

Board decisions and notices are available at our Web site at <http://www.stb.dot.gov>.

It is ordered:

1. The delegation of authority of the Office of Proceedings, under 49 CFR 1011.7(b)(10), to determine whether to issue a notice of exemption in this proceeding is revoked.

2. This decision is effective on the date of service.

Decided: September 13, 2010.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Nottingham. Vice Chairman Mulvey dissented with a separate expression.

Vice Chairman Mulvey, dissenting:

Once again, I must disagree with the Board's decision to allow a transaction containing a significant interchange commitment to be processed under the Board's class exemption procedures at 49 CFR 1150.41. I believe that it is incumbent for the Board to take a close look at interchange commitments before permitting them to become effective, particularly when they contain outright bans on interchange with third-party carriers or, as here, economic incentives that can only be evaluated with the provision of additional information.

Here, M&NJ seeks authorization to lease or sublease approximately 36 miles from NSR. As disclosed in the M&NJ's Verified Notice of Exemption, the lease agreement contains an interchange commitment that gives M&NJ a "credit" toward its annual lease payment for every car that it interchanges with NSR at Campbell Hall, NY. But the notice of exemption and supporting documents do not explain (1) whether the "credit" is so large vis a vis the projected carloads and annual lease payment as to eliminate any incentive by M&NJ to interchange with a third-party carrier, (2) how many shippers and carloads will be impacted by the interchange commitment, (3) and what competitive routing options are being foreclosed during the term of the lease.¹ I believe that all of this information, which would be obtained through the Board's more detailed application or a petition for exemption procedures, is necessary to understand the impact of this new lease.

The trickle of transactions with interchange commitments since the Board's 2008 interchange commitment disclosure rules were adopted has turned into a steady drip.² Although the disclosure rules were an important first step to regulating interchange commitments, I urge my colleagues to closely scrutinize newly proposed long-term leases

¹ Indeed, M&NJ's Verified Notice of Exemption does not even indicate how long the proposed lease would be in effect. The Board has included that information in its decision.

² E.g., *Northern Plains R.R.—Lease Exemption—Soo Line R.R.*, FD 35382 (STB served Aug. 6, 2010) (Mulvey, dissenting); *Washington & Idaho Ry.—Lease and Operation Exemption—BNSF Ry.*, FD 35370 (STB served Apr. 23, 2010) (Mulvey, commenting). See disclosure rules at *Disclosure of Rail Interchange Commitments*, EP 575 (Sub-No. 1) (STB served May 29, 2008).

that will shape competition in the rail industry for years to come.

Jeffrey Herzog,
Clearance Clerk.

[FR Doc. 2010–23147 Filed 9–15–10; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA NextGen Advisory Committee (NAC)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA NextGen Advisory Committee (NAC)

SUMMARY: The FAA published a Notice in the **Federal Register** on September 3, 2010 (75–FR–54221), concerning a Notice to advise the public of a meeting of RTCA NextGen Advisory Committee. The Agenda in that notice has been revised.

DATES: The meeting will be held September 23, 2010, from 8:30 a.m. to 11:30 a.m.

ADDRESSES: The meeting will be held at Bessie Coleman Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. *Metro:* L'Enfant Plaza Station (Use 7th & Maryland Exit).

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site <http://www.rtca.org>.

SUPPLEMENTARY INFORMATION: The Agenda published in the **Federal Register** Notice on September 3, 2010, (75–FR–54221) is revised to read as follows:

- Opening Plenary (Welcome and Introductions).
- Review Terms of Reference.
- Overview of NextGen—Setting the stage for Committee actions.
- RTCA Task Force 5 Recommendations.
- FAA Actions and Activities.
- Close-out ATMAC Action Items.
- Discussion of Initial Task.
- Discussion of Working Subcommittee.
- Set Meeting Dates for 2011.
- Closing Plenary (Other Business, Adjourn).

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person

listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 10, 2010.

Robert L. Bostiga,
RTCA Advisory Committee.

[FR Doc. 2010–23071 Filed 9–15–10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In August 2010, there were two applications approved. This notice also includes information on one application, approved in July 2010, inadvertently left off the July 2010 notice. Additionally, three approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: Puerto Rico Ports Authority, San Juan, Puerto Rico.

Application Number: 09–06–C–00–SJC.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total PFC Revenue Approved in This Decision: \$19,713,152.

Earliest Charge Effective Date: August 1, 2031.

Estimated Charge Expiration Date: March 1, 2033.

Class of Air Carriers Not Required To Collect PFCs: None.

Brief Description of Project Approved for Collection at Luis Munoz Marin International Airport (SJU) and Use at SJU at a \$3.00 PFC Level: PFC application development.

Brief Description of Projects Approved for Collection at SJU and Use at Jose Aponte de la Torre Airport at a \$3.00 PFC Level:

Phase 0 construction—terminal facility.

Rehabilitation of airfield guidance signage.
 Rehabilitation of taxiway lighting system.
 Pavement rehabilitation of runway 7/25 and taxiways.
 Airfield pavement markings.
Decision Date: July 22, 2010.
For Further Information Contact: Susan Moore, Orlando Airports District Office, (407) 812-6331.
Public Agency: Port of Bellingham, Bellingham, Washington.
Application Number: 10-11-C-00-BLI.
Application Type: Impose and use a PFC.
Total PFC Revenue Approved in This Decision: \$30,250,000.
PFC Level: \$4.50.
Earliest Charge Effective Date: October 1, 2010.
Estimated Charge Expiration Date: October 1, 2027.
Class of Air Carriers Not Required To Collect PFCs: None.

Brief Description of Project Approved for Collection and Use: Commercial terminal expansion.

Decision Date: August 11, 2010.
For Further Information Contact: Trang Tran, Seattle Airports District Office, (425) 227-1662.

Public Agency: City of Lubbock, Texas.

Application Number: 10-07-C-00-LBB.

Application Type: Impose and use a PFC.

Total PFC Revenue Approved in This Decision: \$13,101,351.

PFC Level: \$4.50.

Earliest Charge Effective Date: December 1, 2013.

Estimated Charge Expiration Date: April 1, 2020.

Classes of Air Carriers Not Required To Collect PFCs: (1) Part 135 air taxi/commercial operators filing FAA Form 1800-31; (2) commuters and small certificated air carriers filing Department of Transportation Research

and Special Programs Administration (RSPA) Form T-100 for non-scheduled enplanements; and (3) large certificated route air carriers filing RSPA Form T-100 for non-scheduled enplanements.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that each proposed class accounts for less than 1 percent of the total annual enplanements at Lubbock-Preston Smith International Airport.

Brief Description of Projects Approved for Collection and Use:

Runway 8/26 improvements—phase I
 Runway 8/26 improvements—phase II.
 Replace passenger loading bridges.

Decision Date: August 12, 2010.

For Further Information Contact: Steven Cooks, Texas Airports Development Office, (817) 222-5600.

Amendments to PFC Approvals:

Amendment No. City, State	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
98-05-C-05-MCO Orlando, FL	08/03/10	\$119,178,876	\$114,471,533	10/01/00	10/01/00
06-06-C-02-SAV Savannah, GA	08/04/10	4,480,700	4,490,100	03/01/13	03/01/13
03-04-C-03-PIH Pocatello, ID	08/10/10	294,313	302,926	04/01/08	04/01/08

Issued in Washington, DC on September 3, 2010.

Joe Hebert,

Manager, Financial Analysis and Passenger Facility Charge Branch.

[FR Doc. 2010-22959 Filed 9-15-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2010-0081]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel SEA SENORA.

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. The complete application is given in DOT docket MARAD-2010-0081 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 (68 FR 23084; April 30, 2003), 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.

DATES: Submit comments on or before October 18, 2010.

ADDRESSES: Comments should refer to docket number MARAD-2010-0081. 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/submit/>. 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.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SEA SENORA is:

Intended commercial use of vessel: "Sport Fishing Charter, Fish caught will not be sold commercially."

GEOGRAPHIC REGION: "Texas."