

limited to no more than two years except under special circumstances (e.g., new entrants).

The air carrier incentive program was never intended to be a maximum sustainable market growth-incentive program where airlines would be incentivized to test the limits of a markets demands. Rather the program was offered to airports to encourage airlines to test new markets and offer passengers more travel options and in turn promote more travel using the airport. The limits on allowable incentive periods have been vetted by FAA and deemed reasonable timeframes for airlines to assess the demand for a "new service" and evaluate the sustainability to continue that service without incentives in accordance with existing policy, grant assurance obligations, and statute.

### III. Conclusion

Incentive programs must walk the fine line between allowing sponsors the ability to enhance the viability of new service through temporary incentives and simply buying increased use of the airport. The air carrier incentive program, as currently constituted, ensures properly structured programs will meet the goals for which an air carrier incentive program is allowed. FAA has viewed the CCDOAs petition in order to ensure its proposal will meet the same goals. As such, FAA agrees that, with certain conditions in place, incentive programs may include opportunities for air carriers to upgauged existing service. The conditions must require flight schedules are not contracted while allowing airlines to receive proportional credit for upgauging existing flight(s) to targeted market(s) within the schedule to provide more capacity.

While FAA agrees to expand its interpretation of "new service" to include upgauging with stated parameters as an accepted form of new service, the onus to create an incentive program that is not unjustly discriminatory must be borne by the sponsor responsible for the airport-specific air carrier incentive program. The conditions included within this notice are guidance.

All existing guidance not addressed herein remains applicable. FAA reminds airport sponsors: Incentives must not be offered in an unjustly discriminatory manner; incentives must be applied similarly to similarly situated carriers participating in incentive programs; new entrants are deemed similarly situated to incumbents after one year; and additional incentives for incumbents are

limited to one year in accordance with past guidance.

Issued in Washington, DC on April 3, 2012.

**Randall Fiertz,**

*Director, Airport Compliance and Management Analysis.*

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD 2012 0048]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ASPIRE; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**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.

**DATES:** Submit comments on or before May 9, 2012.

**ADDRESSES:** Comments should refer to docket number MARAD-2012-0048. 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>. 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, Email [Joann.Spittle@dot.gov](mailto:Joann.Spittle@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel ASPIRE is:

*Intended Commercial Use of Vessel:* "Six pack charter for sport fishing."

*Geographic Region:* "Washington, Oregon, California." The complete application is given in DOT docket MARAD-2012-0048 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, 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.

#### Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

By Order of the Maritime Administrator.

Dated: April 2, 2012.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2012-8454 Filed 4-6-12; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD 2012 0047]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SIR MARTIN II; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**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