

Launch Complex-46 at Cape Canaveral Air Force Station, Florida; Oklahoma Spaceport, Oklahoma; Spaceport America, New Mexico; and one Federal range, the Shuttle Landing Facility at John F. Kennedy Space Center, Florida.

Subsequent environmental analyses that fall under the scope of the PEIS could tier from this document and incorporate the findings of the PEIS by reference, allowing an applicant and the FAA to focus on the relevant and unique impacts of an experimental permit application. Tiering and incorporation by reference would streamline the development of subsequent environmental analyses in accordance with NEPA and FAA Order 1050.1E.

The PEIS will not authorize the launch or reentry of reusable suborbital rockets from launch sites. Individual launch operators would be required to coordinate with site operators to gain access to a site. In addition, the launch operators would be required to apply to the FAA for an experimental permit, which would require an individual safety and environmental review.

The FAA submitted the Final PEIS to the U.S. Environmental Protection Agency (EPA), and the EPA will post a separate notification in the **Federal Register** announcing the availability of the Final PEIS. The FAA will issue a Record of Decision no sooner than 30 days following the EPA notice in the **Federal Register**. The Record of Decision will also be published in the **Federal Register**.

The FAA has posted the Final PEIS on the FAA Web site at <http://ast.faa.gov>. A paper copy and a CD version of the Final PEIS may be viewed at the following locations:

#### Alaska

Chiniak Public Library, Mile 41, Chiniak, AK 99615.

Kodiak Library, 319 Lower Mill Bay Road, Kodiak, AK 99615.

#### California

Kern County Library, 9507 California City Blvd., California City, CA 93505.

Lompoc Library, 3755 Constellation Rd., Lompoc, CA 93436.

Lompoc Public Library, 501 E. North Ave., Lompoc, CA 93436.

Mojave Public Library, 16916-1/2 Highway 14, Mojave, CA 93501.

#### Florida

Merritt Island Public Library, 1195 North Courtenay Parkway, Merritt Island, FL 32953.

Titusville Public Library, 2121 S. Hopkins Ave., Titusville, FL 32780.

#### New Mexico

Truth or Consequences Library, 325 Library Lane, Truth or Consequences, NM 87901.

Hatch Public Library, 503 E. Hall St., Hatch, NM 87937.

#### Oklahoma

Clinton Public Library, 721 Frisco Ave., Clinton, OK 73601.

Elk City Carnegie Library, 221 West Broadway, Elk City, OK 73644.

#### Virginia

Island Library, 4077 Main St., Chincoteague, VA 23336.

Eastern Shore Public Library, 23610 Front St., Accomac, VA 23301.

*Additional Information:* Under the Proposed Action, the FAA would issue experimental permits for the launch and reentry of reusable suborbital rockets from both FAA-licensed and non-licensed launch sites using the PEIS as the basis for determining the potential environmental consequences of issuing experimental permits. An experimental permit would implement the appropriate safety requirements as defined in 14 CFR Part 437. A permit would be valid for 1 year and would authorize an unlimited number of launches and reentries of a particular reusable suborbital rocket design from a specified site(s). A permittee could renew the permit by submitting a written application to the FAA for renewal at least 60 days before the permit expired.

Based on the FAA's review of past activities and consultations with various organizations in the commercial space industry, the FAA projected that a maximum of 1,000 launch and reentry events could occur annually at any one location from 2009 to 2014. The FAA used this estimate to develop an upper bound to assess the potential impacts of the Experimental Permit Program. In some cases, the maximum number of events analyzed in the PEIS for specific sites are fewer than 1,000 if the site cannot support all of the flight profiles identified in the PEIS. The estimates used in the PEIS are extremely conservative and the actual number of launches per year would likely be lower.

The PEIS considers activities associated with the launch and reentry of reusable suborbital rockets, including pre-flight activities, flight profile (takeoff, flight, and landing), and post-flight activities (vehicle safing). The general suborbital rocket designs addressed in the PEIS include vehicles resembling conventional aircraft—30 to 140 feet long with unfueled weight of

up to 9,921 pounds; vehicles resembling conventional rockets—6 to 33 feet long with unfueled weight of up to 5,500 pounds; and vehicles that hover—up to 20 feet in length or diameter with unfueled weight of up to 4,400 pounds. To assess potential impacts of the Experimental Permit Program, the PEIS also considers the approximate proportions of general reusable suborbital rocket flight profiles, as follows: (1) Horizontal takeoff (rocket or jet powered), flight, and horizontal landing (glide or jet powered); (2) vertical takeoff (rocket powered), flight, and vertical landing (rocket powered or parachute); and (3) rocket powered hovering flights (vertical takeoff and landing).

The PEIS analyzes the potential environmental effects of permitted launches on the impact categories described in FAA Order 1050.1E, Change 1. The PEIS does not analyze environmental consequences specific to construction because the Proposed Action and No Action Alternative do not involve construction activities. The PEIS also addresses potential cumulative impacts of the Proposed Action.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel Czelusniak, FAA Environmental Specialist, FAA Experimental Permits PEIS, c/o ICF International, 9300 Lee Highway, Fairfax, VA 22031; e-mail [PEIS-Experimental-Permits@icfi.com](mailto:PEIS-Experimental-Permits@icfi.com); or fax (703) 934-3951.

Issued in Washington, DC, on September 1, 2009.

**Michael McElligott,**

*Manager, Space Systems Development Division.*

[FR Doc. E9-21765 Filed 9-9-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number: MARAD-2008-0060]

### Environmental Impact Statements; Availability

**AGENCY:** Maritime Administration, U.S. Department of Transportation.

**ACTION:** Notice of Availability of Final Programmatic Environmental Assessment and Finding of No Significant Impact.

**SUMMARY:** Notice is hereby given that the Maritime Administration, of the U.S. Department of Transportation (U.S. DOT) has made available to interested parties the Final Programmatic Environmental Assessment (PEA) and

the Finding of No Significant Impact (FONSI) for the Removal of Non-Retention Vessels from National Defense Reserve Fleet Sites for Disposal. The PEA and FONSI have been prepared pursuant to the National Environmental Policy Act (NEPA) (U.S.C. 4231 *et seq.*) in accordance with the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508).

The purpose of the PEA is to evaluate the potential environmental impacts from and alternatives to the Removal of Non-Retention Vessels from National Defense Reserve Fleet Sites for Disposal proposed by the Maritime Administration. The Maritime Administration is charged with disposing of obsolete “non-retention” U.S. government-owned merchant type vessels of 1,500 gross tons or more per Section 203 of the Federal Property and Administrative Service Act of 1949, as amended (40 U.S.C. 548 (2008)). Non-retention vessels are vessels that have been determined by the Maritime Administration to be of insufficient value for commercial or military operation by the Federal Government to merit further preservation. 46 U.S.C. 57102 (2008). The Maritime Administration’s non-retention ships are located at three fleet anchorages: James River, Virginia, Beaumont, Texas, and Suisun Bay, California.

The Maritime Administration is proposing to tow obsolete vessels from these three fleet anchorages either to one of seven Maritime Administration-qualified or provisionally qualified recycling facilities across the United States or others that may be qualified in the future, or to various locations (to be determined on a case by case basis) to be used as artificial reefs, or sold for reuse as limited by applicable law, or to be donated for use as memorials and museums, or to be used by the U.S. Navy in at-sea training exercises referred to as Sinking Exercises, or SINKEX, during which the Navy fires live munitions at the vessel to give trainees a better sense of the capabilities of Navy weaponry. Following the use of live fire, vessels are allowed to sink to the sea bottom.

The PEA studies potential environmental effects associated with the removal and disposal of non-retention vessels. The PEA considers potential effects to the natural and manmade environments including: Air quality, water quality, vessel traffic, cultural & historic resources, wetlands, benthic communities, fish resources, threatened & endangered species, socioeconomic resources, human health

& safety, and other topics associated with the proposed action.

The Maritime Administration assessed the potential environmental consequences of the Proposed Action and the No Action alternative, and found no significant impact to the human and natural environments from implementation of the proposed action. The Maritime Administration announced the availability of the draft of this Final Programmatic Environmental Assessment July 2, 2008 and made it available to the public for comment. Responses to comments can be found online at <http://www.regulations.gov> at Docket ID MARAD–2008–0060.

**FOR FURTHER INFORMATION CONTACT:**

Carolyn E. Junemann, 1200 New Jersey Ave., SE., Washington, DC 20590; phone: (202) 366–1920; fax: (202) 5904; or e-mail: [Carolyn.junemann@dot.gov](mailto:Carolyn.junemann@dot.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individuals during business hours. The FIRS is available twenty-four hours a day, seven days a week, to leave a message or question with the above individuals. You will receive a reply during normal business hours.

A copy of the Final Programmatic EA and Finding of No Significant Impact can be obtained or viewed online at <http://www.regulations.gov>. The files are in a portable document format (pdf); in order to review or print the document, users need to obtain a free copy of Acrobat Reader. The Acrobat Reader can be obtained from <http://www.adobe.com/prodindex/acrobat/readstep.html>.

Copies of the Final PEA and FONSI will also be available during normal business hours at the following locations: Beaumont Public Library, 801 Pearl St., Beaumont, TX 77701; Surry Public Library, 11640 Rolfe Hwy., Surry, VA 23882; Virgil I. Grissom Public Library, 366 DeShazor Dr., Newport News, VA 23608; and, Benicia Public Library, 150 E. L St., Benicia, CA 94510.

**SUPPLEMENTARY INFORMATION:** The mission of the Maritime Administration is to strengthen the U.S. maritime transportation system, including infrastructure, industry, and labor, to meet the economic and security needs of the United States, and to promote the development and maintenance of an adequate, well-balanced U.S. merchant marine, sufficient to carry the nation’s domestic waterborne commerce and a substantial portion of its waterborne foreign commerce, and capable of service as a naval and military auxiliary

in time of war or national emergency. The Maritime Administration also seeks to ensure that the United States maintains adequate shipbuilding and repair services, efficient ports, effective intermodal water and land transportation systems, and reserve shipping capacity for use in time of national emergency.

The Maritime Administration is charged with disposing of obsolete “non-retention” U.S. government-owned merchant type vessels of 1,500 gross tons or more per Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 548 (2008)). Non-retention vessels are vessels that have been determined by the Maritime Administration to be of insufficient value for commercial or military operation by the Federal Government to merit further preservation by the Federal Government. 46 U.S.C. 57102 (2008). The Maritime Administration’s non-retention ships are located at fleet anchorages in the James River, Virginia, Beaumont, Texas, and Suisun Bay, California.

The majority of non-retention NDRF vessels are systematically being recycled. However, some vessels have been loaned to other Government agencies, sold for reuse in accordance with applicable law, used as artificial reefs, used as museums, and used for military and civilian training. All of the vessels to be removed are obsolete non-retention vessels that Congress has directed the Maritime Administration to dispose of under the Merchant Marine Act of 1936, as amended.

The Maritime Administration continues to consider domestic dismantling (recycling) as the predominant means of vessel disposal, but continually evaluates alternative means of disposal such as artificial reefing, sale for reuse, deep-water sinking through the Navy’s SINKEX Program, and donations to historic organizations when possible.

Domestic recyclers of obsolete NDRF vessels are required to follow all Federal, State, and local laws and regulations governing worker safety and environmental protection. Specific authority to pay for recycling provided in the Department of Defense Appropriations Act for Fiscal Year 2001 (Pub. L. 106–259 section 8136), was enacted on August 9, 2000 and included a budget for the accelerated recycling of those vessels in the “worst condition.” All other alternatives for disposal are required to be in accordance with Federal, State, and local laws and regulations.

Selection of recycling facilities was included in the 2000 Congressional amendments to section 6(c)(1) of the National Maritime Heritage Act (NMHA), which directed the Maritime Administration to dispose of all obsolete vessels "in the manner that provides the best value to the Government" (Pub. L. 106-398, section 3502(a)). In addition, it provided subsection (b) Selection of Scrapping Facilities, which stated that:

The Secretary of Transportation may recycle obsolete vessels pursuant to Section 6(c)(1) of the NMHA of 1994 [16 United States Code (U.S.C.) 5405(c)(1)] through qualified dismantlement facilities, using the most expeditious recycling methodology and location practicable. Dismantlement facilities shall be selected under that section on a best value basis consistent with the Federal Acquisition Regulation (FAR), as in effect on the date of the enactment of this Act \* \* \* taking into consideration, among other things, the ability of facilities to dismantle vessels: (1) At least cost to the Government, (2) in a timely manner, (3) giving consideration to worker safety and the environment, and (4) in a manner that minimizes the geographic distance that a vessel must be towed when towing a vessel poses a serious threat to the environment (Pub. L. 106-398, section 3502(b), 114 Stat. 1654a-490 (2000)).

An electronic version of this document and all documents entered into this docket are available at <http://www.regulations.gov> at Docket ID MARAD-2008-0060.

Dated: September 2, 2009.

By Order of the Maritime Administrator.

**Murray Bloom,**

*Acting Secretary, Maritime Administration.*  
[FR Doc. E9-21814 Filed 9-9-09; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Request To Release Airport Property at the Upper Cumberland Regional Airport, Sparta, TN

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Request for public comment.

**SUMMARY:** The Federal Aviation Administration is requesting public comment on the release of land at the Upper Cumberland Regional Airport, Sparta, TN.

This property, approximately 3.48 acres, will change to a non-aeronautical use. This action is taken under the provisions of Section 125 of the Wendell H. Ford Aviation Investment

Reform Act for the 21st Century (AIR 21).

**DATES:** Comments must be received on or before October 13, 2009.

**ADDRESSES:** Documents are available for review at the Tennessee Department of Transportation, Division of Aeronautics, 424 Knapp Blvd, Bldg 4219, Nashville, TN 37217 and the FAA Airports District Office, 2862 Business Park Drive, Building G, Memphis, TN 38118.

Written comments on the Sponsor's request must be delivered or mailed to: Mr. Phillip J. Braden, Manager, Memphis Airports District Office, 2862 Business Park Drive, Building G, Memphis, TN 38118. In addition, a copy of any comments submitted to the FAA must be mailed or delivered to Mr. Bob Woods, Director, TDOT, Division of Aeronautics, P.O. Box 17326, Nashville, TN 37217.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Thompson, Program Manager, Federal Aviation Administration, Memphis Airports District Office, 2862 Business Park Drive, Building G, Memphis, TN 38118. The application may be reviewed in person at this same location, by appointment.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the request to release property at the Upper Cumberland Regional Airport, Sparta, TN. Under the provisions of AIR 21(49 U.S.C. 47107(h)(2)).

On August 21, 2009, the FAA determined that the request to release property at Upper Cumberland Regional Airport, submitted by the airport board, meets the procedural requirements of the Federal Aviation Administration. The FAA may approve the request, in whole or in part, no later than October 13, 2009.

The following is a brief overview of the request:

The Upper Cumberland Regional Airport Board, owner of the Upper Cumberland Regional Airport, is proposing the release of approximately 3.48 acres of airport property to the County of White, Tennessee so the property can be used to accommodate the construction of an Industrial Park access road along the eastern airport property line.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon appointment and request, inspect the request, notice and other documents germane to the request in person at the Tennessee Department of Transportation, Division of Aeronautics.

Issued in Memphis, TN on August 24, 2009.

**Tommy L. Dupree,**

*Acting Manager, Memphis Airports District Office, Southern Region.*

[FR Doc. E9-21704 Filed 9-9-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2007-28444 (PDA-32(R))]

#### Maine Department of Environmental Protection Requirements on Transportation of Cathode Ray Tubes

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice of administrative determination of preemption.

*Local Laws Affected:* Title 06-096, Maine Code of Regulations (MCR) Chapters 850, 851, 853 & 857 (For convenience, provisions in Title 06-096 MCR are referred to herein simply by the Chapter and section number, e.g., "MCR 850 section 3(A)").

*Applicable Federal Requirements:* Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, and the Hazardous Materials Regulations (HMR), 49 CFR parts 171-180. Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 *et seq.*, and 40 CFR Chapter I, subchapter I (Solid Wastes).

*Modes Affected:* Highway.

**SUMMARY:** Federal hazardous material transportation law does not preempt MDEP's regulations on classification of used cathode ray tubes ("CRTs") as "universal waste" and broken CRTs and glass removed from CRTs ("CRT glass") as a State "hazardous waste" and the marking, labeling, shipping documentation, and transporter requirements, because these requirements do not apply or pertain to materials regulated under Federal hazardous materials transportation law and the HMR or otherwise constitute an obstacle to accomplishing and carrying out Federal hazardous materials transportation law and the regulations issued under that law.

**FOR FURTHER INFORMATION CONTACT:** Frazer C. Hilder, Office of Chief Counsel, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001 (Tel. No. 202-366-4400).