

Foreign Operations, and Related Programs Appropriations, 2009 (Div. H, Pub. L. 111–8), and similar provisions in prior-year Appropriations Acts, and has concluded that publication of the determination would be harmful to the national security of the United States.

This Determination shall be reported to the Congress and published in the **Federal Register**.

Dated: September 4, 2009.

**Vann H. Van Diepen,**

*Acting Assistant Secretary of State for International Security and Nonproliferation, Department of State.*

[FR Doc. E9–22175 Filed 9–14–09; 8:45 am]

**BILLING CODE 4710–27–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No.: 2009–0830]

#### Airport Privatization Pilot Program

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

**ACTION:** Notice of Receipt and Acceptance for Review: Preliminary Application for Louis Armstrong New Orleans International Airport, New Orleans, LA.

**SUMMARY:** The Federal Aviation Administration (FAA) has completed its review of the Louis Armstrong New Orleans International Airport (MSY) preliminary application for participation in the airport privatization pilot program received under 49 U.S.C. 47134. The preliminary application is accepted for review, with a filing date of August 5, 2009. The City of New Orleans, the airport sponsor, may select a private operator, negotiate an agreement and submit a final application to the FAA for exemption under the pilot program. 49 U.S.C. 47134 establishes an airport privatization pilot program and authorizes the Department of Transportation to grant exemptions from certain Federal statutory and regulatory requirements for up to five airport privatization projects. The application procedures require the FAA to publish a notice in the **Federal Register** after review of a preliminary application. The FAA must publish a notice of receipt of the final application in the **Federal Register** for public review and comment for a sixty-day period. The MSY preliminary application is available for public review at <http://www.regulations.gov>. The docket number is FAA Docket Number 2009–0830.

#### FOR FURTHER INFORMATION CONTACT:

Kevin C. Willis (202–267–8741) Airport Compliance Division, ACO–100, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591.

#### SUPPLEMENTARY INFORMATION:

##### Introduction and Background

Title 49 of the U.S. Code § 47134 authorizes the Secretary of Transportation, and through delegation, the FAA Administrator, to exempt a sponsor of a public use airport that has received Federal assistance, from certain Federal requirements in connection with the privatization of the airport by sale or lease to a private party. Specifically, the Administrator may exempt the sponsor from all or part of the requirements to use airport revenues for airport-related purposes, to pay back a portion of Federal grants upon the sale or lease of an airport, and to return airport property deeded by the Federal Government upon transfer of the airport. The Administrator is also authorized to exempt the private purchaser or lessee from the requirement to use all airport revenues for airport-related purposes, to the extent necessary to permit the purchaser or lessee to earn compensation from the operations of the airport.

On September 16, 1997, the Federal Aviation Administration issued a notice of procedures to be used in applications for exemption under Airport Privatization Pilot Program (62 FR 48693). A request for participation in the Pilot Program must be initiated by the filing of either a preliminary or final application for exemption with the FAA.

The City of New Orleans submitted a preliminary application to the Airport Privatization Pilot Program for Louis Armstrong New Orleans International Airport on August 5, 2009; the filing date of this preliminary application. The City may select a private operator, negotiate an agreement and submit a final application to the FAA for exemption.

If FAA accepts the final application for review, the application will be made available for public review and comment for a sixty-day period.

Issued in Washington, DC on September 8, 2009.

**Randall S. Fiertz,**

*Director, Office of Airport Compliance and Field Operations.*

[FR Doc. E9–22144 Filed 9–14–09; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE–2009–40]

#### 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 September 30, 2009.

**ADDRESSES:** You may send comments identified by Docket Number FAA–2009–0809 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 (DOT), 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:** Maria G. Delgado, ANM-113, (425) 227-2775, FAA, Transport Airplane Directorate, 1601 Lind Ave., SW., Renton, Washington 98057-3356; or Ralen Gao, ARM-200, (202) 267-3168, FAA, Office of Rulemaking, 800 Independence Ave., SW., Washington, DC 20591. This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC on September 9, 2009.

**Pamela Hamilton-Powell,**  
Director, Office of Rulemaking.

### Petition for Exemption

*Docket No.:* FAA-2009-0809.

*Petitioner:* Airbus.

*Sections of 14 CFR Affected:*

§§ 25.305(b) and 25.307.

*Description of Relief Sought:* The petitioner requests an exemption from the requirements of §§ 25.305(b) and 25.307 for certain Airbus Model A330-233 and -323 airplanes. If granted, this exemption would be time-limited to permit installation of Pratt & Whitney PW4168A-1D engines without a fan cowl hinge upgrade, until Airbus can substantiate that the current fan cowl hinge design does not require the upgrade.

[FR Doc. E9-22117 Filed 9-14-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Procedures for Determining Vessel Service Categories for Purposes of the Cargo Preference Act

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

**ACTION:** Notice.

**SUMMARY:** Pursuant to a Memorandum of Understanding Among the United States Department of Agriculture, the United States Department of Transportation, and the United States Agency for International Development Regarding Procedures for Determining Vessel Service Categories for Purposes of the Cargo Preference Act, dated September 4, 2009 (the MOU, a copy of which is attached hereto and posted at the Web site of the Maritime Administration (MARAD), [http://](http://www.marad.dot.gov)

[www.marad.dot.gov](http://www.marad.dot.gov)), notice is hereby given by MARAD that procedures as set forth herein are established for vessel owners or operators to designate the service category of individual vessels for purposes of compliance with the Cargo Preference Act (CPA). Where the owner or operator designates the category of its vessel, such self-designations will be docketed in the public record, published, and an opportunity will be provided for comment by interested parties. Each self-designation and the record supporting it is subject to review by MARAD. If MARAD disagrees with a self-designation, the process for determination, appeal and further administrative review is set forth below. These procedures are intended to be interim procedures implementing the MOU entered into by MARAD, the United States Department of Agriculture (USDA), and the United States Agency for International Development (USAID) and a 2002 Department of Justice interpretation of the CPA, pending the formal promulgation of regulations by MARAD.

### Background

The CPA requires that Federal agencies take “necessary and practicable” steps to ensure that privately-owned U.S.-flag vessels transport at least 50 percent of the gross tonnage of cargo sponsored under the food assistance programs specified below “(computed separately for dry bulk carriers, dry cargo liners, and tankers) \* \* \* to the extent such vessels are available at fair and reasonable rates for commercial vessels of the United States, in a manner that will ensure a fair and reasonable participation of commercial vessels of the United States in those cargoes by geographic areas.” 46 U.S.C. 55305(b). An additional 25 percent of gross tonnage is to be transported in accordance with the requirements of 46 U.S.C. 55314.

USAID and USDA provide food aid commodities to meet humanitarian food needs in the developing world. They either contract directly with, or provide guidance to, other entities for purposes of reimbursement regarding the transportation of such food aid through a competitive bidding system among private ocean carriers. The award of transportation contracts to ocean carriers is subject to the requirements of the CPA.

This **Federal Register** notice and the procedures set forth herein are intended to cover the following food assistance programs: Titles I, II, and III programs of the Food for Peace Act, the Food for Progress program of the Food Security Act of 1985, the McGovern-Dole

International Food for Education and Child Nutrition program of the Farm Security and Rural Investment Act of 2002, the Section 416(b) program of the Agricultural Act of 1949, and the Bill Emerson Humanitarian Trust of the Bill Emerson Humanitarian Trust Act.

MARAD, an operating administration of the Department of Transportation, is responsible for prescribing regulations and guidance governing the implementation of the CPA by other Government agencies, such as USAID and USDA. 46 U.S.C. 55305(d); 49 CFR 1.66(e). MARAD maintains a list on its Web site at [http://www.marad.dot.gov/documents/MAR730\\_MasterVesselList\\_forCargoPreference.pdf](http://www.marad.dot.gov/documents/MAR730_MasterVesselList_forCargoPreference.pdf) that sets forth vessel designations for CPA purposes through and including September 30, 2009. The procedures contained in this Notice apply to both U.S. flag and foreign flag vessels and must be used by vessel owners or operators to request any designation or re-designation of such vessels by service type, for purposes of participation in CPA programs. MARAD will publish an initial list of vessel designations on October 7, 2009. After a comment period and administrative review process (as described below), MARAD will publish a new vessel list on its Web site, <http://www.marad.dot.gov>.

USAID, USDA and the MARAD have been involved in litigation that challenges the proper interpretation and implementation of the Cargo Preference Act by these agencies for the Title II program under the Food for Peace Act (Title II), including *Maersk Line Ltd v. Vilsack*, U.S.D.C. (E.D. Va) 1:09cv747. As the parties acknowledged in a July 10, 2009 settlement of the *Maersk* litigation, the Government agencies involved in that litigation were unable to provide a unified Government position with respect to the proper implementation of the 2002 Department of Justice interpretation of the CPA. The attached MOU serves to clarify the position of the United States with respect to certain requirements of the CPA, and represents the unified Government position on the proper method for implementing the Department of Justice’s 2002 CPA determination.

For purposes of determining compliance with the statutory 75 percent requirement for shipments on U.S. flag vessels, each of the affected agencies (that is, MARAD, USAID, and USDA) will record contracts awarded under the food assistance programs specified above based solely upon the vessel service category for the vessel upon which the cargo is carried, for both foreign flag and U.S.-flag vessels,