Department of Transportation
Federal Aviation Administration
Finding of No Significant Impact

AGENCY: Lead agency - Federal Aviation Administration (FAA), Department of Transportation (DOT)

ACTION: Finding of No Significant Impact

SUMMARY: The Federal Aviation Administration (FAA) prepared an Environmental Assessment (EA) to evaluate the Masten Space Systems proposal to obtain experimental permits to conduct flight tests of its XA0.1, XA0.2, and XL0.1 reusable suborbital rockets from a site at the Mojave Airport in Mojave, California. The EA evaluated the potential environmental impacts of a maximum combined total of 50 launches of the XA0.1, XA0.2, and XL0.1 reusable suborbital rockets. After reviewing and analyzing currently available data and information on existing conditions, project impacts, and measures to mitigate those impacts, the FAA, Office of Commercial Space Transportation (AST) has determined that issuing experimental permits to Masten Space Systems would not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA). Therefore the preparation of an Environmental Impact Statement (EIS) is not required and AST is issuing a Finding of No Significant Impact (FONSI). The FAA made this determination in accordance with all applicable environmental laws.

FOR A COPY OF THE ENVIRONMENTAL ASSESSMENT: Visit the following internet address: http://ast.faa.gov, or contact Ms. Stacey Zee, FAA Environmental Specialist, 800 Independence Avenue SW, Room 331, Washington, D.C. 20591. You may also send e-mail requests to stacey.zee@faa.gov or telephone (202) 267-9305.

DATES: The EA and FONSI are being released to the public in August 2006.

PROPOSED ACTION: Under Title 49 United States Code (U.S.C.), Subtitle IX, Sections 70101-70121, Commercial Space Launch Activities Act, the FAA oversees, licenses, and regulates both launches and reentries of launch and reentry vehicles, and the operation of launch and reentry sites when carried out by U.S. citizens or within the United States. (49 U.S.C. 70104, 70105) Chapter 701 directs the FAA to exercise this responsibility consistent with public health and safety, safety of property, and the national security and foreign policy interests of the United States, and to encourage, facilitate, and promote commercial space launch and reentry by the private sector. (49 U.S.C. 70103, 70105)

The Commercial Space Launch Amendments Act of 2004 (CSLAA) promotes the development of the emerging commercial space flight industry and makes the FAA responsible for regulating private human space flight under Chapter 701. The CSLAA establishes an experimental permit regime for reusable suborbital launch vehicles, which provides the FAA with an alternative mechanism to regulate the launch and reentry of reusable suborbital rockets. Issuance of experimental permits to Masten Space Systems for the launches of the XA0.1, XA0.2, and

XL0.1 reusable suborbital rockets is a Federal action requiring environmental analysis by the FAA in accordance with NEPA, 1969, 42 U.S.C. Sections 4321 et seq.

The proposed action is for the FAA to issue experimental permits to Masten Space Systems for launches of its XA0.1, XA0.2, and XL0.1 reusable suborbital rockets at a designated site at the Mojave Airport in Mojave, California. The FAA would issue a separate permit for each suborbital rocket design. The permits would cover launch and landing activities at a site located northeast of Runway 22 at the Mojave Airport. To support launch and landing activities at the primary site, two concrete pads (each measuring 10 feet by 10 feet) would be constructed or temporary pads would be laid on the ground. As a conservative estimate, the EA assumed the concrete pads would be constructed.

The XA0.1, XA0.2, and XL0.1 reusable suborbital rockets each consist of a single stage rocket engine that is vertically oriented during launch and landing operations and uses liquid oxygen (LOX) and isopropyl alcohol as propellants. Pre-flight activities would include assembling the rockets, transporting the propellants, suborbital rocket positioning, flight control diagnostics checks, and propellant loading. Flight tests would consist of vertical launch, lateral travel, and vertical landing. Tests conducted at the Mojave Airport would not rise above 152 meters (500 feet). The longest of these tests would last approximately 107 seconds at 100 percent throttle or 179 seconds at 60 percent throttle. The powered duration of the flight would be no more than 150 seconds; most tests would occur for no more than 60 seconds. Landing activities would include shut down of flight control systems and purges of remaining pressurants and propellants.

An experimental permit authorizes an unlimited number of launches and reentries for a particular reusable suborbital rocket design within a one-year period; however, Masten Space Systems has indicated that it would conduct the majority of its operations during a two-month period culminating in the X Prize Cup competition to be held in October 2006 at the Las Cruces International Airport in New Mexico. This EA analyzes the impacts to the environment of a maximum number of 50 launches occurring during the proposed two-month period of operations.

PURPOSE AND NEED: The purpose of the proposed action is to permit Masten Space Systems to test its XA0.1, XA0.2, and XL0.1 reusable suborbital rockets. The company's intent is to use the initial tests of the XA0.1 and XA0.2 rockets to further refine the construction, propulsion, and flight control software/hardware technology of the XL0.1 rocket in preparation for the X Prize Cup competition and the National Aeronautics and Space Administration's Lunar Lander Challenge competition that will be held in conjunction with the X Prize Cup activities at the Las Cruces International Airport in October 2006. The XL0.1 rocket would be used to demonstrate reusable vertical takeoff and vertical landing technologies.

The proposed action is needed to allow Masten Space Systems to conduct these tests of its reusable suborbital rockets and the associated technologies in preparation for the X Prize Cup competition.

ALTERNATIVES CONSIDERED: Alternatives analyzed in the EA included (1) the proposed action, issuing separate experimental permits to Masten Space Systems for the launches of its XA0.1, XA0.2, and XL0.1 reusable suborbital rockets at the primary site located northeast of

Runway 22 at the Mojave Airport; (2) alternative 1, issuing separate experimental permits to Masten Space Systems for the launches of its XA0.1, XA0.2, and XL0.1 reusable suborbital rockets at a secondary site located east of Runway 22 at the Mojave Airport; and (3) the no action alternative.

Alternative 1 includes the same activities as described for the proposed action. The only difference is that the activities would occur at a secondary site located east of Runway 22, near the primary site and still within the property boundaries of the Mojave Airport. Due to these similarities, the environmental impacts associated with alternative 1 would be the same as those described for the proposed action.

Under the no action alternative, the FAA would not issue experimental permits to Masten Space Systems, and there would be no flight tests of its XA0.1, XA0.2, and XL0.1 suborbital rockets at the proposed site. The Mojave Airport would continue its current services as a general aviation airport and a launch site for horizontally launched suborbital vehicles as licensed by the FAA. Masten Space Systems would not be able to test the XA0.1, XA0.2, and XL0.1 reusable suborbital rockets and the associated technologies in preparation for the X Prize Cup competition from this location.

ENVIRONMENTAL IMPACTS

Health and Safety

A hazard analysis is a necessary part of the Mission and Safety Review for the FAA permit issuance determination to assess the possible hazards associated with proposed ground, flight, and landing operations. Masten Space Systems is required to conduct risk analyses based on the proposed mission profiles. The Mission and Safety Review will consider these analyses, and, therefore, they were not discussed in detail in the EA. However, analysis of the safety and health implications of launch related operations and activities that have the potential for environmental impact were considered in the EA.

Potential health and safety impacts under the proposed action could result from propellant transport/handling and launches of the suborbital rockets. Potential accidents during any of these activities could present impacts to health and safety including increased traffic accidents due to increased transportation activity on and off the site, propellant spills, and catastrophic failure during launch operations.

The increased road traffic that would result from transporting equipment and personnel to and from the proposed launch site would only add a few vehicles above existing traffic loads. The small number of additional passenger vehicles and delivery trucks anticipated, as part of the proposed action would not materially increase the number of traffic accidents.

There is also the concern of spills of propellants during handling and loading operations and subsequent fires or explosions. However, Masten Space Systems would follow Mojave Airport's established practices and procedures to handle the spills and releases of propellants.

Potential health and safety impacts could occur in the unlikely event of a catastrophic failure during the takeoff, mid-flight, or landing phase; however, the XA0.1, XA0.2, and XL0.1 are unmanned reusable suborbital rockets and no flight personnel would be onboard the rockets. Masten Space Systems has established a safety clear zone designed to contain potential adverse effects of a failed launch operation, and would verify that all ground crew personnel and members of the public are outside of the safety clear zone before and during each launch. Emergency response and the local fire department would be on standby during each launch to respond to accidents or fires.

Air Quality

Launch operations would result in carbon monoxide (CO) emissions, and ground support operations would result in CO, nitrogen oxides, volatile organic compounds, and particulate matter emissions. Eastern Kern County is in non-attainment for ozone under the Federal National Ambient Air Quality Standards (NAAQS); however, air analyses show that there would be no exceedances of the NAAQS from the proposed action for all criteria pollutants. Therefore, a NAAQS assessment would not be required to evaluate the potential for significant air quality impacts under NEPA. Emissions would not be regionally significant (i.e., do not equal or exceed 10 percent of regional emissions inventory for the air quality control area for any criteria pollutant) and do not require a Federal general conformity analysis.

Airspace

Masten would need to coordinate with the Mojave Air Traffic Control Tower for their proposed operations. Tests conducted at the Mojave Airport would not rise above 152 meters (500 feet), and would occur entirely within Class E airspace. The increase in low altitude flights would not exceed the capabilities of the Mojave Airport facilities and control tower and would not result in a significantly higher probability of in-flight mishaps. No military training routes, en route airways, jet routes or surrounding airport airspaces intersect the Mojave Airport airspace. Therefore, the proposed action would not significantly change airspace activities.

Biological Resources

No federally protected wetlands, riparian habitat, or other ecologically critical areas are located at the Mojave Airport, and so no adverse effects to these areas would occur. The habitat that would be lost due to pad construction is similar to other habitat in the area and the wildlife species that are displaced by the activities would be able to relocate to these areas. A maximum of 50 test flights would result in infrequent short-term increases in emissions and noise as compared to existing flight operations in the region, and thus impacts on biological resources would not be significant. Two state/federally protected threatened species, the Mohave ground squirrel and the desert tortoise, have limited potential to occur at the Mojave Airport. If observed on the airport property, personnel would follow appropriate U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game protocol. The FAA has an agreement with USFWS to conduct visual surveys of launch and landing areas prior of test flight activities of the suborbital rockets as a protective measure for desert tortoises that may be within the Mojave Airport property.

Cultural Resources

The FAA reviewed the proposed action in accordance with Section 106 of the National Historic Preservation Act and determined that this project would have no adverse effect on historic properties. No sites that are eligible or that are listed on the National Register of Historic Places exist within the Mojave Airport property, and the proposed action would not affect any sites that may be potentially eligible. There are no sites on the California list of State Historical Landmarks within the Mojave Airport, thus the proposed action would have no adverse impact on state historical resources. Because no notable Tribal cultural resources are located at the airport, adverse effects on Tribal cultural resources would not be anticipated.

Geology and Soils

The proposed action would not affect the subsurface geology of the area and would not result in exposure of individuals or structures to potential adverse effects from seismic activity; however the proposed action has the potential to impact surface soils. These impacts would occur from pad construction, deposition of exhaust emissions from rocket launches, deposition of residual propellant during a rocket crash, or propellant spills during propellant loading.

Construction would disturb 18.6 square meters (200 square feet) of ground, but the small size of the disturbance and the use of best management practices would mitigate any substantial erosion or loss of topsoil. The deposition of exhaust emissions during rocket launch would not result in substantial contamination, erosion or loss of topsoil. The release of LOX/isopropyl alcohol would not result in substantial contamination, erosion or loss of topsoil. The breakup of the suborbital rockets during a crash and subsequent recovery activities could directly impact soils. The force associated with falling debris could create impact craters that might impact soils. In addition, any residual propellant in the damaged rocket could be absorbed by soils at the impact site affecting overall soil quality. Because the probability of a crash would be very low and the cleanup of reportable quantities of hazardous materials released is required under the Comprehensive Emergency Response, Compensation and Liability Act, debris or residual propellant would not be expected to result in substantial contamination, erosion, or loss of topsoil.

Launches would require shipments of propellants, temporary storage of those propellants, and transfer to the suborbital rockets. There is a potential for leaks or spills during any of these operations, but the limited number of launches and the procedures in place to prevent and clean up spills would limit the likelihood of soil contamination. Launch activities would comply with all applicable Federal and state regulations governing propellant storage and hazardous waste disposal, which would reduce the likelihood of soil contamination occurring. Therefore, the impacts on soil would not result in substantial contamination, erosion, or loss of topsoil.

Hazardous Materials and Hazardous Waste Management

No substantial impacts regarding hazardous materials and hazardous waste management are anticipated because all propellants and other hazardous materials would be handled, stored, and used in compliance with all applicable regulations. On site waste management capacity at the

Mojave Airport is adequate to manage the small quantity of hazardous waste expected to be generated by the proposed action.

The primary hazardous materials used in support of test flights at the proposed launch site would be propellants. The XA0.1, XA0.2, and XL0.1 reusable suborbital rockets' propellants include isopropyl alcohol, a non-toxic liquid alcohol fuel with hazardous characteristics similar to the jet fuels currently used and stored without adverse impact at the Mojave Airport and LOX, a non-toxic cryogenic liquid oxidizer. The fuel and oxidizer would be kept in separate, secured containers during transport. No propellants would be stored at the proposed launch site for extended periods of time; propellant shipments would be brought in to support launches as needed.

Propellant loading operations would occur at a designated staging area. If there is a propellant spill, Masten Space Systems would conform to the Mojave Airport's spill prevention control plan, which would minimize impacts to the environment. Masten Space Systems personnel would be responsible for any necessary cleanup and remediation actions following a spill.

Land Use

The proposed suborbital rocket testing would take place in land use zone B1 as defined in the Kern County Airport Land Use Compatibility Plan (ALUCP) and the proposed action meets acceptable use criteria for that zone. Although vertical launches and landings are not typically conducted at Mojave Airport, the suborbital rockets are equal to or less than the airport's typical horizontally launched vehicles in size, power, and noise. Runway 22 may need to be closed during suborbital rocket testing, but the airport would not be shut down. Therefore, there would not be a significant change in airport activities under the proposed action. All land uses and building restrictions in the Primary Compatibility Criteria zones on the Mojave Airport would be maintained as defined in the Kern County ALUCP. No farmlands or agricultural use lands are located on the Mojave Airport. No prime farmland, unique farmland, farmland of state importance, or general farmland would be converted to a non-agricultural use as a result of the proposed action. No parks, recreational facilities, or Section 4(f) resources are located within the Mojave Airport property, and thus there would be no impacts on these land uses and resources.

Noise

It is anticipated that the noise levels produced by the launch of the XL0.1 rocket would be lower than the noise levels produced by the F-4 and other aircraft already in use at the Mojave Airport. Because the Mojave Airport currently experiences high intensity noise levels due to military jet flights and stationary rocket testing, and because the additional noise level would be much lower than existing noises, impacts on noise levels during launches at the Mojave Airport would be insignificant. There are no noise sensitive receptors or areas within the region of influence at the Mojave Airport. The proposed action would not expose persons to or generate noise levels in excess of standards established by the California State Building Code, the California Land Use Compatibility for Community Noise Environments guidelines, the Kern County General Plan, the Mojave Specific Plan, or the Kern County ALUCP. The proposed action would not result in a significant permanent or temporary increase in ambient noise at or near the Mojave Airport.

Socioeconomic Impacts and Environmental Justice

No substantial socioeconomic impacts are anticipated because the proposed action does not result in any of the following: (1) extensive relocation of residents where sufficient housing is not available; (2) relocation of community businesses that would create severe economic hardship for the affected communities; (3) disruption of local traffic patterns that substantially reduce the levels of service of the roads serving the airport and its surrounding communities; or (4) a substantial loss in the community tax base.

Since no new development would be required to support the proposed action and existing personnel would be used to conduct suborbital rocket testing, it would not induce significant population growth in the Mojave Census-Designated Place. Because the proposed action would occur entirely on airport property, no disruption to local businesses would be expected. No jobs would be created or eliminated as a result of the proposed action; and therefore, no impacts on employment or housing demand would be expected.

Short-term noise impacts associated with the proposed action would not have an impact on the health or environment of minority or low-income populations located at or near the airport. Effects from the proposed action are not concentrated in an area that might contain proportionally more children and thus, the impacts of the proposed action on children's health and safety should not be disproportionate.

Transportation

The increased road traffic that would result from transporting equipment and personnel to and from the proposed launch site would only add a few vehicles above existing traffic loads on Business SR-58. Currently, the Mojave Airport receives approximately 264 deliveries annually. Activities under the proposed action would only increase the number of deliveries by a small amount. In addition, transport of equipment and personnel would be limited to a two-month operational period, which would result in a relatively infrequent and insignificant increase in number of vehicles on local roads at any given time. The small number of additional passenger vehicles and delivery trucks anticipated as part of the proposed action would not materially increase the number of traffic accidents, increase traffic congestion, or cause a decline in the level of service of local roadways.

Visual Resources

If members of the general public happen to be in the area during the proposed testing, the rocket-powered launches would be similar to the current visual setting but might attract and dominate the attention of a viewer in this area because of the vertical operation and characteristics of the rockets when compared to the horizontally launched aircraft and rockets currently in operation at the airport. In these few cases the launch itself might be "visually dominant"; however, the relatively few test flights of the XA0.1, XA0.2, and XL0.1 suborbital rockets (i.e., a maximum of 50 over a two-month period) and the temporary nature of the visual change (i.e., a maximum flight time of three minutes) would minimize any resulting impacts. In addition, the Mojave Airport, as an active airport and industrial site, is a low visual sensitivity area; therefore the

resulting impact rating for "visually dominant" intensity ratings would be adverse but not significant.

Launches would not create any impacts unless they occur during nighttime hours. If a launch occurs during nighttime hours, the launch itself would be visually dominant and mitigation measures might be required to shield viewers in the area from light generated by the launch. Masten Space Systems has not proposed any nighttime operations at this time. If night launches were proposed in the future they would be analyzed in a separate environmental analysis.

Water Resources

No surface water bodies, wetlands, and wild and scenic rivers are present at the Mojave Airport, and thus would not be adversely impacted by proposed test flight operations. No significant impacts on ground water quality would be expected from accidental releases of propellants into the environment because they are non-toxic and rapidly biodegradable. The proposed action would not substantially deplete ground water supplies or result in any contaminant releases that would cause violations of local, state, or Federal water quality requirements. The existing storm water system and permit would be adequate for the proposed action. The Mojave Airport is not located within the 100-year flood plain or California's coastal zone as defined in the state Coastal Zone Management Plan. The proposed action is not required to conform to the California Coastal Zone Management Plan.

Cumulative Impacts

Cumulative impacts are "the incremental impact of the actions when added to other past, present, and reasonably foreseeable future action regardless of what agency (Federal or non-Federal) or person undertakes such other actions." (40 Code of Federal Regulations [CFR] 1508.7) The cumulative impacts analysis focused on those past, present, and reasonably foreseeable future actions that have the potential to contribute to cumulative impacts. These actions include ongoing commercial, military, and private aviation activities at the Mojave Airport; activities described under the proposed action; and a series of up to 65 tethered flight tests of the XA0.1, XA0.2, and XL0.1 reusable suborbital rockets. Tethered flight tests would involve the use of equipment to prevent the vehicle from rising above 2.1 meters (7 feet) and rocket engine firings of up to 3 minutes. These types of tests would not require a license or permit from the FAA.

The proposed action has been evaluated for cumulative impacts on the resource areas summarized below.

- **Air Quality** - The launch of up to 50 vertically launched suborbital vehicles in 2006 in conjunction with other aircraft operations at the Mojave Airport and the tethered tests would not result in emissions considered regionally significant, or in excess of specific *de minimis* levels for criteria pollutants under the General Conformity Regulations (40 CFR 150 et seq.) for areas that are in non-attainment for Federal ambient air quality standards. Analyses of emissions from past, present, and reasonably foreseeable future actions show that there would be no exceedances of the NAAQS for all criteria pollutants. Therefore, a NAAQS assessment would not be required to evaluate the potential for significant air

quality impacts under NEPA. In addition, the cumulative impact on global warming from launches account for only a fraction of total U.S. carbon dioxide emissions and would be insignificant when compared to emissions from other industrial sources.

- **Airspace -** Cumulative airspace impacts associated with the proposed action are not anticipated given that coordination and scheduling procedures would be developed with the Mojave Airport Traffic Control Tower. In addition, the increase in flight activity at the Mojave Airport would be less than one percent, with all activities occurring below 152 meters (500 feet).

- **Biological Resources** - The cumulative noise and emissions from ongoing commercial, military, and private aviation activities; a series of up to 65 tethered flight tests; and the proposed action could adversely impact biological resources. However, there are limited biological resources found in region of influence and those that would be affected have been able to tolerate the existing noise and emissions associated with an active airport. The loss of 18.6 square meters (200 square feet) of potential wildlife habitat from the construction of two concrete pads would not be significant because the area supports minimal plant and wildlife species and is very similar to the surrounding area. Protective mitigation measures are in place for the federally listed, threatened desert tortoise (*Gopherus agassizii*); therefore significant cumulative impacts on threatened and endangered species are not anticipated.

- **Hazardous Materials and Hazardous Wastes** - Cumulative impacts from hazardous materials and hazardous waste management could occur as a result of increased quantities of propellants and hazardous materials necessary to support ongoing commercial, military, and private aviation activities, a series of up to 65 tethered flight tests, and the proposed action. Propellants and other hazardous materials would be handled, stored, and used in compliance with all applicable regulations, which would minimize releases and associated environmental impacts. The activities considered in the cumulative impacts analysis would increase the amount of hazardous waste generated on site; however, on site waste management capacity is adequate to manage this amount of waste and Masten Space Systems would not exceed the regulatory limit of a conditionally exempt small quantity generator. No significant cumulative impacts would result from the use of hazardous materials and hazardous waste management.

- **Health and Safety** - Cumulative impacts to health and safety could occur as a result of the increase in the quantity of propellants handled and in the number of both tethered flight tests and permitted launches conducted at the Mojave Airport. Because all operations would follow established safety procedures, no significant cumulative impacts on health and safety are expected.

- **Noise -** Background noise at the Mojave Airport would increase with the increased level of activity from the tethered flight tests and permitted launches of the XA0.1, XA0.2, and XL0.1 reusable suborbital rockets. During flight tests, the noise levels could potentially be very high, but because of the relative infrequency and short duration (a maximum burn time of 3 minutes) of these events, the overall impacts would be relatively small. The

impacts of flight tests would be relatively small when compared to the existing high intensity noise levels due to military jet flights and stationary rocket testing at the Mojave Airport, and no significant cumulative noise impacts are expected.

- **Transportation -** Cumulative impacts to transportation could occur as a result of the increase in road traffic that would result from transporting equipment and personnel in support of ongoing aviation activities, the proposed action, and the tethered flight tests. The combined increase resulting from these activities would only add a few vehicles above existing traffic loads on Business SR-58. The small number of additional passenger vehicles and delivery trucks anticipated as part of the proposed action and tethered flight tests would not materially increase the number of traffic accidents, increase traffic congestion, or cause a decline in the level of service of local roadways, and so no significant cumulative impacts are expected.

- **Visual Resources -** The construction of two concrete pads under the proposed action would be similar to existing airport infrastructure and would not significantly alter the current visual landscape. Tethered flight tests and permitted launches may attract and dominate the attention of a viewer in this area. However, due to the tests' low altitude, limited number, and short duration, no significant cumulative impacts on visual resources are expected.

- **Water Resources -** Cumulative impacts on water resources may result from incidental spills and releases associated with aircraft, launch vehicle, and reusable suborbital rocket preparation and propellant loading activities. Masten Space Systems would operate according to established spill prevention procedures and would be responsible for the clean up any of spills or releases associated with the proposed action and tethered flight tests; resulting in a small cumulative impact.

Consistency with Community Planning

The proposed action has been reviewed and has been found to be consistent with state and local planning objectives from the California state, Kern County, and local Mojave community governments.

No Action Alternative

Under the no action alternative, the FAA would not issue experimental permits to Masten Space Systems, and there would be no permitted launches of its XA0.1, XA0.2, and XL0.1 suborbital rockets at the proposed site. The Mojave Airport would continue its current services as a general aviation airport and a launch site. Masten Space Systems would not be able to conduct permitted launches of the XA0.1, XA0.2, and XL0.1 reusable suborbital rockets and the associated technologies in preparation for the X Prize Cup competition from this location. The predicted environmental effects of the proposed action or alternative 1 would not occur.

Determination

An analysis of the proposed action has concluded that there are no significant short-term or long-term effects to the environment or surrounding populations. After careful and thorough consideration of the facts herein, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives set forth in Section 101(a) of the National Environmental Policy Act of 1969 and that it will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102 (2) (c) of NEPA. Therefore, an EIS for the proposed action is not required.

Issued in Washington, DC on: _____

Patricia Grace Smith

Associate Administrator for Commercial Space Transportation