

the amount of Title II Social Security retirement or disability benefits under the modified benefit formula. The respondents are applicants for Title II Social Security retirement or disability benefits who have foreign pensions.

*Type of Request:* Revision of an OMB-approved information collection.

*Number of Respondents:* 13,452.

*Frequency of Response:* 1.

*Average Burden per Response:* 10 minutes.

*Estimated Annual Burden:* 2,242 hours.

*This is a correction notice:* SSA inadvertently published the incorrect burden information for this collection on September 17, 2008 at 73 FR 53919.

Dated: January 5, 2009.

**John Biles,**

*Reports Clearance Officer, Center for Reports Clearance, Social Security Administration.*

[FR Doc. E9-129 Filed 1-7-09; 8:45 am]

BILLING CODE 4191-02-P

**DEPARTMENT OF STATE**

[Public Notice 6476]

**Certification Related to Libya Under Section 654(b) of the State, Foreign Operations, and Related Programs Appropriations Act, 2008 (Div. J. Pub. L. 110-161)**

*Summary:* The Secretary of State certified to the Committees on Appropriation on December 24, 2008 that Libya has met the requirements stipulated in Section 654(b) of the State, Foreign Operations, and Related Programs Appropriations Act of 2008.

Dated: January 2, 2009.

**Jeffrey Feltman,**

*Acting Assistant Secretary of State for Near Eastern Affairs, Department of State.*

[FR Doc. E9-126 Filed 1-7-09; 8:45 am]

BILLING CODE 4710-31-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

[Docket No. FAA-2008-25755]

**Operating Limitations at New York LaGuardia Airport; Notice of Order**

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

**ACTION:** Notice of amendment to Order.

**SUMMARY:** The Federal Aviation Administration (FAA) is amending the Order Limiting Operations at New York LaGuardia Airport (LGA) that published on December 27, 2006, and was

amended on November 8, 2007, and August 19, 2008. This amendment extends the expiration date to October 24, 2009.

**DATES:** This amendment is effective on January 8, 2009.

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this Order contact: Gerry Shakley, System Operations Services, Air Traffic Organization, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; *telephone:* (202) 267-9424; *facsimile:* (202) 267-7277; *email:* [gerry.shakley@faa.gov](mailto:gerry.shakley@faa.gov). For legal questions concerning this Order contact: Rebecca B. MacPherson, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; *telephone:* (202) 267-7240; *facsimile:* (202) 267-7971; *email:* [rebecca.macpherson@faa.gov](mailto:rebecca.macpherson@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Availability of Rulemaking Documents**

You may obtain an electronic copy using the Internet by:

(1) Searching the Federal eRulemaking Portal (<http://www.regulations.gov>);

(2) Visiting the FAA's Regulations and Policies Web page at [http://www.faa.gov/regulations\\_policies/](http://www.faa.gov/regulations_policies/); or

(3) Accessing the Government Printing Office's Web page at <http://www.gpoaccess.gov/fr/index.html>.

You also may obtain a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to identify the amendment number or docket number of this rulemaking.

**Background**

Due to LaGuardia's limited runway capacity, the airport cannot accommodate the number of flights that airlines and others would like to operate without causing significant congestion. The FAA has long limited the number of arrivals and departures at LaGuardia during peak demand periods through the promulgation and implementation of the High Density Rule (HDR).<sup>1</sup> By statute enacted in April 2000, the HDR's

<sup>1</sup> 33 FR 17896 (Dec. 3, 1968). The FAA codified the rules for operating at high density traffic airports in 14 CFR part 93, subpart K. The HDR required carriers to hold a reservation, which came to be known as a "slot," for each takeoff or landing under instrument flight rules at the high density traffic airports.

applicability to LaGuardia operations terminated as of January 1, 2007.<sup>2</sup>

In anticipation of the HDR's expiration, the FAA proposed a long-term rule that would limit the number of scheduled and unscheduled operations at LaGuardia.<sup>3</sup> Because the FAA could not complete that rulemaking by January 1, 2007, the FAA issued an Order on December 27, 2006, adopting temporary limits pending the completion of the rulemaking.<sup>4</sup> This Order was amended on November 8, 2007, and August 19, 2008.<sup>5</sup>

Under the Order, as amended, the FAA (1) maintains the current hourly limits on scheduled (75) and unscheduled (three) operations at LaGuardia during peak period; (2) imposes an 80 percent minimum usage requirement for OAs with defined exceptions; (3) provides a mechanism for withdrawal of OAs for FAA operational reasons; (4) provides for a lottery to reallocate withdrawn, surrendered, or unallocated OAs; and (5) allows for trades and leases of OAs for consideration for the duration of the Order. Without the operational limitations imposed by this Order, the FAA expected severe congestion related delays would occur at LGA and at other airports throughout the National Airspace System (NAS) resulting from capacity constraints at LGA.

On October 10, 2008, the FAA published the "Congestion Management Rule for LaGuardia Airport" final rule ("Congestion Management Rule").<sup>6</sup> The Congestion Management Rule would have become effective on December 9, 2008. The Congestion Management Rule imposes limitations on scheduled and unscheduled operations.

Several parties petitioned for review of the Congestion Management Rule and sought a stay of that rule.<sup>7</sup> On December 8, 2008, the United States Court of Appeals for the District of Columbia Circuit stayed the Congestion Management Rule, which rendered it temporarily ineffective. To prevent this Order from expiring prior while the litigation is pending, the FAA has concluded that it is necessary to extend

<sup>2</sup> Aviation Investment and Reform Act for the 21st Century (AIR-21), Public Law 106-181 (Apr. 5, 2000), 49 U.S.C. 41715(a)(2).

<sup>3</sup> 71 FR 51360 (August 29, 2006); Docket FAA-2006-25709. The FAA subsequently published a Supplemental Notice of Proposed Rulemaking, 73 FR 20846 (Apr. 17, 2008).

<sup>4</sup> 71 FR 77854.

<sup>5</sup> 72 FR 63224; 73 FR 48428.

<sup>6</sup> 73 FR 60574; amended by 73 FR 66517, Nov. 10, 2008.

<sup>7</sup> *Port Auth. of New York & New Jersey v. Fed. Aviation Admin.*, No. 08-1329, consolidated with 08-1331, 08-1332, 08-1333, 08-1343, 08-1344, 08-1355, & 08-1371 (D.C. Cir. filed Oct. 10, 2008).

the expiration date of this Order to October 24, 2009. This expiration date coincides with the expiration dates for the Orders limiting scheduled operations at John F. Kennedy International and Newark Liberty International Airports.

Therefore, the FAA finds that notice and comment procedures under 5 U.S.C. section 553(b) are impracticable and contrary to the public interest. The FAA further finds that good cause exists to make this Order effective in less than 30 days.

### The Amended Order

The Order, as amended, is recited below in its entirety.

#### A. Scheduled Operations

With respect to scheduled operations at LaGuardia:

1. The final Order governs scheduled arrivals and departures at LaGuardia from 6 a.m. through 9:59 p.m., Eastern Time, Monday through Friday and from 12 noon through 9:59 p.m., Eastern Time, Sunday.

2. The final Order takes effect on January 1, 2007, and will expire on October 24, 2009.

3. The FAA will assign operating authority to conduct an arrival or a departure at LaGuardia during the affected hours to the air carrier that holds equivalent slot or slot exemption authority under the High Density Rule of FAA slot exemption rules as of January 1, 2007; to the primary marketing air carrier in the case of AIR-21 small hub/nonhub airport slot exemptions; or to the air carrier operating the flights as of January 1, 2007, in the case of a slot held by a non carrier. The FAA will not assign operating authority under the final Order to any person or entity other than a certificated U.S. or foreign air carrier with appropriate economic authority under 14 CFR part 121, 129 or 135. The Chief counsel of the FAA will be the final decision maker regarding the initial assignment of Operating Authorizations.

4. For administrative tracking purposes only, the FAA will assign an identification number to each Operating Authorization.

5. An air carrier can lease or trade an Operating Authorization to another carrier for any consideration, not to exceed the duration of the Order. Notice of a trade or lease under this paragraph must be submitted in writing to the FAA Slot Administration Office, facsimile (202) 267-7277 or e-mail 7-AWASlotadmin@faa.gov, and must come from a designated representative of each carrier. The FAA must confirm

and approve these transactions in writing prior to the effective date of the transaction. However, the FAA will approve transfers between carriers under the same marketing control up to 5 business days after the actual operation. This post-transfer approval is limited to accommodate operational disruptions that occur on the same day of the scheduled operation.

6. Each air carrier holding an Operating Authorization must forward in writing to the FAA Slot Administration Office a list of all Operating Authorizations held by the carrier along with a listing of the Operating Authorizations actually operated for each day of the two-month reporting period within 14 days after the last day of the two-month reporting period beginning January 1 and every two months thereafter. Any Operating Authorization not used at least 80 percent of the time over a two-month period will be withdrawn by the FAA except:

A. The FAA will treat as used any Operating Authorization held by an air carrier on Thanksgiving Day, the Friday following Thanksgiving Day, and the period from December 24 through the first Saturday in January.

B. The FAA will treat as used any Operating Authorization obtained by an air carrier through a lottery under paragraph 7 for the first 120 days after allocation in the lottery.

C. The Administrator of the FAA may waive the 80 percent usage requirement in the event of a highly unusual and unpredictable condition which is beyond the control of the air carrier and which affects carrier operations for a period of five consecutive days or more.

7. In the event that Operating Authorizations are withdrawn for nonuse, surrendered to the FAA or are unassigned, the FAA will determine whether any of the available Operating Authorizations should be reallocated. If so, the FAA will conduct a lottery using the provisions specified under 14 CFR 93.225. The FAA may retime an Operating Authorization prior to reallocation in order to address operational needs. When the final Order expires, any Operating Authorizations reassigned under this paragraph, except those assigned to new entrants or limited incumbents, will revert to the FAA for reallocation according to the reallocation mechanism prescribed in the final rule that succeeds the final Order.

8. If the FAA determines that a reduction in the number of allocated Operating Authorizations is required to meet operational needs, such as reduced airport capacity, the FAA will conduct

a weighted lottery to withdraw Operating Authorizations to meet a reduced hourly or half-hourly limit for scheduled operations. The FAA will provide at least 45 days' notice unless otherwise required by operational needs. Any Operating Authorization that is withdrawn or temporarily suspended will, if reallocated, be reallocated to the air carrier from which it was taken, provided that the air carrier continues to operate scheduled service at LaGuardia.

9. The FAA will enforce the final Order through an enforcement action seeking a civil penalty under 49 U.S.C. 46301(a). An air carrier that is not a small business as defined in the Small Business Act, 15 U.S.C. 632, would be liable for a civil penalty of up to \$25,000 for every day that it violates the limits set forth in the final Order. An air carrier that is a small business as defined in the Small Business Act would be liable for a civil penalty of up to \$10,000 for every day that it violates the limits set forth in the final Order. The FAA also could file a civil action in U.S. District Court, under 49 U.S.C. 46106, 46107, seeking to enjoin any air carrier from violating the terms of the final Order.

#### B. Unscheduled Operations<sup>8</sup>

With respect to unscheduled flight operations at LaGuardia, the FAA adopts the following:

1. The final order applies to all operators of unscheduled flights, except helicopter operations, at LaGuardia from 6 a.m. through 9:59 p.m., Eastern Time, Monday through Friday and from 12 noon through 9:59 p.m., Eastern Time, Sunday.

2. The final Order takes effect on January 1, 2007, and will expire on October 24, 2009.

3. No person can operate an aircraft other than a helicopter to or from LaGuardia unless the operator has received, for that unscheduled operation, a reservation that is assigned by the David J. Hurley Air Traffic Control System Command Center's Airport Reservation Office (ARO). Additional information on procedures for obtaining a reservation will be

<sup>8</sup> Unscheduled operations are operations other than those regularly conducted by an air carrier between LaGuardia and another service point. Unscheduled operations include general aviation, public aircraft, military, charter, ferry, and positioning flights. Helicopter operations are excluded from the reservation requirement. Reservations for unscheduled flights operating under visual flight rules (VFR) are granted when the aircraft receives clearance from air traffic control to land or depart LaGuardia. Reservations for unscheduled VFR flights are not included in the limits for unscheduled operators.

available via the Internet at <http://www.flyfaa.gov/ecvrs>.

4. Three (3) reservations are available per hour for unscheduled operations at LaGuardia. The ARO will assign reservations on a 30-minute basis.

5. The ARO receives and processes all reservation requests. Reservations are assigned on a "first-come, first-served" basis, determined as of the time that the ARO receives the request. A cancellation of any reservation that will not be used as assigned would be required.

6. Filing a request for a reservation does not constitute the filing of an instrument flight rules (IFR) flight plan, as separately required by regulation. After the reservation is obtained, an IFR flight plan can be filed. The IFR flight plan must include the reservation number in the "remarks" section.

7. Air Traffic Control will accommodate declared emergencies without regard to reservations. Nonemergency flights in direct support of national security, law enforcement, military aircraft operations, or public use aircraft operations will be accommodated above the reservation limits with the prior approval of the Vice President, System Operations Services, Air Traffic Organization. Procedures for obtaining the appropriate reservation for such flights are available via the Internet at <http://www.fly.faa.gov/ecvrs>.

8. Notwithstanding the limits in paragraph 4, if the Air Traffic Organization determines that air traffic control, weather, and capacity conditions are favorable and significant delay is not likely, the FAA can accommodate additional reservations over a specific period. Unused operating authorizations can also be temporarily made available for unscheduled operations. Reservations for additional operations are obtained through the ARO.

9. Reservations cannot be bought, sold, or leased.

Issued in Washington, DC on December 31, 2008.

**Rebecca B. MacPherson,**

*Assistant Chief Counsel for Regulations.*

[FR Doc. E8-31462 Filed 1-7-09; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Request To Release Airport Property at Monroe Regional Airport, Monroe, LA

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

**ACTION:** Request for Public Comment.

**SUMMARY:** The FAA proposes to rule and invites public comment on the release of land at Monroe Regional Airport under the provisions of Title 49, U.S.C. Section 47153(c).

**DATES:** Comments must be received on or before February 9, 2009.

**ADDRESSES:** Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Lacey D. Spriggs, Manager, Federal Aviation Administration, Southwest Region, Airports Division, LA/NM Airports Development Office, ASW-640, Fort Worth, Texas 76193-0640.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mayor James F. Mayo at the following address: Office of the Mayor, P.O. Box 123, Monroe, LA 71210.

**FOR FURTHER INFORMATION CONTACT:** Lacey D. Spriggs, Manager, Federal Aviation Administration, LA/NM Airports Development Office, ASW-640, 2601 Meacham Blvd., Fort Worth, Texas 76193-0640.

The request to release property may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA invites public comment on the request to release property at the Monroe Regional Airport.

On December 22, 2008, the FAA determined that the request to release property at Monroe Regional Airport submitted by the City of Monroe met the procedural requirements of the Federal Aviation Regulations, Part 155. The FAA may approve the request, in whole or in part, no later than February 2, 2009.

The following is a brief overview of the request:

The City of Monroe, Louisiana requests the release of 5.00 acres of airport property. The release of property will allow for construction of a new facility for office space and warehouse for Stephan Manufacturing, LLC to proceed. The sale is estimated to provide \$106,563.00 whereas the proceeds will be used to continue the Bermuda Release Program and used to upgrade and expand the security camera

system at the Passenger Terminal Building.

Any person may inspect the request in person at the FAP office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Monroe Regional Airport, Monroe, Louisiana.

Issued in Fort Worth, Texas on December 23, 2008.

**Kelvin L. Solco,**

*Manager, Airports Division.*

[FR Doc. E8-31463 Filed 1-7-09; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-1026X]

#### Bellingham International Railroad, LLC—Abandonment Exemption—in Whatcom County, WA

Bellingham International Railroad, LLC (BIR), has filed a verified notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 2-mile line of railroad between milepost 2.98 and milepost 4.98 in Bellingham, Whatcom County, WA.<sup>1</sup> The line traverses United States Postal Service Zip Code 98225 and includes no stations.

BIR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has been handled on the line for at least 2 years;<sup>2</sup> (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

<sup>1</sup> In 1998, BIR acquired the exclusive rail service easement over the line and all track, track materials, and related structures. See *Bellingham International Railroad LLC—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 33635 (STB served Aug. 4, 1998).

<sup>2</sup> According to BIR, the line is stub-ended and not capable of handling overhead traffic.