

Instruction 91-217, *Space Safety and Mishap Prevention Program* (2010). The U.S. Air Force approved a government launch of a Titan, where the risk ranged from 145 to 317 in a million. Dept. of the Air Force Memorandum, Overflight Risk Exceedance Waiver for Titan IV B-30 Mission, (Apr. 4, 2005). That risk was mainly attributable to downrange overflight, as is the case for the Falcon 9 launch. Additionally, of historical interest, during Space Shuttle launches debris risk routinely exceeded U.S. Air Force and FAA established risk criteria, mainly due to a large number of visitors on Kennedy Space Center property. The FAA notes that the F9-003 launch is a NASA-sponsored mission, flying a similar trajectory as previous Space Shuttle missions going to the International Space Station. The FAA also notes that the  $E_c$  for the F9-003 launch, as currently calculated, may exceed the  $E_c$  requirement for government launches from U.S. Government ranges, but only by a small amount relative to the modeling and input data uncertainties, particularly the probability of failure. Based on this uncertainty, as well as the fact that Falcon 9's  $E_c$  is smaller than that of a Space Shuttle and is close to the requirement for government launches, granting a waiver in this case would not jeopardize public health and safety or safety of property.

ii. National Security and Foreign Policy Implications

The FAA has identified no national security or foreign policy implications associated with granting this waiver.

iii. Public Interest

The waiver is consistent with the public interest goals of Chapter 509. Three of the public policy goals of Chapter 509 are: (1) To promote economic growth and entrepreneurial activity through use of the space environment; (2) to encourage the United States private sector to provide launch and reentry vehicles and associated services; and (3) to facilitate the strengthening and expansion of the United States space transportation infrastructure to support the full range of United States space-related activities. See 51 U.S.C. 50901(b)(1), (2), (4). Additionally, in the Notice of Proposed Rulemaking and the Final Rule for Commercial Space Transportation Licensing Requirements, the FAA contemplated launches carrying government payloads for a critical national need exceeding the  $E_c$  requirements. *Commercial Space Transportation Licensing Regulations*, Notice of Proposed Rulemaking, 62 FR

13230 (Mar. 19, 1997). The Final Rule noted that, as recognized in the NPRM, commercial launches may carry government payloads, and a waiver of the risk requirement might be warranted. *Commercial Space Transportation Licensing Regulations*, Final Rule, 64 FR 19605 (Apr. 21, 1999).

With the elimination of the Space Shuttle Program, the U.S. is seeking other means of reaching the International Space Station. NASA is using the COTS Program to develop the capability to resupply the International Space Station. There currently exists a need for additional means to supply the International Space Station. To date, the Russian Soyuz-U rocket,<sup>2</sup> European ATV and the Japanese HTV foreign vehicles have demonstrated the capability to provide supplies to the International Space Station. The COTS Program exists to provide a reliable, domestic capability for supplying the International Space Station, the importance of which is highlighted by the recent Russian failure. SpaceX's demonstrated capability to connect with the International Space Station would further the public interest in the U.S. ability to transit to, and support the ISS. The FAA notes that currently there is no domestic capability to supply the International Space Station, and has taken this fact into account when determining the public interest.

The COTS Program was established to develop a robust domestic commercial space transportation capability. This capability would provide the United States with the ability to resupply the International Space Station. As such, granting SpaceX's waiver request is consistent with Chapter 509's policy goals because it: (1) Promotes SpaceX's entrepreneurial activity in the space environment; (2) encourages SpaceX, a private U.S. company, to develop and launch new launch and reentry vehicles; and (3) facilitates the expansion of the United States space transportation infrastructure by sustaining NASA's COTS program.

*B. Reentry of the Dragon Capsule*

SpaceX's request for a waiver of the requirements in section 431.35(b)(1)(i) raises the same issues as its previous request for waiver of mission risk for the Falcon 9 002 launch and reentry of

<sup>2</sup> On August 24, 2011, a Soyuz rocket engine carrying a Progress resupply ship to the International Space Station failed. This failure delayed a mission to provide supplies to the people working at the International Space Station, including U.S. astronauts. The Russians resolved this issue and successfully launched the Soyuz-U on October 30, 2011. On November 2, 2011, an M-13M cargo ship successfully berthed with the International Space Station.

Dragon. For the reasons stated in a previous Waiver of Acceptable Mission Risk Restriction for Reentry and a Reentry Vehicle, 75 FR 75619 (Dec. 6, 2010) the FAA is waiving the requirements of section 431.35(b)(1)(i) for the Falcon 9 003 launch and reentry of Dragon.

Issued in Washington, DC, on April 17, 2012.

**Kenneth Wong,**

*Licensing and Evaluation Division Manager, Commercial Space Transportation.*

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD 2012 0043]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel STEPPIN UP; Invitation for Public Comments

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before May 24, 2012.

**ADDRESSES:** Comments should refer to docket number MARAD-2012 0043. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey

Avenue SE., Room W21-203, Washington, DC 20590. Telephone 202-366-5979, Email [Joann.Spittle@dot.gov](mailto:Joann.Spittle@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel STEPPIN UP is:

*Intended Commercial Use of Vessel:* "All Inclusive Chartering, up to 10 days, full and half day charters, pick up and discharge passengers at same ports."

*Geographic Region:* "New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Mississippi, Alabama, Louisiana, and Texas."

The complete application is given in DOT docket MARAD-2012 0043 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

#### Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

By Order of the Maritime Administrator.  
Dated: April 19, 2012

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2012-9879 Filed 4-23-12; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD 2012 0042]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel JOJO MARIA; Invitation for Public Comments

**AGENCY:** Maritime Administration, DOT.  
**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before May 24, 2012.

**ADDRESSES:** Comments should refer to docket number MARAD-2012 0042. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W21-203, Washington, DC 20590. Telephone 202-366-5979, Email [Joann.Spittle@dot.gov](mailto:Joann.Spittle@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel JOJO MARIA is:

*Intended Commercial Use of Vessel:* "Private Sailboat Charter Tours from City Island located in the Bronx, New York."

*Geographic Region:* "New York, Connecticut."

The complete application is given in DOT docket MARAD-2012 0042 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders

or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

#### Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

By Order of the Maritime Administrator.

Dated: April 19, 2012.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2012-9873 Filed 4-23-12; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Marine Transportation System National Advisory Council

**ACTION:** National Advisory Council public meeting.

**SUMMARY:** The Maritime Administration announces that the Marine Transportation System National Advisory Council (MTSNAC) will hold a meeting to discuss recommendations to the Secretary on the integration of marine highways into the national transportation system and the development of a steady and reliable funding mechanism for port infrastructure development. A public comment period will commence at 1:30 p.m. on May 8, 2012. To provide time for as many people to speak as possible, speaking time for each individual will be limited to three minutes. Members of the public who would like to speak are asked to contact Richard J. Lolich by May 1, 2012. Commenters will be placed on the agenda in the order in which notifications are received. If time