circumstance is present (Recommendation 3). We expect that, as part of that assessment, the Commission will consider whether to establish a timeframe and process for periodic review of our existing categorical exclusion (Recommendation 2).

I appreciate the opportunity to comment on the Report and would be happy to discuss further if you have any questions. We look forward to continuing to engage with GAO in the future.

Sincerely,

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Jessica Rosenworcel

cc: The Honorable Tammy Duckworth
The Honorable Brian Schatz
Matthew Smith

regulatory provisions that were in effect for decades before the 2020 rules modified them for the first time. *Id.* Separately, CEQ is developing a Phase 2 rulemaking to propose comprehensive revisions to the 2020 regulations and has stated that it intends to issue a second proposed rule for notice and public comment.



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

May 11, 2023

The Honorable Chris Van Hollen
Chairman
Committee on Appropriations
Subcommittee on Financial Services and General Government
United States Senate
S-128 The Capital Building
Washington, DC 20510

Dear Chairman Van Hollen:

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

May 11, 2023

The Honorable Bill Hagerty
Ranking Member
Committee on Appropriations
Subcommittee on Financial Services and General Government
United States Senate
125 Hart Senate Office Building
Washington, DC 20510

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