

over apparent noncompliance. These changes include:

- New statutory direction on airport rates and charges and on the use of airport revenue, 49 U.S.C. 47107(k) through (p), 47129, and 47133.
- The DOT Policy Regarding the Establishment of Airport Rates and Charges in 1996, as partially voided by a decision of the U.S. court of appeals in 1997 and revised by an agency amendment in 2008;
- Rules of Practice for Federally Assisted Airport Enforcement Proceedings, 14 CFR Part 16, issued in 1996;
- The FAA Policy and Procedures Concerning the Use of Airport Revenue, issued in 1999;
- Enactment of 49 U.S.C. 47134, establishing a pilot program for airport privatization;
- More than 105 determinations issued under 14 CFR Part 16 by the FAA Office of Airport Safety and Standards, the Office of Compliance and Operations, and the Associate Administrator for Airports, as well as decisions by the U.S. Court of Appeals on petitions for review of agency determinations.

To incorporate these changes and provide the most useful and current program guidance to agency employees, the Office of Compliance and Field Operations has updated and revised the manual, and issued the new manual as Order 5190.6B on September 30, 2009.

#### Request for Public Comment

Order 5190.6B became effective when issued, and FAA employees are using the order as the primary manual for implementation of the FAA airport compliance program. The FAA expects that future changes to the manual may be necessary to reflect new decisions by federal courts, amendments to the agency's authorizing statutes, and the Associate Administrator for Airports' interpretations of agency policy in case determinations issued under 14 CFR part 16. For that reason the agency plans periodic reviews of the manual, with the first review being approximately one year after the issuance date, in September 2010.

While the FAA generally does not request public comment on internal orders, the agency has established a docket for public comments on Order 5190.6B in recognition of the interest of all segments of the airport community in the FAA's airport compliance program. The agency will consider all comments received by March 31, 2010, in this first review of Order 5190.6B. Comments received after that date may be considered if consideration will not

delay agency action on the review. The purpose of the review will be to ensure that the summaries of agency policy in the order accurately reflect the current legal authorities that define an airport operator's obligations. Comments that address that purpose will be the most useful to the agency in its review.

#### Notice of availability

Order 5190.6B, *Airport Compliance Manual*, issued September 30, 2009 is available for review and downloading from the FAA Airports Web site at: [http://www.faa.gov/airports/resources/publications/orders/compliance\\_5190.6](http://www.faa.gov/airports/resources/publications/orders/compliance_5190.6).

Issued in Washington, DC on October 1, 2009.

**Randall S. Fiertz,**

*Director, Office of Compliance and Field Operations.*

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Certification Guidance for Installation of Non-Essential, Non-Required Aircraft Cabin Systems & Equipment (CS&E), AC 20-XY

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of availability and request for public comment.

**SUMMARY:** This notice announces the availability of and request for public comments on the proposed new Federal Aviation Administration (FAA) Advisory Circular (AC) 20-XY, Certification Guidance for Installation of Non-Essential, Non-Required Aircraft Cabin Systems & Equipment (CS&E). This AC provides primary certification guidance on how to meet the airworthiness requirements for the installation of non-essential, non-required aircraft cabin systems & equipment (CS&E).

**DATES:** Comments must be received on or before November 27, 2009.

**ADDRESSES:** Send all comments on the proposed new FAA AC 20-XY to: Federal Aviation Administration, Aircraft Certification Service, Aircraft Engineering Division, 950 L'Enfant Plaza, 5th Floor, SW., Washington, DC 20024. ATTN: John Petrakis, AIR-120. You may deliver comments to: Federal Aviation Administration, 950 L'Enfant Plaza, 5th Floor, SW., Washington, DC 20024, or electronically submit comments to the following Internet address: [9-AWA-AVS-AIR120-TechPrograms@faa.gov](mailto:9-AWA-AVS-AIR120-TechPrograms@faa.gov). Include in the

subject line of your message the following: FAA AC 20-XY, Certification Guidance for Installation of Non-Essential, Non-Required Aircraft Cabin Systems & Equipment (CS&E).

**FOR FURTHER INFORMATION CONTACT:** John Petrakis, Senior Aerospace Engineer, Federal Aviation Administration, Aircraft Certification Service, Aircraft Engineering Division, Technical Programs and Continued Airworthiness Branch, AIR-120, 950 L'Enfant Plaza, 5th Floor, SW., Washington, DC 20024. Telephone (202) 385-6341, FAX (202) 385-6475, or e-mail at: [john.petrakis@faa.gov](mailto:john.petrakis@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

You are invited to comment on the draft order listed in this notice by sending such written data, views, or arguments to the above listed address. Please identify "FAA AC 20-XY, Certification Guidance for Installation of Non-Essential, Non-Required Aircraft Cabin Systems & Equipment (CS&E)" as the subject of your comments. You may also examine comments received on the proposals before and after the comment closing date at FAA offices, 950 L'Enfant Plaza, 5th Floor, SW., Washington, DC 20024, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m. The Director of the Aircraft Certification Service will consider all communications received on or before the closing date before issuing the final document.

##### Background

The FAA developed this new AC 20-XY with direct industry assistance through RTCA, Inc., Special Committee 210 (SC-210). This proposed AC will provide airworthiness certification guidance for the installation of non-essential, non-required aircraft cabin systems & equipment (CS&E). The proposed AC 20-XY incorporates the guidance in RTCA, Inc. document RTCA/DO-313, *Certification Guidance for Installation of Non-Essential, Non-Required Aircraft Cabin Systems & Equipment*, dated October 2, 2008. This AC will cancel AC 25-10, *Guidance for Installation of Miscellaneous, Nonrequired Electrical Equipment*, dated March 6, 1987.

##### How To Obtain Copies

You can get an electronic copy via the Internet at [http://www.faa.gov/aircraft/draft\\_docs/](http://www.faa.gov/aircraft/draft_docs/), and then select Advisory Circulars, or by contacting the person named in the paragraph **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC on October 1, 2009.

Susan J. M. Cabler,

Assistant Manager, Aircraft Engineering  
Division, Aircraft Certification Service.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Hand Fire Extinguishers for Use in Aircraft, AC 20-42D Revision

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of availability and request for public comment.

**SUMMARY:** This notice announces the availability of and request for public comments on the proposed revision of current Federal Aviation Administration (FAA) Advisory Circular (AC) 20-42C, Hand Fire Extinguishers for use in Aircraft. The proposed revision "D" to the AC provides updated guidance for the fire-fighting effectiveness, selection, location, mounting and safe-use of hand fire extinguishers in aircraft. It also identifies three FAA approved replacement agents for Halon 1211.

**DATES:** Comments must be received on or before November 27, 2009.

**ADDRESSES:** Send all comments on the proposed revision to FAA AC 20-42D to: Federal Aviation Administration, Aircraft Certification Service, Aircraft Engineering Division, 950 L'Enfant Plaza, 5th Floor, SW., Washington, DC 20024. *attn:* John Petrakis, AIR-120. You may deliver comments to: Federal Aviation Administration, 950 L'Enfant Plaza, 5th Floor, SW., Washington, DC 20024, or electronically submit comments to the following Internet address: *9-AWA-AVS-AIR120-TechPrograms@faa.gov*. Include in the subject line of your message the title of the document, Comments FAA AC 20-42D, Hand Fire Extinguishers for use in Aircraft.

**FOR FURTHER INFORMATION CONTACT:** John Petrakis, Senior Aerospace Engineer, Federal Aviation Administration, Aircraft Certification Service, Aircraft Engineering Division, Technical Programs and Continued Airworthiness Branch, AIR-120, 950 L'Enfant Plaza, 5th Floor, SW., Washington, DC 20024. Telephone (202) 385-6341, FAX (202) 385-6475, or e-mail at: *john.petrakis@faa.gov*.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

You are invited to comment on the draft order listed in this notice by sending such written data, views, or arguments to the above listed address. Please identify "FAA AC 20-42D, Hand Fire Extinguishers for use in Aircraft" as the subject of your comments. You may also examine comments received on the proposals before and after the comment closing date at FAA offices, 950 L'Enfant Plaza, 5th Floor, SW., Washington, DC 20024, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m. The Director of the Aircraft Certification Service will consider all communications received on or before the closing date before implementing the revision.

#### Background

The FAA developed this proposed revision to AC 20-42C with direct industry assistance through the International Aircraft Systems Fire Protection Working Group (IASFPWG). The proposed revision will provide users with updated guidance on available extinguishing agents. Specifically, the revised AC will provide guidance on the effectiveness and safe-use of Halon 1211 and three FAA approved replacement agents.

It: (1) Establishes an FAA approved minimum performance standard (MPS) for halon replacement agents developed by the FAA Technical Center which requires a hidden fire test and a seat fire/toxicity test; (2) Recommends that users of halon extinguishers transition to using the new halocarbon clean replacement agents in fire extinguishers kept onboard airplanes and rotorcraft; and (3) Provides guidance on how to gain certification for halocarbon clean agent extinguishers intended to replace Halon 1211 hand-held extinguishers.

#### How To Obtain Copies

You can get an electronic copy via the Internet at *http://www.faa.gov/aircraft/draft\_docs/*, and then select Advisory Circulars, or by contacting the person named in the paragraph **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC on October 1, 2009.

Susan J.M. Cabler,

Assistant Manager Aircraft Engineering  
Division, Aircraft Certification Service.

[FR Doc. E9-24517 Filed 10-9-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 693]

#### Oral Argument

**AGENCY:** Surface Transportation Board, Department of Transportation.

**ACTION:** Notice of oral argument.

**SUMMARY:** The Surface Transportation Board will hold oral argument on Tuesday, October 27, 2009, at 9:30 a.m., at its offices in Washington, DC, regarding two cases, STB Docket No. 42104, *Entergy Arkansas, Inc. and Entergy Services, Inc. v. Union Pacific Railroad Company and Missouri & Northern Arkansas Railroad Company, Inc.*, and STB Finance Docket No. 34914, *DesertXpress Enterprises, LLC—Petition for Declaratory Order*.

*Date/Location:* Oral argument will begin at 9:30 a.m., Tuesday, October 27, 2009, at the Board's offices at 395 E Street, SW., Washington, DC. A video broadcast of the oral argument will be available via the Board's Web site at *http://www.stb.dot.gov*, under "Information Center"/"Web cast"/"Live Video" on the home page.

**FOR FURTHER INFORMATION CONTACT:** Timothy Stafford, (202) 245-0356. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** In STB Docket No. 42104, Entergy Arkansas, Inc., and Entergy Services, Inc. (collectively, Entergy), co-owners of a coal-fired utility plant, seek the prescription of a through route (or routes) directing the Missouri & Northern Arkansas Railroad Company, Inc. (MNA) and/or Union Pacific Railroad Company (UP) to interchange traffic with a long-haul carrier other than UP in order to provide adequate and more economic or efficient transportation of coal from Powder River Basin mines to the utility plant near Newark, AR. MNA has filed a motion to dismiss Entergy's complaint and a motion to require Entergy to make the complaint more definite. The Board will hold an oral argument on those two motions.

In STB Finance Docket No. 34914, DesertXpress, a private entity, asked the Board to issue a declaratory order that the construction and operation of its proposed interstate, passenger-rail system between Victorville, CA, and Las Vegas, NV, would be within the Board's jurisdiction under 49 U.S.C. 10501(a) and therefore the Federal preemption of