

the 12 projects with costs under \$10 million would have avoided the BCA requirement. Based on the data in FAA's National Plan of Integrated Airport Systems, retaining the \$5 million threshold is likely to create an unnecessary resource burden in coming years. In the next five years alone there are more than 150 projects with capacity codes and/or project descriptions that appear to be capacity-related. Of these, 79 have total eligible project costs greater than \$10 million which typically coincide with discretionary requests in excess of \$5 million. This would likely result in project delays and corresponding increases in capital costs. By raising the threshold to \$10 million, the number of projects that may require a BCA will increase at a significantly slower rate. The FAA believes this would preserve a prudent balance between analysis and expenditure of AIP funds, particularly since the planning process itself requires an assessment of the capacity benefits of such projects.

e. Staff and Sponsor Resource Conservation

*ATA Comments:* ATA stated, "FAA cites staff and sponsor resources as a motivating factor in raising the threshold, but once again offers no evidence to support the conclusion that doing so will conserve these resources. It would be helpful to know how many projects FAA expects will be newly exempt from the BCA requirement in coming years, based on past experience with grant requests. Furthermore, when the threshold was lowered from \$10 million to \$5 million in 1997, it was done in conjunction with a shift of the responsibility for preparing a BCA from the FAA to the project sponsor. How much of the anticipated savings in staff resources will accrue to FAA, and how much to airport sponsors? ATA has a direct interest in this, since costs attributable to preparing BCAs are considered allowable airport planning costs, and, to the extent not covered by an AIP grant, may get passed back to airline tenants through inclusion in the rate base."

*FAA Response:* The FAA's main justification in increasing the threshold from \$5 million to \$10 million is to keep pace with the impact of inflation on construction costs. Consistent with the original BCA policy, in increasing this threshold the FAA seeks to balance oversight of expensive, high risk projects with limited time and monetary resources. Based on the data presented above there is strong evidence to suggest that retaining the existing threshold would significantly increase the number

of small capacity projects requiring formal BCA reviews. This would create additional project costs, lengthen the time required to implement a project, and create additional and duplicative levels of review by the FAA, airport staff, and airport users. Instead, the FAA will rely on existing master planning, metropolitan area planning, and statewide system planning to adequately address the capacity benefits of such projects. Anticipated savings will accrue to sponsors, airline tenants and the FAA, though the FAA is not currently able to directly quantify these savings.

g. Full Justification of Projects

*ATA Comments:* ATA stated "ATA recognizes that FAA's constrained resources may make the prospect of fewer BCAs to prepare or review appealing, but we must point out that in an era of limited funding it is all the more important that projects be fully justified in terms of benefits relative to costs. While BCAs may not be the only means to do this, FAA should ensure that it will not lose sight of this principle before it raises the threshold."

*FAA Response:* The FAA agrees with the comment that all projects must be fully justified in terms of benefits to the traveling public, aviation system users, and neighboring communities. However, not all projects that compete for limited AIP discretionary funds are subject to the BCA requirement. Instead, the BCA process is one of many tools the FAA uses to determine the capacity benefits of potential projects. The FAA relies on existing master planning, metropolitan area planning, and statewide system planning processes to adequately analyze and address the capacity benefits of such projects. As circumstances warrant, the FAA also requests BCAs or other economic evaluations be done for projects under the threshold.

Accordingly, after review of the public comments, the FAA has determined that the policy proposing to increase the BCA threshold from \$5 million to \$10 million in AIP Discretionary funds should be adopted now.

Issued in Washington, DC, on October 17, 2011.

**Benito DeLeon,**

*Director, Office of Airport Planning and Programming.*

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**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

[Summary Notice No. PE-2011-48]

**Petition for Exemption; Summary of Petition Received**

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

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number involved and must be received on or before November 14, 2011.

**ADDRESSES:** You may send comments identified by Docket Number *FAA-2011-1029* using any of the following methods:

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202-493-2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy:* We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

*Docket:* To read background documents or comments received, go to

<http://www.regulations.gov> at any time or to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Frances Shaver, ARM-207, (202) 267-4059, FAA, Office of Rulemaking, 800 Independence Ave., SW., Washington, DC 20591 or Walter Binkley, (405) 954-3284, FAA, Aircraft Registration Branch, PO Box 25504, Oklahoma City, OK 73125.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 19, 2011.

**Dennis R. Pratte,**

*Acting Director, Office of Rulemaking.*

### Petition for Exemption

*Docket No.:* FAA-2011-1029.

*Petitioner:* Maryland State Police Aviation Command.

*Section of 14 CFR Affected:* § 47.15(b).

*Description of Relief Sought:*

Maryland State Police Aviation Command requests relief from § 47.15(b). If granted, an exemption would allow Maryland State Police Aviation Command to use registration numbers "N1MSP" through "N11MSP" for its new AW139 medevac fleet.

[FR Doc. 2011-27432 Filed 10-21-11; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2010-0109]

#### Petition for Waiver of the Terms of the Order Limiting Scheduled Operations at LaGuardia Airport; Procedures for the Reallocation of Slots at Ronald Reagan Washington National Airport and LaGuardia Airport

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

**ACTION:** Notice of procedures for the reallocation of slots at Ronald Reagan Washington National Airport and LaGuardia Airport.

**SUMMARY:** Under this notice, the FAA announces the procedures for the reallocation of slots at Ronald Reagan Washington National Airport and LaGuardia Airport, which are being divested by Delta Air Lines, Inc. and US Airways, Inc. resulting from a grant of waiver to them.

**SUPPLEMENTARY INFORMATION:** On October 7, 2011, the Secretary of

Transportation and the Administrator of the Federal Aviation Administration (FAA) granted with conditions a joint waiver request by Delta Air Lines, Inc. (Delta) and US Airways, Inc. (US Airways) from the prohibition on purchasing operating authorizations (slots) at LaGuardia Airport (LGA). 76 FR 63702 (Oct. 13, 2011) (the Waiver). The Waiver permitted Delta and US Airways 30 days to accept the terms of the Waiver. They accepted by joint letter on October 12, 2011.

Among the conditions of the Waiver, the Secretary and the Administrator require Delta and US Airways collectively to dispose of 16 slots at Ronald Reagan Washington National Airport (DCA) and 32 slots at LGA. Those divested slots will be reallocated in one slot bundle for DCA and two slot bundles (of 16 slots each) for LGA to eligible new entrant and limited incumbent carriers. The following discussion describes the procedures and timelines for that reallocation.

#### Registration for the Slot Reallocation

The Waiver establishes that new entrant and limited incumbent carriers with less than five percent of the total slot holdings at DCA or LGA, and which do not code share to or from DCA or LGA with any carrier that has five percent or more of the total slot holdings, may participate in the reallocation at the respective airport. Eligible participating carriers also may not be subsidiaries, either partially or wholly owned, of a company whose combined slot holdings are equal to or greater than five percent of the total slot holdings at DCA or LGA respectively, with the exception of Frontier Airlines as noted in the Waiver.

Because the identities of slot bidders are undisclosed during the bidding period, the FAA is requiring registration by eligible carriers to participate in the reallocation process. Eligible carriers may register by e-mail to [7-awa-slotadmin@faa.gov](mailto:7-awa-slotadmin@faa.gov) between October 19 and October 28, 2011. Please include "DCA/LGA Slot Reallocation" in the email subject line. An eligible carrier must register as an individual carrier and may not submit a joint bid with another carrier. The registering carrier must indicate whether it intends to bid on slot bundles at DCA or LGA or both airports. The registering carrier must state whether there is common ownership or control of, by, or with any other carrier at the respective airport. Finally, the registering carrier must certify that it will disclose no purchase offer information to any person other than its agent.

The FAA will confirm eligibility and respond by email with a bidder identification number for each slot bundle no later than November 10, 2011.

#### Slot Bundles

The Waiver requires the divested slots to be reallocated in bundles. For DCA slots, there is one bundle of 16 slots (DCA Bundle). For LGA slots, there are two bundles of 16 slots each (LGA Bundle A and LGA Bundle B). The contents of the slot bundles are included in an appendix to this document.

#### Bidding on Slot Bundles

The Waiver permits a bidding period of seven business days. Accordingly, the bidding period will open at 9 a.m., Eastern time, on November 14, 2011, and it will close at 5 p.m., Eastern time, on November 22, 2011. Registered bidders may submit cash-only bids at any time during that bidding period and may submit multiple bids during the bidding period. The FAA will construe the latest received bid as that bidder's final bid.

Registered bidders may submit bids via email to [7-awa-slotadmin@faa.gov](mailto:7-awa-slotadmin@faa.gov). Please include "DCA/LGA Slot Reallocation" in the e-mail subject line. The FAA requests the following format for required bid information in the body of the email:

Bidder Identification Number, Slot Bundle, Preference Ranking, Bid Price

The preference ranking applies only to the LGA slot bundles, and the FAA will use it only if one bidder submits the highest bid for both bundles. This preference ranking should be either a "1" (first priority) or a "2" (second priority).

The FAA will reject any bid that does not contain all required bid information. The FAA also will reject any bid received after 5 p.m., Eastern time, on November 22, 2011. The FAA will use its email system time stamp as the submission time of the bid. Bids are effective upon receipt, and the FAA will not permit the withdrawal of any bid.

The FAA will post a running tally of bids for each slot bundle at [http://www.faa.gov/about/office\\_org/headquarters\\_offices/agc/ReAllocation](http://www.faa.gov/about/office_org/headquarters_offices/agc/ReAllocation). That tally will include the required bid information and time stamp of the bid. The FAA will post bids at approximately 9 a.m., 12 p.m., and 4 p.m., Eastern time, on each business day of the bidding period (for bids received by 8 a.m., 11 a.m., and 3 p.m., Eastern time, respectively). On November 22, the FAA will post bids each hour from