

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, as amended ((NEPA) 42 U.S.C. 4321 *et seq.*), Council on Environmental Quality NEPA implementing regulations (40 CFR Parts 1500–1508), and FAA Order 1050.1E, Change 1, the FAA is announcing the availability of and requesting comments on the EA for the Jacksonville Aviation Authority (JAA) Launch Site Operator License at Cecil Field, FL.

The EA was prepared in response to an application for a Launch Site Operator License from the JAA. Under the Proposed Action, the FAA would issue a Launch Site Operator License to JAA to operate a facility for horizontal launches and landings of suborbital manned reusable launch vehicles (RLVs). These vehicles, when operated out of Cecil Field, could carry space flight participants, scientific experiments, or payloads. The proposed launch site is located within the city limits of the City of Jacksonville, FL in Duval County, approximately 15 miles southwest of downtown Jacksonville. The EA addresses the potential environmental impacts of issuing a Launch Site Operator License for the Proposed Action and the No Action Alternative.

The FAA has posted the EA on the FAA/AST Web site at <http://ast.faa.gov>. In addition, CDs of the EA were sent to persons and agencies on the distribution list (found in Chapter 7 of the EA). A paper copy and a CD version of the EA may be reviewed for comment during regular business hours at the following locations:

Jacksonville Public Library—Argyle Branch, 7973 Old Middleburg Road South, Jacksonville, FL 32222.  
 Jacksonville Public Library—Webb Wesconnett Regional, 6887 103rd Street, Jacksonville, FL 32210.  
 Jacksonville Public Library—West Regional, 1425 Chaffee Road South, Jacksonville, FL 32221.  
 Jacksonville Public Library—Main Branch, 303 N Laura St., Jacksonville, FL 32202.  
 Green Cove Springs Library, 403 Ferris St., Green Cove Springs, FL 32043.

**DATES:** The public comment period for the Draft EA begins with the publication of this NOA. To ensure that all comments can be addressed in the Final EA, comments on the draft must be received by the FAA no later than May 20, 2009.

The FAA is holding a public hearing on the Draft EA. The public hearing will be held on May 14, 2009 from 6 to 9 p.m. at the Cecil Commerce Center, 13561 Lake Newman St., Jacksonville,

FL. Meeting registration and a general poster session will occur from 6 to 6:30 p.m. The FAA will present information about the Draft EA and licensing process at 6:30 p.m. followed by a public comment period in which members of the public will be provided the opportunity to provide both written and oral comments on the Draft EA. A court reporter will transcribe the oral comments.

**ADDRESSES:** Comments regarding the EA should be mailed to FAA Cecil Field EA, c/o ICF International, 9300 Lee Highway, Fairfax, VA, 22031. Comments can also be sent by e-mail to [CecilField@icfi.com](mailto:CecilField@icfi.com) or fax to (703) 934–3951.

**ADDITIONAL INFORMATION:** Under the Proposed Action, the FAA would issue a Launch Site Operator License to JAA that would allow them to operate Cecil Field for horizontal suborbital RLV launches. JAA has identified two types of horizontally launched RLVs, Concept X and Concept Z, which are considered typical vehicles that would be launched from Cecil Field. The RLVs would launch and land on Runway 18L–36R, the primary north-south runway at Cecil Field. Both proposed RLVs would take-off from Cecil Field under jet power. Rocket operations would occur in a designated offshore area, approximately 60 miles east of the Florida coast. The RLVs would return to Cecil Field as maneuverable gliders.

JAA proposes to use Cecil Field's existing infrastructure, such as hangars, control tower, and runways for commercial space launch operations. Therefore, JAA does not anticipate new construction activities at Cecil Field related to the proposed spaceport.

The activities analyzed under the Proposed Action that would support, either directly or indirectly, licensed launches include:

- Transporting the vehicle, vehicle components, and propellants to Cecil Field via road, rail, air, or a combination of these methods.
- Assembling the various vehicle components.
- Conducting checkout activities.
- Loading the propellants into the launch vehicle.
- Loading the pilot, passengers, and other payload.
- Towing or moving the launch vehicle to the proper launch or takeoff location.
- Departing Cecil Field as an aircraft.
- Igniting the rocket engines once the vehicle has reached a designated area over the Atlantic Ocean.
- Collecting any debris from the runway prior to vehicle landing.

- Recovering and transporting the launch vehicle from the runway after landing.

The only alternative to the Proposed Action analyzed in the EA is the No Action Alternative. Under this alternative, the FAA would not issue a Launch Site Operator License to JAA, and there would be no commercial space launches from Cecil Field. The site would continue to be available for existing general aviation and training-related activities.

Resource areas were considered to provide a context for understanding and assessing the potential environmental effects of the Proposed Action, with attention focused on key issues. The resource areas considered included climate and air quality; coastal resources; compatible land use; Department of Transportation Act: Section 4(f) resources; farmlands; fish, wildlife, and plants; floodplains; hazardous materials, pollution prevention, and solid waste; historical, architectural, archaeological, and cultural resources; light emissions and visual resources; natural resources, energy supply, and sustainable design; noise; socioeconomic; water quality; wetlands; wild and scenic rivers; children's environmental health and safety risks; environmental justice; construction impacts; secondary (induced) impacts; airports/airport users; airspace; transportation; and cumulative impacts.

**FOR FURTHER INFORMATION CONTACT:** Stacey M. Zee (AST-100), Office of Commercial Space Transportation, 800 Independence Avenue, SW., Room 331, Washington, DC 20591, telephone (202) 267–9305; E-mail [stacey.zee@faa.gov](mailto:stacey.zee@faa.gov).

Issued in Washington, DC on: April 15, 2009.

**Michael McElligott,**

*Manager, Space Systems Development Division.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being

requested, and the petitioner's arguments in favor of relief.

### Georgetown Loop Railroad

[Waiver Petition Docket Number FRA-2008-0107]

The Georgetown Loop Railroad (GLR), a narrow-gage tourist railroad, petitioned FRA for a waiver of compliance from certain provisions of the steam locomotive safety standards, as prescribed by 49 CFR Section 230.112 (Wheels and tires) and Section 230.113 (Wheels and tire defects) for one steam locomotive used in tourist/excursion service. Specifically, this waiver request applies to Locomotive Number GLR 12.

Locomotive Number GLR 12 was built in 1927 by Baldwin Locomotive Works (BLW), Philadelphia, PA, for the Kahului Railroad in Hawaii, and is a 36-inch narrow gage. The locomotive was used on a shortline in freight and passenger service until its retirement in the 1950s. It was subsequently sold to private individuals and moved to California to be used on various tourist/excursion trains. In the 1980s, a new boiler was installed and extensive repairs were made to the running gear. It was used frequently throughout the 1990s at the Silver Wood Amusement Park until its sale to the Colorado Historical Society in 2005, and was in service on GLR from 2005-2007.

By letter notification on April 7, 2008, FRA brought GLR under the agency's jurisdiction and the boiler is now compliant with the applicable requirements of 49 CFR Part 230. During an inspection of the entire locomotive, it was determined that the inside gage (back-to-back spacing) exceeds the safety limits set by FRA under 49 CFR Section 230.112(b). The actual measurements for the locomotive are 33½ inches wide. The allowable range under the regulation is 32½ to 32⅞ inches wide. The locomotive was built to BLW's narrow-gage standards, which allow wider back-to-back dimensions and narrower flange widths for narrow-gage engines. These alternate standard dimensions were primarily used in areas with prevalent sharp curves and poor track conditions. In addition to the wider back-to-back dimension used by Baldwin, a narrow flange width (new) that measures 1⅛ inches is used versus the 1¼-inch flange, which is the standard AAR narrow flange.

A second issue with GLR Number 12 pertains to the requirements of 49 CFR Section 230.113(g) regarding the minimum thickness of the tire's flange. The regulatory requirement for condemning a flange for insufficient width is 15/16 of an inch based upon a new thickness of 1¼ inches. Since the

new flange thickness on GLR Number 12's flanges was 1⅛ inches, GLR requests that the condemning limit for this locomotive be 13/16 of an inch based upon the reduced initial width. GLR stated that they have safely operated this locomotive for several years without any wheel problems prior to coming under FRA's jurisdiction. GLR believes that there is no practical way to modify the chassis components to comply with the regulatory requirements as the basic design of the locomotive's brake and spring rigging and driving boxes will not allow the driving tires and wheels to be significantly modified.

In summary, GLR requests relief from the regulatory requirements of 49 CFR Sections 230.112 and 230.113 to allow GLR Number 12 to be maintained to BLW standards for narrow-gage locomotives, as stated above.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2008-0107) and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.—5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

Issued in Washington, DC on April 15, 2009.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

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#### Association of American Railroads (Docket Number FRA-2009-0004)

The Association of American Railroads (AAR), on behalf of itself and its member railroads, seeks a waiver of compliance from certain provisions of the *Railroad Locomotive Safety Standards*, 49 CFR Part 229. Specifically, AAR requests to change the time interval requirements of 49 CFR 229.27 *Annual Tests* and 49 CFR 229.29 *Biennial Tests* for all locomotives equipped with 26-L type brake systems, without air dryers, by extending the testing interval to 4 years.

On May 12, 2005, AAR petitioned for an industry-wide waiver of annual and biennial testing requirements for locomotives equipped with both the 26-L brake systems and air dryers. This request was based on the test data gathered by the Canadian railroads and waivers which were previously granted to both the Canadian National and the Canadian Pacific Railroads. On December 2, 2005, FRA granted a conditional waiver to extend the time limits of the required tests to 4 years. AAR believes it is now time to grant a