

ADDRESSES: Comments submitted by mail should be addressed to Ms. Stacey M. Zee, FAA Environmental Specialist, FAA Experimental Permits PEIS, c/o ICF International, 9300 Lee Highway, Fairfax, VA 22031. Comments may be submitted via electronic mail to *PEIS-Experimental-Permits@icfi.com*. Comments also may be submitted via fax to (703) 934-3951.

The Draft 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, Alaska 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.

The FAA also sent the Draft PEIS to interested persons and agencies shown on the distribution list in Chapter 8 of the PEIS. The Draft PEIS, along with the Notice of Intent (NOI) to prepare the Draft PEIS, are available on the Internet in Adobe® portable document format at http://www.faa.gov/about/office_org/headquarters_offices/ast/environmental/review/documents_progress/.

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 Experiment 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: Ms. Stacey M. Zee, FAA Environmental Specialist, FAA Experimental Permits PEIS, c/o ICF International, 9300 Lee Highway, Fairfax, VA 22031; e-mail *PEIS-Experimental-Permits@icfi.com*; or fax (703) 934-3951.

Issued in Washington, DC, on March 26, 2009.

Michael McElligott,

Manager, Space Systems Development Division.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Actions on the Kosciuszko Bridge (Interstate 278) Over Newtown Creek, Kings and Queens Counties, NY

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to the proposed highway project and the replacement of the Kosciuszko Bridge over Newtown Creek. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA is advising the public of the final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before October 7, 2009. If the federal law that authorizes judicial review of a claim provides a time period less than 180 days for filing such claim, then the shorter time period still applies.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Kolb, P.E., Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, Suite 719, Clinton Avenue and North Pearl Street,

Albany, New York 12207, Telephone: 518-431-4127.

Or

Norik Tatevossian, P.E., Director of Structures, New York State Department of Transportation, Region 11, Hunters Point Plaza, 47-40 21st Street, Long Island City, NY 11101, Telephone: 718-482-4683.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA, and other Federal agencies have taken their final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of New York: The Kosciuszko Bridge (Interstate 278) over Newtown Creek, Kings and Queens Counties. The preferred environmental alternative replaces the existing bridge, building a new permanent, parallel bridge on the eastbound (Queens-bound) side of the existing bridge. The new bridge will be built at a lower elevation to allow for reduced grades. When completed, the Kosciuszko Bridge will include auxiliary lanes in both directions, carrying five lanes of eastbound traffic and four lanes of westbound traffic, and have standard lane widths and shoulders. The new bridge will also include a bikeway/walkway on the north side of the bridge. The selected alternative provides superior safety, operational, and structural improvements compared with the other build alternatives, while minimizing adverse social, economic, and environmental impacts to the extent practicable.

The new bridge will be constructed at a lower elevation, decreasing the vertical clearance over Newtown Creek from 38 m (125'-0") to approximately 27 m (88'-6"), to improve traffic safety and operations on the bridge by decreasing the steep roadway grades. The reduced grades will significantly improve the vertical stopping sight distance on the main span of the bridge, meeting the current interstate highway standard. As described in the Final EIS, constructing the new bridge 11 m (36 ft) lower than the existing bridge will not impede maritime traffic on the creek. The project will also include the construction of a new bikeway/walkway on the north side of the westbound (Brooklyn-bound) structure and substantial increases in both the quality and quantity of parkland (with both active and passive recreation features) in the project area, between four and five times over existing park space. Other mitigation measures include streetscaping enhancements along all streets to be reconstructed as part of the project, including new tree plantings,

reconstructed sidewalks, new street lighting, improved crosswalks, and better pedestrian sightlines. In addition, boat launches for small, non-motorized boats on each side of Newtown Creek will be provided.

The actions taken by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) issued on November 25, 2008 and in the FHWA Record of Decision (ROD) issued on March 3, 2009. The FEIS, ROD, and other project records are available by contacting the FHWA or the New York State Department of Transportation at the addresses provided above, or they can be viewed and downloaded at the project Web site (<https://www.nysdot.gov/regional-offices/region11/projects/kosciuszko-bridge-project>), or viewed at public libraries in the project area.

This notice applies to all Federal agency decisions related to the replacement of the Kosciuszko Bridge over Newtown Creek project as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. National Environmental Policy Act [42 U.S.C. 4321-4351].
2. Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
3. Clean Air Act [42 U.S.C. 7401-7671(q)].
4. Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].
5. Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536].
6. Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)].
7. Migratory Bird Treaty Act [16 U.S.C. 703-712].
8. Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*].
9. Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)].
10. Farmland Protection Policy Act [7 U.S.C. 4201-4209].
11. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251-1377].
12. Land and Water Conservation Fund [16 U.S.C. 4601-4604].
13. Rivers and Harbors Act of 1899 [33 U.S.C. 401-406].
14. Executive Order 11990 Protection of Wetlands.
15. Executive Order 11988 Floodplain Management.
16. Executive Order 12898, Federal Actions to Address Environmental Justice Minority Populations and Low Income Populations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning

and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on April 2, 2009.

Jeffrey W. Kolb,

Division Administrator, Federal Highway Administration, Albany, New York.

[FR Doc. E9-8191 Filed 4-9-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 431 (Sub-No. 3)]

Review of the Surface Transportation Board's General Costing System

AGENCY: Surface Transportation Board.

ACTION: Notice of public hearing.

SUMMARY: The Surface Transportation Board will hold a public hearing beginning at 9 a.m. on Thursday, April 30, 2009, at its headquarters in Washington, DC. The purpose of the public hearing will be to examine issues related to the Board's Uniform Railroad Costing System (URCS). Persons wishing to speak at the hearing should notify the Board in writing.

DATES: The public hearing will take place on Thursday, April 30, 2009. Any person wishing to speak at the hearing should file with the Board a combined written notice of intent to participate (identifying the party, the proposed speaker, the time requested, and topic(s) to be covered) and their written testimony as soon as possible, but no later than April 23, 2009. Written submissions by interested persons who do not wish to appear at the hearing will also be due by April 23, 2009.

ADDRESSES: All combined notices of intent to participate and testimony may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the Board's <http://www.stb.dot.gov> Web site, at the "E-FILING" link. Any person submitting a filing in the traditional paper format should send an original and 10 copies of the filing to: Surface Transportation Board, Attn: STB Ex Parte No. 431 (Sub-No. 3), 395 E Street, SW., Washington, DC 20423-0001.

FOR FURTHER INFORMATION CONTACT: Timothy J. Stafford, (202) 245-0356. [Assistance for the hearing impaired is available through the Federal