

must do so in English and must identify on the first page of the submission "USTR Report on Operation of the Andean Trade Preference Act." In order to be assured of consideration, comments should be submitted by close of business, May 8, 2013.

In order to ensure the timely receipt and consideration of comments, USTR strongly encourages commenters to make on-line submissions, using the <http://www.regulations.gov> Web site. Comments should be submitted under the following docket: USTR-2013-0018. To find the docket, enter the docket number in the "Enter Keyword or ID" window at the <http://www.regulations.gov> home page and click "Search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled "Comment Now!" (For further information on using the www.regulations.gov Web site, please consult the resources provided on the Web site by clicking on the "Help" tab.)

The <http://www.regulations.gov> Web site provides the option of making submissions by filling in a comments field, or by attaching a document. USTR prefers submissions to be provided in an attached document. If a document is attached, it is sufficient to type "See attached" in the "Type Comment" and attach a file in the "Upload File(s)" field. USTR also prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the "Comments" field.

A person seeking to request that information contained in a submission from that person be treated as business confidential information must certify that such information is business confidential and would not customarily be released to the public by the submitter. For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters "BC". Confidential business information must be clearly designated as such. The submission must be marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page, and the submission should indicate, via brackets, the specific information that is confidential. Additionally, "BUSINESS CONFIDENTIAL" must be included in the "Type Comment" field. Filers of submissions containing business confidential information must also submit a public version of their comments indicating where confidential

information has been redacted. The non-confidential summary will be placed in the docket and open to public inspection. The file name of the public version should begin with the character "P". The "BC" and "P" should be followed by the name of the person or entity submitting the comments or reply comments. Filers submitting comments containing no business confidential information should name their file using the character "P", followed by the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

USTR strongly urges submitters to file comments through www.regulations.gov, if at all possible. Any alternative arrangements must be made with Bennett Harman in advance of transmitting a comment. Mr. Harman should be contacted at (202) 395-9446. General information concerning USTR is available at <http://www.ustr.gov>.

Inspection of Submissions: Submissions in response to this notice, except for information granted "business confidential" status, will be available for public viewing at <http://www.regulations.gov>. Such submissions may be viewed by entering the docket number USTR-2013-0018 in the search field at <http://www.regulations.gov>.

William Shpiece,
Acting Chairman, Trade Policy Staff Committee.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Office of Commercial Space Transportation; Notice of Availability of the Finding of No Significant Impact (FONSI) and Record of Decision (ROD) for Issuing Launch and Reentry Licenses to Space Exploration Technologies Corp. (SpaceX) for Falcon 9 and Falcon Heavy Commercial Launch Operations at Vandenberg Air Force Base (VAFB), California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of the FONSI and ROD.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA; 42 United States Code 4321 et seq.), Council on Environmental Quality NEPA implementing regulations (40 Code of Federal Regulations parts 1500 to 1508), and FAA Order 1050.1E, Change 1, *Environmental Impacts: Policies and Procedures*, the FAA is announcing the availability of a FONSI/ROD, based on the analysis and findings of the U.S. Air Force's (USAF's) March 2011 *Final Environmental Assessment for Falcon 9 and Falcon 9 Heavy Launch Vehicle Programs from Space Launch Complex 4 East* (the EA).

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Czelusniak, Environmental Specialist, Federal Aviation Administration, 800 Independence Ave., SW., Room 325, Washington, DC 20591; email Daniel.Czelusniak@faa.gov; or phone (202) 267-5924.

SUPPLEMENTARY INFORMATION: The FAA participated as a cooperating agency with USAF in the preparation of the EA, which evaluated the potential environmental impacts of operating the Falcon 9 and Falcon Heavy launch vehicle programs from Space Launch Complex-4 East (SLC-4E) at VAFB. As the Proposed Action would require Federal actions (as defined in 40 CFR § 1508.18) involving USAF and the FAA, the EA was prepared to satisfy the NEPA obligations of both agencies. USAF was the lead agency, and the FAA served as a cooperating agency because of its role in issuing licenses or permits to operate commercial launch and reentry vehicles. USAF issued a FONSI on July 11, 2011, which stated that the potential environmental impacts associated with the Proposed Action would not individually or cumulatively have a significant impact on the quality of the human environment, and therefore the preparation of an Environmental Impact Statement (EIS) was not required. The FAA has formally adopted the EA and is using the FONSI/ROD to support the issuance of launch and reentry licenses to SpaceX for Falcon 9 and Falcon Heavy commercial launch operations at VAFB.

The Proposed Action analyzed in the EA consists of SpaceX operating its Falcon 9 and Falcon Heavy launch vehicle programs to provide government and commercial space operations from SLC-4E at VAFB. The Proposed Action in the EA also includes modifications and new construction at SLC-4E to support SpaceX's launch operations. Modification and construction activities have been initiated since the EA was

published. SLC-4E was previously used for the Titan IV program and has been non-operational since 2005. The FAA's Proposed Action is to issue launch and reentry licenses to SpaceX for Falcon 9 and Falcon Heavy commercial launch operations at VAFB. Alternatives analyzed as part of the FONSI/ROD include (1) the Proposed Action and (2) No Action Alternative. Under the No Action Alternative, the FAA would not issue launch or reentry licenses to SpaceX for Falcon 9 or Falcon Heavy commercial launch operations at VAFB.

Based on its independent review and consideration, the FAA issued a FONSI/ROD concurring with the analysis of impacts and findings in the EA and formally adopting the EA to support the issuance of launch and reentry licenses to SpaceX for Falcon 9 and Falcon Heavy commercial launch operations at VAFB. After reviewing and analyzing available data and information on existing conditions, potential impacts, and measures to mitigate those impacts, the FAA has determined that issuing launch and reentry licenses to SpaceX for Falcon 9 and Falcon Heavy commercial launch operations at VAFB is a Federal action that would not significantly affect the quality of the human environment within the meaning of NEPA. Therefore, the preparation of an EIS is not required, and the FAA has issued a FONSI/ROD. The FAA made this determination in accordance with all applicable environmental laws and FAA regulations.

The FAA has posted the EA and FONSI/ROD on the internet at http://www.faa.gov/about/office_org/headquarters_offices/ast/environmental/nepa_docs/review/launch/.

Issued in Washington, DC on March 26, 2013.

Daniel P. Murray,

Deputy Manager, Space Transportation Development Division.

[FR Doc. 2013-08083 Filed 4-5-13; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA-2013-0013]

Proposed Memorandum of Understanding (MOU) Revision Assigning Certain Federal Environmental Responsibilities to the State of California, Including National Environmental Policy Act (NEPA) Authority for Categorical Exclusions (CEs)

AGENCY: Federal Highway Administration (FHWA), California Division, DOT.

ACTION: Notice of proposed MOU, request for comments.

SUMMARY: This notice announces that FHWA and the State of California, acting by and through its Department of Transportation (State), propose to renew and amend an MOU between the parties dated June 7, 2010, pursuant to 23 U.S.C. 326. The MOU would extend the duration of the agreement by three years, continuing the assignment to the State of the FHWA's authority and responsibility for determining whether certain designated activities within the geographic boundaries of the State, as specified in the proposed MOU, are categorically excluded from preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA). Aside from editorial changes to the MOU, the following minor changes would also be incorporated: (1) The State would be required to submit a list of CE determinations semi-annually as opposed to quarterly, including Section 4(f) decisions; (2) the **Federal Register** notice of availability and comment period would be modified from 45 days to 30 days, where applicable; (3) language would be included clarifying that the presence of unusual circumstances and significant environmental impacts must be considered in CE findings; (4) inclusion of language to clarify that the State coordinate with the Department of Justice and FHWA in the event of litigation, (5) FHWA program reviews would be at no sooner than the 19th month and no later than the 31st month in order to give the State adequate time to implement corrective action plans; (6) future changes to 23 CFR 771.117(c) and (d), in addition to Appendix A resulting from rulemaking would be automatically incorporated into the MOU; (7) the termination provisions of the MOU would be changed to comply with the provisions of Moving Ahead

for Progress in the 21st Century (MAP-21).

DATES: Please submit comments on or before May 8, 2013.

ADDRESSES: You may submit comments, identified by DOT Document Management System (DMS) Docket Number [FHWA-2013-0013], by any of the methods described below. Electronic or facsimile comments are preferred because Federal offices experience intermittent mail delays from security screening.

1. *Web site:* <http://www.regulations.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.
2. *Facsimile (Fax):* 1-202-493-2251.
3. *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590.
4. *Hand Delivery:* 1200 New Jersey Ave. SE., Washington, DC 20590 between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

For access to the docket to view a complete copy of the proposed MOU, or to read background documents or comments received, go to <http://www.regulations.gov> at any time or to 1200 New Jersey Ave. SE., Washington, DC 20590, between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except for Federal holidays.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. Shawn Oliver; by email at shawn.oliver@dot.gov or by telephone at (916) 498-5048. The FHWA California Division Office's normal business hours are 8 a.m. to 4:30 p.m. (Pacific Time), Monday through Friday, except for Federal Holidays. For State: Mr. Dale Jones; by email at dale_jones@dot.ca.gov; by telephone at (916) 653-5157. The California Department of Transportation's normal business hours are 8 a.m. to 4:30 p.m. (Pacific Time), Monday through Friday, except for State and Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this notice may be downloaded using a computer, modem, and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Office of the Federal Register's home page at <http://www.archives.gov> and the Government Printing Office's Web site at <http://www.access.gpo.gov>. An electronic version of the proposed MOU may be downloaded by accessing the DOT DMS docket, as described above, at <http://www.regulations.gov>.