

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]

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## 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.*

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## 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).