

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending October 27, 2012**

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* DOT-OST-2012-0178.

*Date Filed:* October 22, 2012.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* November 12, 2012.

*Description:* Application of Scott Air, LLC ("SCA") requesting a certificate of public convenience and necessity to the extent necessary to authorize SCA to engage in interstate scheduled air transportation of persons, property and mail utilizing small aircraft.

*Docket Number:* DOT-OST-2012-0180.

*Date Filed:* October 23, 2012.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* November 13, 2012.

*Description:* Application of Gama Charters Inc. ("Gama") requesting a certificate of public convenience and necessity authorizing Gama to engage in the foreign charter air transportation of persons, property and mail with a Boeing Business Jet aircraft ("BBJ"). Gama also requests the Department exercise its discretionary authority to issue Gama an exemption *pendente lite* pending Department action on the instant certificate application.

*Docket Number:* DOT-OST-2012-0181.

*Date Filed:* October 23, 2012.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* November 13, 2012.

*Description:* Application of Gama Charters Inc. ("Gama") requesting a certificate of public convenience and necessity authorizing Gama to engage in

interstate charter air transportation of persons, property and mail with a Boeing Business Jet aircraft ("BBJ"). Gama also requests an exemption *pendente lite* to the extent necessary to allow it to conduct Part 135 services with BBJ aircraft pending Department action on the instant application.

*Docket Number:* DOT-OST-2010-0093.

*Date Filed:* October 24, 2012.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* November 14, 2012.

*Description:* Application of Open Joint Stock Company Transaero Airlines ("Transaero") requesting to amend its foreign air carrier permit to include authority for Transaero to provide scheduled foreign air transportation of persons, property, and mail (i) from any point or points behind the Russian Federation, via any point or points in the Russian Federation and intermediate points, to San Francisco, California, and (ii) from San Francisco, California, to any point or points in the Russian Federation and beyond.

**Barbara J. Hairston,**

*Acting Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. 2012-27800 Filed 11-14-12; 8:45 am]

**BILLING CODE 4910-9X-P**

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending October 20, 2012**

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* DOT-OST-2012-0182.

*Date Filed:* October 17, 2012.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* November 7, 2012.

*Description:* Application of Global Supply Systems Limited ("GSS") requesting a new or amended foreign air carrier permit to enable GSS, consistent with the open skies, U.S.-European Union ("EU") Air Transport Agreement, to provide: (i) Foreign scheduled and charter air transportation of property and mail from any point or points behind any Member State of the European Union, via any point or points in any Member State and via any intermediate points to any point or points in the United States and beyond; (ii) foreign scheduled and charter air transportation of property and mail between any point or points in the United States and any point or points in any member of the European Common Aviation Area; (iii) foreign scheduled and charter cargo air transportation between any point or points in the United States and any point or points; (iv) other charters pursuant to the requirements set forth in the Department's regulations governing charters; and (v) transportation authorized by any additional route rights made available to European Union carriers in the future. GSS also requests (i) exemption authority, to the extent necessary and for an initial period of two years or until the requested permit is issued, to enable it to hold out and provide the service described above; and (ii) such additional or other relief as the Department may deem necessary or appropriate.

**Barbara J. Hairston,**

*Acting Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. 2012-27801 Filed 11-14-12; 8:45 am]

**BILLING CODE 4910-9X-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration**

[Docket No. FAA-2012-1191]

**Orders Limiting Operations at John F. Kennedy International Airport, LaGuardia Airport, and Newark Liberty International Airport; High Density Rule at Reagan Washington National Airport**

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

**ACTION:** Notice of Limited Waiver of the Slot Usage Requirement.

**SUMMARY:** This action announces a limited waiver of the requirement to use Operating Authorizations (slots) at John F. Kennedy International Airport (JFK), LaGuardia Airport (LGA), and Newark

Liberty International Airport (EWR). This action also declines to grant a waiver of the requirement to use slots at Reagan Washington National Airport. This waiver is effective from October 28, 2012 through November 2, 2012.

**DATES:** Effective November 15, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Robert Hawks, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-7143; email: [rob.hawks@faa.gov](mailto:rob.hawks@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 29, 2012, Hurricane Sandy made landfall in southern New Jersey. Combined with another weather front, Hurricane Sandy transitioned to an extratropical storm that caused widespread power outages, severe flooding, and severe disruption of transportation systems in the northeastern and mid-Atlantic United States. This disruption included airport closures and mass cancellation of scheduled flights.

The degree of disruption and cancellations varied by airport across the region, and flight disruptions occurred at slot-controlled and non-slot-controlled airports. JFK and EWR were effectively closed on October 29 and 30 and had limited operational capacity on October 31. LGA was effectively closed from October 29 through October 31 and had limited operational capacity on November 1. DCA was effectively closed on October 29 and 30 and had reduced operational capacity on October 31. Recovery of normal operations took several days after the storm.

**FAA Analysis**

Under the FAA's High Density Rule at DCA and Orders limiting operations at LGA, JFK, and EWR, slots must be used at least 80 percent of the time. These rules are expected to accommodate routine weather and other cancellations under all but the most unusual circumstances. Slots not meeting the minimum usage requirement will be withdrawn or not receive historic precedence for the following scheduling season, depending on the airport.<sup>1</sup> The FAA may grant a waiver from the minimum usage requirement in highly unusual and unpredictable conditions that are beyond the control of the carrier and affect carrier operations for a period of five or more consecutive days (for LGA, JFK, and EWR) or of nine or more

consecutive days (for DCA). However, the FAA does not routinely grant general waivers to the usage requirement except under the most unusual circumstances.

The FAA has granted waivers of the slot usage requirement in circumstances similar to those of Hurricane Sandy. The FAA generally considers the days of the weather event as well as a couple additional days to resume normal operations. For example, in February 2010, the FAA granted a general waiver because unusual snowstorms closed slot-controlled airports for multiple days and also caused mass cancellations resulting from reduced airport capacity.

For LGA, JFK, and EWR, the FAA has determined the unusual circumstances created by Hurricane Sandy meet the criteria for a limited waiver of the minimum slot usage requirement. Accordingly, the FAA will treat as used any slot or Operating Authorization held by a carrier from October 28 through November 2, 2012.

For DCA, the FAA has determined that overall operational disruption did not last for the required nine or more consecutive days. Operational data show normal operations largely had resumed by November 1, 2012.

Although the FAA has determined that a general waiver of the usage requirement is inappropriate for DCA, it acknowledges that some carriers operate flights between DCA and airports in the NYC area or northeastern U.S. affected by the storm. These circumstances may have created a unique hardship for those carriers justifying waiver relief. To assess that hardship and determine whether relief is warranted, the FAA requests that affected carriers submit an individual request for limited waiver. However, a carrier must demonstrate operational disruptions of scheduled flights that lasted nine or more consecutive days to be eligible for waiver relief.

**FAA Decision**

In consideration of the foregoing, the FAA GRANTS a limited waiver of the usage requirement for LGA, JFK, and EWR for the period from October 28 through November 2, 2012.

Issued in Washington, DC, on November 7, 2012.

**Rebecca B. MacPherson,**

*Assistant Chief Counsel for International Law, Legislation, and Regulations.*

[FR Doc. 2012-27844 Filed 11-14-12; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Notice of Final Federal Agency Actions on Proposed Highway in Indiana**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by FHWA and United States Army Corps of Engineers (USACE), DoD.

**SUMMARY:** This notice announces actions taken by the FHWA and the USACE that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to proposed highway projects for a 26.7 mile segment of I-69 in the Counties of Greene and Monroe, State of Indiana, and grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1) and are final within the meaning of that law. A claim seeking judicial review of those Federal agency actions that are covered by this notice will be barred unless the claim is filed on or before April 14, 2013. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then the shorter time period applies.

**FOR FURTHER INFORMATION CONTACT:** For the FHWA: Ms. Michelle Allen, Federal Highway Administration, Indiana Division, 575 North Pennsylvania Street, Room 254, Indianapolis, IN 46204-1576; telephone: (317) 226-7344; email: [Michelle.Allen@dot.gov](mailto:Michelle.Allen@dot.gov). The FHWA Indiana Division Office's normal business hours are 7:30 a.m. to 4 p.m., e.t. For the USACE: Mr. Greg Mckay, Chief, North Section Regulatory Branch, Louisville District, United States Army Corps of Engineers, P.O. Box 59, Louisville, KY 40201-0059; telephone: (502) 315-6685; email: [gregory.a.mckay@usace.army.mil](mailto:gregory.a.mckay@usace.army.mil). Normal business hours are 8 a.m. to 5 p.m., e.t. You may also contact Mr. Thomas Seeman, Project Manager, Indiana Department of Transportation (INDOT), 100 North Senate Avenue, Indianapolis, IN 46204; telephone: (317) 232-5336; email: [TSeeman@indot.IN.gov](mailto:TSeeman@indot.IN.gov). Normal business hours for the Indiana Department of Transportation are: 8 a.m. to 4:30 p.m., e.t.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the highway project in the State of Indiana listed below. The

<sup>1</sup> 14 CFR 93.227 (DCA); 74 FR 51648 (Oct. 7, 2009) (EWR); 74 FR 51650 (Oct. 7, 2009) (JFK); 77 FR 30585 (May 23, 2012) (LGA).