

properties; however, a reconnaissance of the proposed launch site and reentry, landing and recovery site identified two potential historic properties. The first site is a previously recorded historic property that has been the subject of two previous data recovery efforts by the DOE. The second site was previously undiscovered. A data recovery plan to avoid adverse impacts to the previously undiscovered site was approved by the Nevada State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (ACHP). It was also determined that additional data recovery efforts on the previously discovered site would not yield new significant information (Nevada State SHPO September 23, 1997) (ACHP October 1, 1997).

To ensure that Native American concerns are considered and data recovery is conducted in a culturally sensitive manner, representatives of the Owens Valley Paiutes, Western Shoshones, and Southern Paiutes participated in the data recovery. The Rapid Cultural Assessment Team conducted an assessment and recommended measures to mitigate impacts to traditional cultural properties. Activities would be conducted in accordance with Section 106 of the National Historic Preservation Act of 1966.

Transportation

Additional on-site and off-site traffic generated by the Kistler proposed activities is expected to be minimal. Existing roads would accommodate additional traffic. The closing of two paved roads on NTS during launch and reentry activities for approximately one-hour per launch would be a temporary disruption.

Health and Safety

Worker health and safety issues arise primarily from accidents during construction, decontamination, decommissioning, and maintenance activities as well as from explosions, fires, or spills. Generally the impact would be limited to workers within the vicinity of the accident. For hazardous operations, workers would be removed to safe distances in case of a catastrophic event.

The health and safety of the general public would not be affected due to the remote location of the NTS. The potential to affect the public would be limited to actual in-flight emergencies. The flight ascent profile is designed to minimize risk to the public. Current Health and Safety programs at the NTS enhance Kistler's ability to respond to an on-site emergency. Accident

scenarios would be detailed and evaluated in the Safety Review conducted by the FAA as part of its licensing and regulatory program.

At no time does the launch vehicle enter airspace controlled by the FAA for general and commercial aviation. Most proposed Kistler flights stay within NTS airspace; however, certain launch trajectories require flight outside restricted airspace and above FAA controlled airspace. On these missions, vehicle altitude remains greater than 45,720 meters (150,000 feet) in airspace not used by general or commercial aviation.

Kistler launch and reentry/recovery facilities would be located within the NTS and adjacent to the Nevada Test and Training Range. The nearest air traffic route used by civil aviation during a launch would be Jet Route 80-58 (J80-58), between Wilson Creek and Tonopah, Nevada. Upon reentry, the nearest air traffic route is J92 between Beatty and Boulder City, Nevada. Because of altitude separation distances, the nearest civil air traffic route structure would not be affected and no significant impacts are expected. Therefore, no adverse impacts to worker, public, or civil aviation health and safety are expected.

Cumulative Impacts

The proposed action has been evaluated for cumulative impacts on air quality, noise, socioeconomic, biological resources, cultural and Native American resources, transportation, and health and safety. The NTS EIS assessed foreseeable future actions, including the proposed Kistler activities. The NTS EIS concluded that no cumulative effects are expected as a result of the proposed Kistler facilities and operations.

No Action Alternative

Under the No Action Alternative, the FAA would issue a license for Kistler to conduct launch operations. The General Use Permit between DOE and the NTSDC would continue to exist but the subpermit between the NTSDC and Kistler would be void. Predicted environmental impacts of the proposed launch and reentry activities would not occur and the project area would remain in its current state.

Determination

An analysis of the proposed action has concluded that there are no significant short-term or long-term effects to the environment or surrounding populations. After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is

consistent with existing national environmental policies and objectives as set forth in Section 101(a) of NEPA and that it will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102 (2) (C) of NEPA. Therefore, an Environmental Impact Statement for the proposed action would not be required.

Issued in Washington, DC on April 13, 2000.

Patricia G. Smith,

Associate Administrator for Commercial Space Transportation.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-2000-15]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before May 15, 2000.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may also be sent electronically to the following internet address: 9-NPRM-cmts@faa.gov.

The petition, any comments received, and a copy of any final disposition are

filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT:

Cherie Jack (202) 267-7271 or Vanessa Wilkins (202) 267-8029 Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on April 18, 2000.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 2857.

Petitioner: Flight Structures.

Section of the FAR Affected: 14 CFR 25.813(b), 25.857(e), 25.785(d), 25.1447(c)(3)(ii).

Description of Relief Sought: To allow carriage of one additional supernumerary increasing the total occupants to 9 on the Airbus Model A300-B4-103, -203 series airplanes.

Docket No.: CE160.

Petitioner: Ayres Corporation.

Section of the FAR Affected: 14 CFR 23.3.

Description of Relief Sought: To permit certification of the Ayres Corporation Model LM200 as a Commuter Category airplane with a novel and unusual twin engine, single-propeller propulsion system.

Docket No.: 27802.

Petitioner: Richmor Aviation.

Section of the FAR Affected: 14 CFR 21.197(c)(2).

Description of Relief Sought: To permit the issuance of a special flight permit with continuous authorization to Richmor for aircraft that are operated and maintained in accordance with 14 CFR 135.411(a)(1) and 135.419, "Approved Aircraft Inspection Program."

Docket No.: 29937.

Petitioner: Southern California Aviation, Inc.

Section of the FAR Affected: 14 CFR 145.35 and 145.37.

Description of Relief Sought: To permit SCAI to perform aircraft storage related maintenance without meeting all the housing and facility requirements required by 145.35 and 145.37.

Dispositions of Petitions

Docket No.: 26533.

Petitioner: Parachute Laboratories, Inc., doing business as Jump Shack.

Section of the FAR Affected: 14 CFR 105.43(a).

Description of Relief Sought/

Disposition: To permit (1) Jump Shack to allow its employees, representatives, and other volunteer experimental parachute test jumpers under its direct supervision and control to make intentional tandem parachute jumps while wearing a dual-harness, dual-parachute pack having at least one main parachute and one approved auxiliary parachute packed in accordance with 105.43(a), and (2) pilots in command of aircraft involved in these operations to allow such persons to make these parachute jumps. *Grant, 03/10/2000, Exemption No. 5448D.*

Docket No.: 28797.

Petitioner: Air Tractor Inc.

Section of the FAR Affected: 14 CFR 36.1(a)(2).

Description of Relief Sought/

Disposition: To permit Air Tractor Inc.'s models AT-602, AT-802, and AT-802A airplanes, which are currently excepted from the requirements of 36.1(a)(2) as "agricultural aircraft," to be exempted from the applicable noise certification requirements of 14 CFR part 36 for the purpose of spill eradication. *Denial, 11/29/99, Exemption No. 7080.*

Docket No.: 29577.

Petitioner: Bombardier Aerospace Corporation, Bombardier Business Jet Solutions Inc.

Section of the FAR Affected: 14 CFR 47.13(g) and 49.13(d).

Description of Relief Sought/

Disposition: To permit petitioners to "use the powers of attorney now on file for the present owners * * * for a period of 6 years from the date of the grant of exemption or until such earlier date as each respective owners has terminated their interest in the concerned aircraft." Specific aircraft have been identified to whose owners any waiver would apply. *Denial, 03/29-03/2000, Exemption No. 7138.*

Docket No.: 29721.

Petitioner: LET, a.s.

Section of the FAR Affected: 14 CFR C36.9(e)(1).

Description of Relief Sought/

Disposition: To permit the 1-g stall speed used for the 14 CFR part 25 airworthiness certification to also be used for the 14 CFR part 36 noise certification for the approach reference and test limitations on the LET L-106G model airplane. *Grant, 11/30/99, Exemption No. 7081.*

Docket No.: 28457.

Petitioner: Mr. Clifford L. Hoyle.

Section of the FAR Affected: 14 CFR 21.19(b)(1).

Description of Relief Sought/

Disposition: To permit Mr. Hoyle to apply for a supplemental type certificate for a design change to his Grob 103 Twin II glider (registration N39810, Serial No. 3913) to install a Bombardier Rotax 582 engine providing self-launching and sustained flight capabilities. *Partial Grant, 03/08/2000, Exemption No. 7142.*

Docket No.: 29736.

Petitioner: Tulsa Air & Space Center Airshows, Inc.

Section of the FAR Affected: 14 CFR 91.315, 119.5(g), and 119.21(a).

Description of Relief Sought/

Disposition: To permit Tulsa Air & Space to operate its former military B-52, which is certified in the limited category, for the purpose of carrying passengers on local flights for compensation or hire, subject to certain conditions. *Grant, 02/18/2000, Exemption No. 7126.*

Docket No.: 29836.

Petitioner: Southwest Airlines, Co.

Section of the FAR Affected: 14 CFR 121.434(c) (1) (ii).

Description of Relief Sought/

Disposition: To permit Southwest to substitute a qualified and authorized check airman in place of an FAA inspector to observe a qualifying PIC who is completing initial or upgrade training specified in 121.424 during at least on flight leg that includes a takeoff and a landing. *Grant, 02/28/2000, Exemption No. 7132.*

Docket No.: 29867.

Petitioner: Jetstream Aviation.

Section of the FAR Affected: 14 CFR 135.143 (c)(2).

Description of Relief Sought/

Disposition: To permit Jetstream Aviation to operate its Cessna Model 310N (Registration No. N4165Q, Serial No. 310N-0065) and Piper PA-28 Cherokee 140 (Registration No. N657CA, Serial No. 28-22371) airplanes under part 135 without a TSO-C112 (Mode S) transponder installed on each airplane. *Grant, 03/01/2000, Exemption No. 7134.*

Docket No.: 29951.

Petitioner: Evergreen International Airlines, Inc.

Section of the FAR Affected: 14 CFR SFAR No. 79.

Description of Relief Sought/

Disposition: To permit Evergreen International Airlines, Inc. to operate one flight to Pyongyang, the capital city of the Democratic People's Republic of Korea DPRK, on or about March 15, 2000, subject to certain conditions and limitations. *Grant, 03/10/2000, Exemption No. 7145.*

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