

site. The FAA has assumed that SpaceX would conduct up to 70 annual suborbital launches of the Grasshopper RLV under an experimental permit at the McGregor test site. This estimation is a conservative number and considers potential multiple launches per day and potential launch failures.

The only alternative to the Proposed Action analyzed in the Draft EA is the No Action Alternative. Under the No Action Alternative, the FAA would not issue an experimental permit to SpaceX for operation of the Grasshopper RLV at the McGregor test site. Existing SpaceX activities would continue at the McGregor test site. Please refer to Section 2.2 of the Draft EA for a brief discussion of existing SpaceX activities.

The resource areas considered in the Draft EA include air quality; noise and compatible land use; land use (including U.S. Department of Transportation Section 4(f) Properties); biological resources (fish, wildlife, and plants); historical, architectural, archaeological, and cultural resources; hazardous materials, pollution prevention, and solid waste; light emissions and visual resources; natural resources and energy supply; water resources (surface waters and wetlands, groundwater, floodplains, and water quality); socioeconomic, environmental justice, and children's environmental health and safety; and secondary (induced) impacts. Potential cumulative impacts of the Proposed Action were also addressed in the Draft EA.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel Czelusniak, Environmental Program Lead, Office of Commercial Space Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Room 325, Washington, DC 20591; telephone (202) 267-5924; e-mail: [Daniel.Czelusniak@faa.gov](mailto:Daniel.Czelusniak@faa.gov).

Issued in Washington, DC, on September 20, 2011.

**Glenn H. Rizner,**

*Deputy Manager, Space Transportation Development Division.*

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Meeting of the Marine Transportation System National Advisory Council

**AGENCY:** Maritime Administration.

**ACTION:** Notice of Public Meeting.

**SUMMARY:** The Maritime Administration (MarAd) announces that the Marine Transportation System National

Advisory Council (MTSNAC) will hold a meeting on October 12-13, 2011 to assess its priorities for the coming year, and to discuss other issues of importance to the Marine Transportation System. During the two day meeting, a public comment period is scheduled for 1 p.m.-1:30 p.m. on Wednesday, October 12, 2011. Members of the public who would like to speak are asked to contact Richard J. Lolich by October 5, 2011. To provide time for as many people to speak as possible, speaking time for each individual will be limited to three minutes. We hope to be able to accommodate everyone who would like to speak at the meeting, but if there are more interested participants than time available, we will limit participants in order of date and time of registration. Commenters will be placed on the agenda in the order in which notifications are received. If time allows, time will be allotted to those attending the meeting to speak, even if they had not previously registered to speak. Copies of oral comments must be submitted in writing at the meeting. Additional written comments are welcome and must be filed with Richard Lolich by October 14, 2011. [See also **FOR FURTHER INFORMATION CONTACT**]

**DATES:** The meeting will be held on Wednesday, October 12, 2011, from 9 a.m. to 5 p.m. and Thursday, October 13, 2011, from 9 a.m. to 12 p.m.

**ADDRESSES:** The meeting will be held in the Media Center at the U.S. Department of Transportation Headquarters, 1200 New Jersey Ave., SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Richard Lolich, (202) 366-0704; Maritime Administration, MAR-540, Room W21-310, 1200 New Jersey Ave., SE., Washington, DC 20590-0001; [richard.lolich@dot.gov](mailto:richard.lolich@dot.gov).

**Authority:** 5 U.S.C. App 2, Sec. 9(a)(2); 41 CFR 101-6. 1005; DOT Order 1120.3B)

By Order of the Maritime Administrator.

Date: September 22, 2011.

**Christine Gurland,**

*Acting Secretary, Maritime Administration.*

[FR Doc. 2011-24773 Filed 9-26-11; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2011-0157; Notice No. 11-6]

#### Clarification on the Division 1.1 Fireworks Approvals Policy

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

**ACTION:** Clarification.

**SUMMARY:** In this document, PHMSA is seeking comment on its intent to clarify its fireworks approvals policy whereby the Office of Hazardous Materials Safety (OHMS), Approvals and Permits Division will accept only those classification approval applications for Division 1.1 fireworks that have been examined and assigned a recommended shipping description, division and compatibility group by a DOT-approved explosives test laboratory, or that have been issued an approval for the explosive by the competent authority of a foreign government acknowledged by PHMSA's Associate Administrator. If the Associate Administrator finds the approval request meets the regulatory criteria, the new explosive will be approved in writing and assigned an EX number.

**DATES:** *Comments Due Date:* October 27, 2011.

**ADDRESSES:** You may submit comments by identification of the docket number (PHMSA-2011-0157 (Notice No. 11-6)) by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, Routing Symbol M-30, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* To Docket Operations, Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the agency name and docket number for this notice at the beginning of the comment. All comments received will be posted without change to the Federal Docket Management System (FDMS), including any personal information.

*Docket:* For access to the dockets to read background documents or comments received, go to <http://www.regulations.gov> or DOT's Docket Operations Office (see ADDRESSES).

**FOR FURTHER INFORMATION CONTACT:** Mr. Ryan Paquet, Director, Approvals and Permits Division, Office of Hazardous Materials Safety, (202) 366-4512, PHMSA, 1200 New Jersey Avenue, SE., Washington, DC 20590.

### Background

The Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) require that Division 1.1 fireworks must be examined by a DOT-approved explosives test laboratory and assigned a recommended shipping description, division, and compatibility group in accordance with § 173.56(b). The tests provided for the classification of Division 1.1 fireworks specified in §§ 173.57 and 173.58 describe the procedures used to determine the acceptance criteria and assignment of class and division for all new explosives.

The HMR also permit Division 1.1 firework devices that have been approved by the competent authority of a foreign government that PHMSA's Associate Administrator has acknowledged in writing as acceptable in accordance with 49 CFR § 173.56(g).

According to § 173.56(j), manufacturers of Division 1.3 and 1.4 fireworks or their designated U.S. agents may apply for an EX classification approval without prior examination by a DOT-approved explosives test laboratory if the firework device is manufactured in accordance with APA Standard 87-1 (IBR, see § 171.7), and the device passes the thermal stability test. Additionally, the applicant must certify that the firework device conforms to the APA Standard 87-1 and that the descriptions and technical information contained in the application are complete and accurate. PHMSA has in the past, on a case-by-case basis, approved some Division 1.1G fireworks without requiring testing by a DOT-approved explosives examination laboratory. However, we evaluate each EX approval application independently and have also required Division 1.1G fireworks to undergo examination testing by a DOT-approved explosive examination lab prior to issuing the EX approval.

While APA Standard 87-1 references two instances where Division 1.1 fireworks may be approved under the standard, it does not call for the level of testing required in the HMR, nor does it provide testing and criteria to determine

when a firework ceases to be a Division 1.1 and becomes forbidden for transport.

We are clarifying our policy that all Division 1.1 fireworks must undergo examination by a DOT-approved explosives examination laboratory. However, if a fireworks device is classed and approved as a Division 1.1 firework, the UN Test Method 6 is not required. Rather, the testing will be limited to UN Test Method 4a(i) and 4b(ii), as is already specified in § 173.57(b). The examination laboratory may request additional information if necessary to make their classification recommendation. Additionally, we allow the laboratory to make a classification recommendation for Division 1.1 fireworks based on analogy.

PHMSA believes that by adhering to the requirements of the HMR and issuing Division 1.1 fireworks approvals only after a DOT-approved explosive laboratory has examined and recommended a classification, or an approval has been issued by a competent authority of a foreign government acknowledged by PHMSA's Associate Administrator, we are ensuring that fireworks transported in commerce meet the established criteria for their assigned classification, thereby minimizing the potential of the shipment of incorrectly classified or forbidden fireworks.

For these safety reasons, PHMSA is seeking comment on its clarification of its fireworks approvals policy whereby PHMSA will accept and issue only those classification approval applications for Division 1.1 fireworks that have been examined and assigned a recommended shipping description, division, and compatibility group by a DOT-approved explosives test laboratory in accordance with 49 CFR 173.56(b), or has been approved by the competent authority of a foreign government that PHMSA's Associate Administrator has acknowledged in writing as acceptable in accordance with 49 CFR 173.56(g).

Issued in Washington, DC on September 21, 2011.

**Magdy El-Sibaie,**

*Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.*

[FR Doc. 2011-24686 Filed 9-26-11; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. AB 6 (Sub-No. 475X)]

### BNSF Railway Company— Abandonment Exemption—in Boulder County, CO

BNSF Railway Company (BNSF) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon 1.37 miles of rail line extending between milepost 20.80 and milepost 22.17 at Lafayette, in Boulder County, CO (the Line). The Line traverses United States Postal Service Zip Code 80026 and includes no stations.

BNSF has certified that: (1) No local traffic has moved over the Line for at least 2 years; (2) the Line is stub-ended and not capable of handling any overhead traffic, therefore, there is no overhead traffic to be rerouted; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 27, 2011, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.