

*rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2008-02 and should be submitted on or before February 13, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>11</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Approval of the Finding of No Significant Impact and Record of Decision for the Final Environmental Assessment (EA) for the Construction of a New Land-Based Airport in Akutan, AK

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Notice of approval of the Finding of No Significant Impact/Record of Decision.

**SUMMARY:** The Federal Aviation Administration is announcing the approval of the Finding of No Significant Impact/Record of Decision (FONSI/ROD) for the Final Environmental Assessment (EA) for the construction of a new land-based airport in Akutan, AK. The FONSI/ROD provides final agency determinations and approvals for the proposed development.

**FOR FURTHER INFORMATION CONTACT:** Patti Sullivan, Environmental Specialist, Federal Aviation Administration, Alaskan Region, Airports Division, 222 W. 7th Avenue #14, Anchorage, AK 99513-7504. Ms. Sullivan may be contacted during business hours at (907) 271-5454 (phone) and (907) 271-2851 (facsimile).

**SUPPLEMENTARY INFORMATION:** The FONSI/ROD is for the approval of actions for the construction of an airport, including a runway, a runway safety area, connecting taxiway, an apron, and a snow removal equipment and maintenance facility; an airport access road; two hovercraft landing pads; a hovercraft storage and maintenance facility; and acquisition of a hovercraft. The FONSI/ROD provides the final agency determinations and approvals for Federal actions by the FAA related to the selection of alternatives to meet the purpose and need for the action. The FONSI/ROD also includes required mitigation measures and conditions of approval.

The FONSI/ROD indicates that the selected actions are consistent with existing environmental policies and objectives set forth in the National Environmental Policy Act (NEPA) of 1969, as amended, as well as other Federal and State statutes, and that the actions will not significantly affect the quality of the environment.

The FAA's decision is based upon information contained in the Final EA, issued in December 2007, and on all other applicable documents available to the agency and considered by it, which constitutes the administrative record.

The FAA's determinations are discussed in the FONSI/ROD, which was approved on December 26, 2007.

#### FONSI/ROD Availability

The FONSI/ROD may be viewed at the following Web site: [http://www.faa.gov/airports\\_airtraffic/airports/regional\\_guidance/alaskan/](http://www.faa.gov/airports_airtraffic/airports/regional_guidance/alaskan/).

Issued in Anchorage, Alaska on January 11, 2007.

**Byron K. Huffman,**

*Manager, Airports Division, Alaskan Region.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Finding of No Significant Impact

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Environmental Finding Document: Finding of No Significant Impact; Notice.

**SUMMARY:** The FAA participated as a cooperating agency with the U.S. Army Space and Missile Defense Command/U.S. Army Forces Strategic Command in preparation of the SpaceX Falcon Program Environmental Assessment (EA). The Falcon Launch Vehicle Program is a venture by Space Exploration Technologies, Inc. (SpaceX) to provide space launch operations. The EA analyzed the environmental consequences of conducting an average of six Falcon 1 launches per year and up to four Falcon 9 launches per year (starting after 2008) for the next ten years from Omelek Island, U.S. Army Kwajalein Atoll Ronald Reagan Ballistic Missile Test Site (USAKA/RTS). The EA also analyzed the reentry of the Dragon reentry capsule, which would be carried as a payload on the Falcon 9 launch vehicle. Additionally, the SpaceX Falcon Program EA analyzed infrastructure improvements proposed on Omelek Island and Kwajalein to support the proposed launch activities. SpaceX would require a launch or reentry license from the FAA for launches or reentries of commercial payloads.

From its independent review and consideration, the FAA has determined that the FAA's proposed action is substantially the same as the actions already analyzed in the SpaceX EA and that FAA's comments and suggestions have been satisfied (see 1506.3(c) and FAA Order 1050.1E, 518h). The FAA formally adopts the EA and hereby incorporates the analysis to support future decisions on license applications.

After reviewing and analyzing currently available data and information on existing conditions, project impacts, and measures to mitigate those impacts, the FAA has determined that the proposed action is not a Federal action that would 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 the FAA 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 or the FONSI Contact:* Questions or comments should be directed to Ms. Stacey Zee; FAA Environmental Specialist; Federal Aviation Administration; 800 Independence Ave., SW.; AST-100,

<sup>11</sup> 17 CFR 200.30-3(a)(12).