

services, that a TIH materials shipper indemnify and hold harmless the railroad against liability arising from a release of such materials in excess of (1) the maximum amount of insurance that the railroad carries for TIH transport or (2) \$500 million for Class I railroads, whichever is greater; and to provide reasonable assurances in the form of insurance or other means to support such indemnity.<sup>1</sup>

Other commentators, particularly those representing TIH shippers' interests, urged the Board to reject this proposed policy statement. But some, while lamenting escalating rates they believe are priced to drive TIH off the railroads, expressed a willingness to explore allocations of excess liability insurance to cover a limited scope of occurrences while not reducing a railroad's incentive to prudently and safely handle and transport TIH.

While the Board views the safe transportation of hazardous materials as crucial to this nation's economic and national security, and the transportation by rail of hazardous materials as vital to our nation's industrial production, the Board is an economic regulator, and, as such, seeks to address the economic component of TIH transport. It hopes to facilitate dialogue regarding and resolution of those economic concerns between and among TIH shippers and the railroads.

The Board believes that an industry-derived solution to the question of what constitutes a reasonable response to a shipper's request that a railroad transport TIH cargo might be a better and potentially more economically sustainable solution than a Board-imposed solution, though the latter remains a lawful alternative in the absence of industry-wide consensus. Accordingly, the Board will place in abeyance docket EP 677 (Sub-No. 1) and will not rule on the railroad industry's proposed policy statement at this time. Instead, the Board proposes to establish the TIHCCTAC to provide independent advice and policy recommendations to the Board. TIHCCTAC will be directed to provide advice on issues pertaining to the common carrier obligation with respect to the rail transportation of TIH, and specifically, the question of what is a railroad's reasonable response to such a request.

The Board anticipates that the TIHCCTAC will consist of a balanced cross-section of members at the general counsel or vice president level of stakeholders involved in the rail transportation of TIH, including but not limited to railroads, TIH shippers, insurers or underwriters, and tank car owners, lessors, or manufacturers.

The TIHCCTAC will be tasked with producing a report and recommendations on how the Board should balance the common carrier obligation to transport this commodity with the risk of catastrophic liability in setting appropriate rail transportation liability terms for TIH cargo. The TIHCCTAC's focus and its solution to the question presented above should revolve around the amount of economic responsibility for liability that railroads can reasonably ask TIH shippers to assume before the carrier will transport TIH cargo. The TIHCCTAC shall function solely as an advisory body and will comply with the provisions of FACA and its implementing regulations.

For the purpose of soliciting comments, the Board proposes the following structure. The TIHCCTAC shall consist of up to 27 voting members, including its chair. Members of the TIHCCTAC will be chosen by the Chairman of the STB and shall include at a minimum: 7 representatives from the Class I and II railroads; 3 representatives from Class III railroads; 5 representatives from chlorine shippers; 5 representatives from anhydrous ammonia shippers; 4 representatives currently engaged in academia or policy analysis; 2 representatives with an insurance or underwriting background; and 1 representative from tank car owners, car lessors, or car manufacturers. The 3 members of the Board shall serve as *ex officio* (non-voting) members of the Committee. In addition to the members described above, the Chairman of the STB may invite representatives from the U.S. Departments of Homeland Security and Transportation (including their affiliated agencies) to serve the TIHCCTAC in advisory capacities as *ex officio* (non-voting) members. The Chairman of the STB will appoint the TIHCCTAC's chair. The Chairman of the STB may constitute an executive committee and subcommittees as necessary for the TIHCCTAC to discharge its responsibilities. The Board contemplates a voting structure that will provide each voting member with a vote. But, for any proposal to become a recommendation of the TIHCCTAC, a majority vote of the railroad interests and a majority vote of the shipping interests will be required.

The TIHCCTAC will meet monthly with an anticipatory commencement in the final quarter of 2010, after it has been established in compliance with FACA. No honoraria, salaries, travel or per diem are available to members of the TIHCCTAC; however, reimbursement for travel expenses may be sought from the Board in cases of hardship.

Chairman Elliott will appoint Ronald Molteni of the Board's Office of General Counsel to serve as the Designated Federal Official—the agency's liaison to the TIHCCTAC.

Suggestions for members of the TIHCCTAC should be submitted in letter form, identifying the name of the candidate; evidence of the interests the candidate will represent; and a representation that the candidate is willing to serve a two-year term as a member of the TIHCCTAC, with the possible charter renewal leading to a potential second term.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

**Authority:** 49 U.S.C. 721, 49 U.S.C. 11101; 49 U.S.C. 11121.

Decided: July 30, 2010.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Nottingham.

**Kulunie L. Cannon,**  
*Clearance Clerk.*

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## DEPARTMENT OF TRANSPORTATION

### Saint Lawrence Seaway Development Corporation

#### Advisory Board; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation (SLSDC), to be held from 10 a.m. to 11:30 a.m. (EDT) on Monday, August 23, 2010, via conference call at the Corporation's Administration Headquarters, Suite W32-300, 1200 New Jersey Avenue, SE., Washington, DC. The agenda for this meeting will be as follows: Opening Remarks; Consideration of Minutes of Past Meeting; Quarterly Report; Old and New Business; Closing Discussion; Adjournment.

Attendance at the meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact, not later than Wednesday, August 18, 2010, Anita K. Blackman, Chief of Staff, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue, SE., Washington, DC 20590; 202-366-0091.

<sup>1</sup> AAR Comments, EP 677 (Sub-No. 1) at 24.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, DC, on August 4, 2010.

**Collister Johnson, Jr.,**

*Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Research, Engineering and Development Advisory Committee; Notice of Meeting

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of Meeting.

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the FAA Research, Engineering and Development (R, E&D) Advisory Committee.

*Name:* Research, Engineering & Development Advisory Committee.

*Time and Date:* September 22, 2010—9:30 a.m. to 4 p.m.

*Place:* BAE Systems Conference Center, 80 M Street, SE., Washington, DC 20003.

*Purpose:* The meeting agenda will include receiving from the Committee guidance for FAA's research and development investments in the areas of air traffic services, airports, aircraft safety, human factors and environment and energy. Attendance is open to the interested public but seating is limited. Persons wishing to attend the meeting or obtain information should contact Gloria Dunderman at (202) 267-8937 or [gloria.dunderman@faa.gov](mailto:gloria.dunderman@faa.gov). Attendees will have to present picture ID at the security desk.

Members of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on July 30, 2010.

**Barry Scott,**

*Director, Research & Technology Development.*

[FR Doc. 2010-19478 Filed 8-9-10; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Noise Compatibility Program Notice; Fort Worth Alliance Airport, Fort Worth, TX

**AGENCY:** Federal Aviation Administration.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program that was submitted for Fort Worth Alliance Airport under the provisions of 49 U.S.C. 47501 *et seq.* (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 CFR Part 150 by the city of Fort Worth, Texas. This program was submitted subsequent to a determination by FAA that associated noise exposure maps submitted under 14 CFR Part 150 for Fort Worth Alliance Airport were in compliance with applicable requirements, effective May 5, 2009, and published in the **Federal Register** on May 14, 2009 (Volume 74, Number 92, Page 22802). The proposed noise compatibility program will be approved or disapproved on or before January 25, 2011.

**DATES:** *Effective Date:* The effective date of the start of FAA's review of the noise compatibility program is July 30, 2010. The public comment period ends September 28, 2010.

**FOR FURTHER INFORMATION CONTACT:** DOT/FAA Southwest Region, Mr. Paul Blackford, ASW-650, 2601 Meacham Boulevard, Fort Worth, Texas 76137, (817) 222-5607. Comments on the proposed noise compatibility program should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA is reviewing a proposed noise compatibility program for Fort Worth Alliance Airport which will be approved or disapproved on or before January 25, 2011. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to reduce existing non-compatible uses and prevent the

introduction of additional non-compatible uses.

The FAA has formally received the noise compatibility program for Fort Worth Alliance Airport, effective on July 28, 2010. The airport operator has requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under Section 47504 of the Act. Preliminary review of the submitted material indicates that it conforms to FAR Part 150 requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before January 25, 2011.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, Section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety or create an undue burden on interstate or foreign commerce, and whether they are reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments relating to these factors, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps and the proposed noise compatibility program are available for examination at the following locations:

1. Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, Texas.
2. Mr. Kent Penney, Airport Systems Director, City of Fort Worth, Aviation Department, 4201 N. Main Street, Suite 200, Fort Worth, Texas.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Fort Worth, Texas, July 30, 2010.

**Kelvin L. Solco,**

*Manager, Airports Division.*

[FR Doc. 2010-19480 Filed 8-9-10; 8:45 am]

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