

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Public Notice for Waiver for Aeronautical Land-Use Assurance at Lockhart Municipal Airport, Lockhart, TX**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of intent for waiver of aeronautical land-use.

**SUMMARY:** The Federal Aviation Administration (FAA) is considering a proposal to change a portion of the airport from aeronautical use to nonaeronautical use and to authorize the conversion of the airport property. The proposal consists of one parcel of land containing a total of approximately 5.143 acres located on the east side of the airport, north of Airport Road and west of US Highway 183.

The parcel was originally acquired as part of a grant in 1948. The land comprising this parcel is outside the forecasted need for aviation development and, thus, is no longer needed for indirect or direct aeronautical use. The airport wishes to develop this land for compatible commercial, nonaeronautical use. The income from the conversion of this parcel will benefit the aviation community by reinvestment in the airport.

Approval does not constitute a commitment by the FAA to financially assist in the conversion of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of proceeds from the conversion of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999. In accordance with Section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

**DATES:** Comments must be received on or before April 9, 2014.

**ADDRESSES:** Send comments on this document to Mr. Edward N. Agnew, Federal Aviation Administration, Manager, Texas Airports Development Office, 2601 Meacham Boulevard, Fort Worth, TX 76137.

**FOR FURTHER INFORMATION CONTACT:** Mr. Vance Rodgers, City Manager, City of Lockhart, P.O. Box 239, Lockhart, TX 78644, telephone (512) 398-5103, or Mr. Anthony Mekhail, Federal Aviation

Administration, Texas Airports Development Program Manager, 2601 Meacham Boulevard, Fort Worth, TX 76137, telephone (817) 222-5663, FAX (817) 222-5989. Documents reflecting this FAA action may be reviewed at the above locations.

Issued in Fort Worth, Texas on February 26, 2014.

**Kelvin Solco,**

*Manager, Airports Division, FAA, Southwest Region.*

[FR Doc. 2014-04916 Filed 3-7-14; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Notice of Intent To Rule on Request To Release Airport Property at the Ocean County Airport, Toms River, New Jersey**

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

**ACTION:** Notice of request to release airport property.

**SUMMARY:** The FAA proposes to rule and invite public comment on the release of land at the Ocean County Airport, Toms River, New Jersey under the provision 49 U.S.C. 47125(a). The request consists of a permanent release of six (6) parcels of land (145.90 acres) that are no longer needed for aeronautical purposes. Parcels 1 & 3 are located within Lacey Township and Parcels 2, 4, 5 & 6 are located within Berkeley Township. The County of Ocean will obtain Fair Market Value (FMV) rate in the form (reimbursement) of financial contribution made directly by County to the airport. The County has demonstrated its financial contribution to the airport of the parcels to be released, which has been expended for on airport operations and development over a six-year period (2006-2011). Therefore, no funds will change hands for the release of these parcels from aeronautical purposes.

**DATES:** Comments must be received on or before April 9, 2014.

**ADDRESSES:** Comments on this application may be mailed or delivered to the following address:

David J McKeon, Planning Director,  
Ocean County Airport, Ocean County  
Planning Board., P. O. Box 2191,  
Toms, River, New Jersey 08754-2191,  
732-929-2054

and at the FAA Harrisburg Airports District Office:

Lori K. Pagnanelli, Manager, Harrisburg Airports District Office, 3905

Hartzdale Dr., Suite 508, Camp Hill, PA 17011, (717) 730-2830.

**FOR FURTHER INFORMATION CONTACT:** Rick Harner, Project Manager, Harrisburg Airports District Office, location listed above.

The request to release property may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA invites public comment on the request to release property at the Ocean County Airport under the provisions of Section 47125(a) of Title 49 U.S.C. On March 10, 2014, the FAA determined that the request to release property at the Ocean County Airport (MJX), New Jersey, submitted by the County of Ocean, met the procedural requirements.

The following is a brief overview of the request: The County of Ocean requests the release of real property totaling 145.90 acres to the County of Ocean for use as non-aeronautical land with the exception of granting an easement right of way on Parcels 3 and 4 as defined below. Land release of Parcel 1 (Highway Department vehicle storage and maintenance) consists of 14.22 acres located within the Township of Lacey. The parcel is bounded by Lacey Township line on the east and the existing airport property line on the west and north and extends to the southerly boundary of existing Mule Road on the south. Land release of Parcel 2 (County Fairgrounds) consists of 103.77 acres located within the Township of Berkeley. This parcel extends easterly from Berkeley Township line on the west to the west ROW of Pinewald-Keswick Road. The parcel is bounded by the existing airport property line on the north and extends to the southerly boundary of existing Mule Road on the south. Land release of Parcel 5 (Public Safety Building) consists of 5.38 acres located within the Township of Berkeley. This parcel is bounded on the north by the south boundary of existing Mule Road; on the west at 20 feet east of the centerline of the existing airport access road; and on the south and east sides following between two airport fence lines. Land release of Parcel 6 (Vacant land—south side of Mule Rd/Route 530 intersection) consists of 3.27 acres located within the Township of Berkeley. The perimeter of this parcel follows ten feet inside the existing fence line of the parcel (landside). The parcel is bounded by the southerly boundary of existing Mule Road on the north; and bounded by the westerly boundary of Pinewald-Keswick Road on the east. The south line of the parcel is the westerly extension of the

northerly airport property line located easterly of Pinewald-Keswick Road.

The County of Ocean also requests the release of real property totaling 19.26 acres in addition to the granting of an access easement right of way on same parcels for use as spoil storage area and a dog park. Parcel 3 (Highway Department Spoil Area) consists of 16.52 acres located within the Township of Lacey. The parcel consists of a rectangular parcel 1200 feet long by 600 feet wide adjacent and at right angles to the Lacey Township line. The east corner of the parcel is located 145 feet southeast of the centerline of the existing sand entry road to the spoil area. Parcel 4 (Dog Park) consists of 2.74 acres located within the Township of Berkeley. The perimeter of this parcel is located 10 feet outside of the existing dog park fence line. The south line of the parcel is 20 feet north of the centerline of the existing airport access road pavement. As shown on the Airport Layout Plan (ALP), the above describe properties do not serve an aeronautical purpose and are not needed for airport development.

No AIP funds were used to purchase the parcels to be released. All of the parcels were acquired through either condemnation or fee simple purchase with County funds. The ALP will be updated to show the new airport property boundary. The airport property will be released to the County and will remain County owned.

Any person may inspect the request by appointment at the FAA office address listed above. Interested persons are invited to comment on the proposed lease. All comments will be considered by the FAA to the extent practicable.

Issued in Camp Hill, Pennsylvania, February 28, 2014.

**Lori K. Pagnanelli,**

*Manager, Harrisburg Airports District Office.*

[FR Doc. 2014-05148 Filed 3-7-14; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Waiver of Autonomous Reentry Restriction for a Reentry Vehicle

**AGENCY:** Office of Commercial Space Transportation; Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of waiver.

**SUMMARY:** This notice concerns three petitions for waiver related to the launch and reentry of an Orion Multi-Purpose Crew Vehicle. In the first of these petitions, United Launch Alliance

(ULA) requested a waiver of the FAA's requirement that the expected number of casualties for a launch not exceed 0.00003 casualties ( $E_c \leq 30 \times 10^{-6}$ ) from debris. For the second and third petitions, Lockheed Martin (Lockheed) requested waivers of the FAA's regulatory requirements that (1) the expected number of casualties for the entire mission, including launch and reentry, not exceed  $30 \times 10^{-6}$  casualties from debris; and (2) an operator only initiate reentry of a reentry vehicle by command. The FAA elects to consider all three petitions together because all three involve the same essential facts and risk analyses. The FAA grants all three petitions.

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this waiver, contact Charles P. Brinkman, Aerospace Engineer, AST-200, Office of Commercial Space Transportation (AST), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-7715; email: [phil.brinkman@faa.gov](mailto:phil.brinkman@faa.gov). For legal questions concerning this waiver, contact Laura Montgomery, Manager, Space Law Branch (AGC-250), Regulations Division, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3150; email: [laura.montgomery@faa.gov](mailto:laura.montgomery@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Lockheed and ULA are private commercial space flight companies. Lockheed entered into a contract with the National Aeronautics and Space Administration (NASA) to provide the first orbital flight test for NASA's Orion Multi-Purpose Crew Vehicle Program. Lockheed has contracted with ULA to provide launch services for the mission.

The FAA is responsible for licensing, in relevant part, the launch of a launch vehicle and the reentry of a reentry vehicle, under authority granted to the Secretary of Transportation by 51 USC Subtitle V, chapter 509 (Chapter 509), and delegated to the FAA's Administrator and Associate Administrator for Commercial Space Transportation.

The mission at issue in this notice is Orion Exploration Flight Test 1, launching from Cape Canaveral Air Force Station in Florida. The mission tests the Orion Multi-Purpose Crew Vehicle in an uncrewed, limited-capability configuration, and serves as a stepping stone towards a crew-capable vehicle that would enable human exploration missions beyond Earth

orbit. The mission is comprised of a launch, which is conducted by ULA, and a reentry, which is conducted by Lockheed. The launch vehicle is ULA's Delta IV Heavy launch vehicle, which consists of a Common Booster Core (CBC) as the first stage with two additional strap-on CBCs and a Delta IV Cryogenic Second Stage (DCSS). The first burn of the DCSS places the Orion and the DCSS in orbit, and a second DCSS burn places the Orion into a highly elliptical, negative-perigee trajectory, to simulate the thermal conditions and high reentry speeds the module would experience returning from missions beyond Earth orbit. After separating from the DCSS, the Orion module reenters over the eastern Pacific Ocean, splashing down 231 nautical miles west of Baja California, Mexico.

Section 417.107(b)(1) of Title 14 of the Code of Federal Regulations (14 CFR) prohibits the launch of a launch vehicle if the expected casualty ( $E_c$ ) for the flight exceeds  $30 \times 10^{-6}$  for, in relevant part, impacting inert and explosive debris (debris). On February 27, 2014, ULA petitioned for a waiver because the launch has a debris risk of  $163 \times 10^{-6}$ .

Section 435.35 establishes acceptable risk for reentry vehicles, and requires operators to comply with §§ 431.35(a) and 431.35(b)(1)(i),<sup>1</sup> which in turn prohibit an  $E_c$  for debris in excess of  $30 \times 10^{-6}$ , for both launch and reentry combined. On February 27, 2014, Lockheed also petitioned for a waiver because the mission has a combined risk of  $164 \times 10^{-6}$ .

Section 431.43(e) requires any reusable launch vehicle (RLV) that enters Earth orbit to be operated such that the vehicle operator can monitor and verify the status of safety critical systems before enabling reentry. This section also prohibits operators from designing a system to reenter autonomously. On February 27, 2014, Lockheed requested a waiver from this prohibition.

#### Waiver Criteria

Chapter 509 allows the FAA to waive a license requirement if the waiver (1) will not jeopardize public health and safety, and safety of property; (2) is in the public interest; and (3) will not jeopardize national security and foreign policy interests of the United States. 51 U.S.C. 50905(b)(3); 14 CFR 404.5(b).

##### A. Sixty Day Requirement

Section 404.3(b)(5) requires that a petition for waiver be submitted at least

<sup>1</sup> Although the module is a reentry vehicle and not a reusable launch vehicle, 14 CFR 435.33 incorporates and applies § 431.43 to all reentry vehicles.