

0941), U.S. Coast Guard, 2100 2nd Street, SW., Stop 7121, Washington, DC 20593-7121. A member of the public requesting reasonable accommodation should make such request prior to April 13, 2010. Requests made after this date might not be able to be accommodated. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Headquarters building. The Headquarters building is accessible by taxi and privately owned conveyance (public transportation is not generally available). However, parking in the vicinity of the building is extremely limited. Additional information regarding this and other IMO SHC public meetings may be found at: <http://www.uscg.mil/imo>.

This announcement might appear in the **Federal Register** less than 15 days prior to the meeting. The Department of State finds that there is an exceptional circumstance in that this advisory committee meeting must be held on April 20th in order to prepare for the IMO Diplomatic Conference to be convened on April 26th.

Dated: April 1, 2010.

**Greg O'Brien,**

*Office of Ocean and Polar Affairs, Department of State.*

[FR Doc. 2010-7903 Filed 4-6-10; 8:45 am]

**BILLING CODE 4710-09-P**

## DEPARTMENT OF STATE

[Public Notice 6945]

### Notice of Meeting of the Cultural Property Advisory Committee

In accordance with the provisions of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 *et seq.*) (the Act) there will be a meeting of the Cultural Property Advisory Committee on Thursday, May 6, 2010, from 9 a.m. to approximately 5 p.m., and on Friday, May 7, 2010, from 9:00 a.m. to approximately 3 p.m., at the Department of State, Annex 5, 2200 C Street, NW., Washington, DC. During its meeting the Committee will review a proposal to extend the "Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy" signed in Washington, DC on January 19, 2001 and amended and extended in 2006 through an exchange of diplomatic

notes. The purpose of this review is for the Committee to make findings and a recommendation regarding the proposal to extend this Memorandum of Understanding.

The Committee's responsibilities are carried out in accordance with provisions of the Act. The U.S.—Italy Memorandum of Understanding, as amended and extended, the Designated List of restricted categories, the text of the Act and related information may be found at <http://exchanges.state.gov/heritage/culprop>.

Exercising delegated authority from the President and the Secretary of State, I have determined that portions of the meeting on May 6 and 7 will be closed pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h), because the disclosure of matters involved in the Committee's proceedings would compromise the Government's negotiation objectives or bargaining positions on the negotiations of this Memorandum of Understanding. However, on May 6, the Committee will hold an open session, 9:30 a.m. to approximately 11:30 a.m., to receive oral public comment on the proposal to extend the Memorandum of Understanding. Persons wishing to attend this open session should notify the Cultural Heritage Center of the Department of State at (202) 632-6301 by Thursday, April 22, 2010, 5 p.m. (EDT) to arrange for admission, as seating is extremely limited.

Those who wish to make oral presentations should request to be scheduled and submit a written text of the oral comments by Thursday, April 22, 2010, to allow time for distribution of these comments to Committee members for their review prior to the meeting. Oral comments will be limited to five minutes each or less to allow time for questions from members of the Committee and must specifically address the determinations under section 303(a)(1) of the Act, 19 U.S.C. 2602(a)(1), pursuant to which the Committee must make findings. This citation for the determinations can be found at the Web site noted above. The Committee also invites written comments and asks that they be submitted no later than April 22, 2010. All written materials, including the written texts of oral statements, should be faxed to (202) 632-6300, if 5 pages or less. Written comments greater than five pages in length must be duplicated (20 copies) and mailed to Cultural Heritage Center, SA-5, Fifth Floor, Department of State, Washington, DC 20522-0505. Express mail is recommended for timely delivery.

Dated: March 29, 2010.

**Judith A. McHale,**

*Under Secretary, Public Diplomacy and Public Affairs, Department of State.*

[FR Doc. 2010-7898 Filed 4-6-10; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF STATE

[Public Notice 6944]

### Notice of Proposal To Extend the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy

The Government of the Republic of Italy has informed the Government of the United States of its interest in an extension of the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy.

Pursuant to the authority vested in the Under Secretary for Public Diplomacy and Public Affairs, and pursuant to the requirement under 19 U.S.C. 2602(f)(1), an extension of this Memorandum of Understanding is hereby proposed.

Pursuant to 19 U.S.C. 2602(f)(2), the views and recommendations of the Cultural Property Advisory Committee regarding this proposal will be requested.

A copy of this Memorandum of Understanding, the designated list of restricted categories of material, and related information can be found at the following Web site: <http://exchanges.state.gov/heritage/culprop>.

Dated: March 29, 2010.

**Judith A. McHale,**

*Under Secretary, Public Diplomacy and Public Affairs, Department of State.*

[FR Doc. 2010-7894 Filed 4-6-10; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF TRANSPORTATION

Office of the Secretary

### Notice—Interpretation of 49 CFR 158.45

The Department received a request for a legal interpretation from the Interim Trustee of an air carrier in a Chapter 11

liquidation proceeding, regarding an airport's obligation to refund passenger facility charges (PFCs) for certain tickets purchased by consumers with credit cards. These tickets were never used due to the airline's cessation of operations prior to the flight dates. On March 30, 2010, the Department sent the Interim Trustee the response re-printed below, which supersedes informal communications that the Department and the FAA have provided in prior instances.

In the majority of airline customer refund requests, the Department has made clear that no refund of a PFC is due where no refund of the ticket is due, as is usually the case for non-refundable tickets. See 14 CFR 158.45(a); 72 FR 28837 at 28843. However, a distinction must be made in an airline's liquidation where the tickets in question were purchased by credit card, the defunct airline has not operated the relevant flights, and the defunct airline is no longer operating (and no delivery of the airline transportation service is therefore possible). In such an instance, pursuant to applicable regulations of the Federal Reserve System, enforced by the Department for airline ticket sales, a refund is due and owing to the customer, including the PFC. See Federal Truth in Lending Act/Regulation Z requirements (12 CFR 226.13(e); 14 CFR 374.3(b)). Because the Interim Trustee's letter requested an interpretation only with respect to tickets purchased with credit cards, the Department's letter addresses only that situation. We defer to the Bankruptcy Court on which party may properly claim repayment of the PFCs from the airports (Aloha's bankruptcy estate or the credit card processor that has refunded such amounts to the ticket purchasers), or how such collection should be effected. If any questions arise, please feel free to contact Ronald Jackson, DOT Assistant General Counsel for Operations, at 202-366-9151.

Issued on March 31, 2010.

**Ronald Jackson,**

*Assistant General Counsel for Operations.*

Dane S. Field

Interim Trustee

Estate of Aloha Airlines

P.O. Box 4198

Honolulu, HI 96812-4198

Re: *Passenger Facility Charge Refunds*

Dear Mr. Field: This responds to your March 9, 2009 letter to the U.S. Department of Transportation's (DOT) General Counsel submitted in your capacity as Interim Trustee for Aloha Airlines, which ceased operations on March 31, 2008. Thank you for your

patience as we have reviewed this matter.

Specifically, you request "assistance in providing guidance to the airports that refund of [Passenger Facility Charges (PFCs)] by airports is appropriate when refunds for unusable tickets have been refunded to ticket purchasers as a part of a full ticket refund initiated by the airline ticket purchasers." Your letter refers in particular to situations in which the customer held a ticket for an Aloha flight scheduled for March 31, 2008 or later, contacted his/her credit card processor to request a refund given Aloha's cessation of operations, and received the refund—including a refund of the PFC associated with the ticket. Now Aloha's bankruptcy estate seeks to obtain from the relevant airports the amount of PFCs refunded to these customers, but not all of the airports have refunded the amounts to Aloha's estate. As a matter of aviation law (as opposed to bankruptcy law), we believe a refund of the PFCs by the relevant airports is appropriate where an airline fails to provide the purchased flight due to liquidation in bankruptcy.<sup>1</sup> However, out of deference to the Bankruptcy Court presiding over Aloha's estate, we offer no opinion on which party may properly claim repayment of the PFCs from the airports (Aloha's bankruptcy estate or the credit card processor that has refunded such amounts to the ticket purchasers), or how such collection should be effected.

In support of Aloha's position, you cite 14 CFR Section 158.45(a)(3)(i), which states that, "Any change in itinerary initiated by a passenger that requires an adjustment to the amount paid by the passenger is subject to collection or refund of the PFC as appropriate." Section 158.45(a)(3)(ii), on the other hand, states that a passenger's "failure to travel on a nonrefundable or expired ticket is not a change in itinerary" requiring a PFC refund. (Italics added.) Arguing against the application of the latter provision, you state that it was Aloha that ceased operations, and thus the passenger did not "fail" to travel. As you explain, "The ticket purchasers requested refund of non-expired tickets on which it is not possible to travel, due to the actions of others, and not the ticket purchaser's inaction." Furthermore, you note that the tickets were "basically usable or refundable until one year after issuance."

<sup>1</sup>Our conclusion is based solely on an analysis of 12 CFR Section 226 and 49 U.S.C. Section 40117(g)(4), as implemented by the relevant PFC regulations (as set forth below).

It is important to note that the prohibition of refunds in Section 158.45(a)(3)(ii) covers only "a nonrefundable or expired ticket." Section 158.45(a)(3)(i) further provides that, "[i]f the ticket purchaser is not permitted any fare refund on the unused ticket, the ticket purchaser is not permitted a refund of any PFC associated with that ticket." In the matter before us, DOT understands that the ticket purchasers were given a refund of the full fare, including PFCs, by the credit card processor. Such refunds would be required from a credit card processor by 12 CFR Sections 226.13(a)(3) and (e)(1), both of which are applicable to credit card processors working with air carriers under 14 CFR Section 374.3(b), in the event of a "billing error." The regulations define "billing error" as including "a reflection on or with a periodic statement of an extension of credit for property or services \* \* \* not delivered to the consumer or the consumer's designee as agreed," 12 CFR § 226.13(a)(3) (italics added), in which case—at least as an initial matter pending further investigation—the credit card processor must "[c]orrect the billing error and credit the consumer's account with any disputed amount and related finance or other charges, as applicable." 12 CFR § 226.13(e)(1). Barring a reversal of the refund following an investigation, it is then up to the credit card processor and the merchant to work out the matter between themselves, and in the case of a bankruptcy, subject to the terms of any bankruptcy stay or other bankruptcy requirements.

If full fare refunds to the ticket purchasers by the credit card processors were indeed required by 12 CFR Sections 226.13(a)(3) and (e)(1), then the tickets at issue could not be considered "nonrefundable" under Section 158.45(a)(3)(ii). Therefore, the prohibition of PFC refunds in 158.45(a)(3)(ii) is inapplicable, and a refund of the PFCs would be appropriate. Moreover, if the Bankruptcy Court should also find as a factual matter that the tickets under their terms were refundable by Aloha as of the bankruptcy filing date, then that would provide a further basis for a refund.

You indicate that Aloha requests that the airports submit the refunds to the Aloha bankruptcy estate. We do not offer an opinion on that particular issue. As stated above, we defer to the Bankruptcy Court on the appropriate treatment of the PFC revenues. We do note that under 49 U.S.C. Section 40117(g) and 14 CFR Section 158.49(b), an air carrier or its agent holds collected

PFC revenues in “trust” for the beneficial interest of the eligible agency imposing the fee, and neither the carrier nor its agent holds legal or equitable interest in the revenues (with exceptions not relevant here). This is not to set forth a DOT position that Aloha may not collect the refundable PFC revenues; rather, as stated above, out of deference to the Bankruptcy Court and because we are not privy to Aloha’s arrangements with the credit card processors or the flow of funds in this matter, we defer to the Bankruptcy Court on all such matters, including which party may properly claim repayment of the PFCs, how such collection should be effected, and whether the airports have some other claim to the revenues in these circumstances based on an accounting error or otherwise. But should refund be appropriate, any solution must ensure that the flow of funds among Aloha, the credit card processors, and the airports complies with 14 CFR Sections 158.45 and 158.49.

We appreciate the importance of your work on Aloha’s behalf, and we hope that you find this letter helpful. As a courtesy, we are copying the Bankruptcy Court Judge and airports that may be affected by this letter. To be clear, however, this letter is not intended as a DOT position in the bankruptcy proceeding, or any type of final agency action; rather, we are merely providing guidance on the interpretation of the PFC regulations, in response to your request. If you have any further questions, please do not hesitate to contact me at (202) 366–4710.

Sincerely,

Ronald Jackson,

*Assistant General Counsel for Operations*

cc: United States Bankruptcy Court, District of Hawaii Airport Managers or PFC Contacts for the following airports:

- Sacramento International Airport (SMF)
- San Francisco International Airport (SFO)
- John Wayne-Orange County Airport (SNA)
- Oakland International Airport (OAK)
- Denver International Airport (DEN)
- Los Angeles International Airport (LAX)
- Chicago O’Hare International Airport (ORD)
- San Diego International Airport (SAN)

[FR Doc. 2010–7887 Filed 4–6–10; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2009–0304]

#### Request for Public Comments and OMB Approval of Existing Information Collection

**AGENCY:** Pipeline and Hazardous Materials Safety Administration.

**ACTION:** Request for Public Comments and OMB approval of existing Information Collection.

**SUMMARY:** On October 15, 2009, as required by the Paperwork Reduction Act of 1995, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a notice in the Federal Register to invite comments on a proposed revision to an information collection under Office of Management and Budget (OMB) Control No. 2137–0584, titled “Gas and Hazardous Liquid Pipeline Safety Program.” Three comments were received. PHMSA is publishing this notice to respond to those comments, provide the public with an additional 30 days to comment on the proposed revision, and announce that the revised Information Collection will be submitted to the Office of Management and Budget (OMB) for approval.

**DATES:** Interested persons are invited to submit comments on or before May 7, 2010.

**ADDRESSES:** You may submit comments identified by the docket number PHMSA–2009–0304 by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 1–202–395–6566.
- *Mail:* Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB), 726 Jackson Place, NW., Washington, DC 20503, ATTN: Desk Officer for Department of Transportation (DOT).
- *E-mail:* Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, at the following address: [oir\\_submissions@omb.eop.gov](mailto:oir_submissions@omb.eop.gov).

#### FOR FURTHER INFORMATION CONTACT:

Cameron Satterthwaite by telephone at 202–366–1319, by fax at 202–366–4566, or by mail at U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE., PHP–30, Washington, DC 20590–0001.

**SUPPLEMENTARY INFORMATION:** Section 1320.8(d), Title 5, Code of Federal

Regulations requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies an information collection request that PHMSA is submitting to OMB for revision under OMB Control No. 2137–0584. This information collection is contained in 49 CFR part 198.

PHMSA received comments on the proposed revisions to the information collection from Carolinas AGC, Florida Public Service Commission, and the National Association of Pipeline Safety Representatives (NAPSR). Each of these entities expressed concerns regarding changes to the performance factors (questions with points) or the weights of each factor (score) in the overall scoring of the certification part of the grant allocation formula for the pipeline safety grant program. PHMSA is not making any changes to these areas. Rather, PHMSA is only revising the information collection to incorporate the use of tools that help to determine the amount of funds received by each participating State, and the parameters for those tools have been established for several years. PHMSA is proceeding with the tools specified in the Docket.

An estimate of the revised burden is as follows:

*Title:* Pipeline Safety: Gas and Hazardous Liquid Pipeline Safety Program Certifications.

*OMB Control Number:* 2137–0584.

*Type of Request:* Revision of a currently approved information collection.

*Abstract:* A State agency participating in the pipeline safety program must maintain records to demonstrate that the agency is properly monitoring the operations of pipeline operators in that State. The State agency must also submit an annual certificate to PHMSA verifying compliance. PHMSA uses the information collected to evaluate the State’s eligibility for Federal grants.

*Estimated number of respondents:* 67.

*Estimated annual burden hours:* 3,920 hours.

*Frequency of collection:* Annually.

Issued in Washington, DC, on April 1, 2010.

**Alan K. Mayberry,**

*Deputy Associate Administrator for Field Operations.*

[FR Doc. 2010–7930 Filed 4–6–10; 8:45 am]

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