

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Notice of Meeting of the National Parks Overflights Advisory Group Aviation Rulemaking Committee**

**ACTION:** Notice of meeting.

**SUMMARY:** The Federal Aviation Administration (FAA) and the National Park Service (NPS), in accordance with the National Parks Air Tour Management Act of 2000, announce the next meeting of the National Parks Overflights Advisory Group (NPOAG) Aviation Rulemaking Committee (ARC). This notification provides the dates, location, and agenda for the meeting.

**DATES AND LOCATION:** The NPOAG ARC will meet on November 4–5, 2009. The meeting will take place at the Dayton Aviation Heritage National Historic Park, Dayton, OH. The meeting will be held at the Wright-Dunbar Interpretive Center's conference room located at 16 South Williams Street, Dayton, OH 45402. The phone number is (937) 225-7705. The meetings will be held from 8:30 a.m. to 5 p.m. on November 4th and from 8:30 a.m. to 5 p.m. on November 5th. This NPOAG meeting will be open to the public.

**FOR FURTHER INFORMATION CONTACT:** Barry Brayer, AWP-1SP, Special Programs Staff, Federal Aviation Administration, Western-Pacific Region Headquarters, P.O. Box 92007, Los Angeles, CA 90009-2007, telephone: (310) 725-3800, e-mail: [Barry.Brayer@faa.gov](mailto:Barry.Brayer@faa.gov), or Karen Trevino, National Park Service, Natural Sounds Program, 1201 Oakridge Dr., Suite 100, Fort Collins, CO 80525, telephone: (970) 225-3563, e-mail: [Karen\\_Trevino@nps.gov](mailto:Karen_Trevino@nps.gov).

**SUPPLEMENTARY INFORMATION:****Background**

The National Parks Air Tour Management Act of 2000 (NPATMA), enacted on April 5, 2000, as Public Law 106-181, required the establishment of the NPOAG within one year after its enactment. The Act requires that the NPOAG be a balanced group of representatives of general aviation, commercial air tour operations, environmental concerns, and Native American tribes. The Administrator of the FAA and the Director of NPS (or their designees) serve as ex officio members of the group. Representatives of the Administrator and Director serve alternating 1-year terms as chairman of the advisory group.

The duties of the NPOAG include providing advice, information, and

recommendations to the FAA Administrator and the NPS Director on: implementation of Public Law 106-181; quiet aircraft technology; other measures that might accommodate interests to visitors of national parks; and at the request of the Administrator and the Director, on safety, environmental, and other issues related to commercial air tour operations over national parks or tribal lands.

**Agenda for the November 4–5, 2009 NPOAG Meeting**

The agenda for the meeting will include, but is not limited to, final adoption of a Strategic Plan, update on ongoing Air Tour Management Program projects; and a discussion on the competitive bidding process.

**Attendance at the Meetings**

Although these are not public meetings, interested persons may attend. Because seating is limited, if you plan to attend please contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT** so that meeting space may be made to accommodate all attendees.

**Record of the Meetings**

If you cannot attend the NPOAG meeting, a summary record of the meeting will be made available under the NPOAG section of the FAA ATMP Web site at: [http://www.faa.gov/about/office\\_org/headquarters\\_offices/arc/programs/air\\_tour\\_management\\_plan/parks\\_overflights\\_group/minutes.cfm](http://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/parks_overflights_group/minutes.cfm) or through the Special Programs Staff, Western-Pacific Region, P.O. Box 92007, Los Angeles, CA 90009-2007, telephone: (310) 725-3808.

Issued in Hawthorne, CA, on October 5, 2009.

**Keith Lusk,**

*Program Manager, Special Programs Staff, Western-Pacific Region.*

[FR Doc. E9-24671 Filed 10-13-09; 8:45 am]

**BILLING CODE M**

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board**

[STB Finance Docket No. 35304]

**San Francisco Bay Railroad-Mare Island—Operation Exemption—California Northern Railroad**

San Francisco Bay Railroad-Mare Island (SF Bay-Mare Is.), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate approximately 8 miles of unmarked rail line (the line) owned by the City of Vallejo (the City) and Lennar Mare

Island, LLC (LMI), in Vallejo, CA. There are no mileposts on the line; however, the track is described as extending from a junction located on the California Northern Railroad approximately 800 feet north of Sereno Drive in Vallejo, CA, to the end of track just south of Detoro Way on Mare Island in the City of Vallejo, CA, and branching at A Street on Mare Island to the end of track at approximately L Street on Mare Island in the City of Vallejo, CA. SF Bay-Mare Is. states that it intends to interchange traffic with the California Northern Railroad at Flosden Acres, in Vallejo, CA.

This transaction is related to a concurrently filed notice of exemption for David Gavrich to continue in control of SF Bay-Mare Is. upon SF Bay-Mare Is.'s becoming a Class III rail carrier. See *David Gavrich—Continuance in Control Exemption—San Francisco Bay Railroad-Mare Island*, STB Finance Docket No. 35303.

SF Bay-Mare Is. is currently negotiating an operating agreement with the City. SF Bay-Mare Is. states that it intends to commence operations over the line as soon as authority is granted.

SF Bay-Mare Is. certifies that its projected annual revenues as a result of the transaction will not exceed those that would qualify it as a Class III rail carrier.

Pursuant to the Consolidated Appropriations Act, 2008, Public Law 110-161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting and shredding). The term "solid waste" is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than October 21, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35304, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John F. McHugh, 6 Water St., New York, NY 10004.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: October 8, 2009.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Kulunie L. Cannon,**  
Clearance Clerk.

[FR Doc. E9-24693 Filed 10-13-09; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Order Limiting Scheduled Operations at John F. Kennedy International

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

**ACTION:** Notice of temporary waiver of the minimum usage requirement.

**SUMMARY:** This action announces a temporary waiver of the usage requirements necessary to hold Operating Authorizations at John F. Kennedy International Airport (JFK). This policy is effective from March 1 through November 14, 2010.

**DATES:** *Effective Date:* March 1, 2010.

**FOR FURTHER INFORMATION CONTACT:** James Tegtmeier, Associate Chief Counsel for the Air Traffic Organization, AGC-40, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone number (202) 267-8323; e-mail [james.tegtmeier@faa.gov](mailto:james.tegtmeier@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Beginning in March 2010, there will be runway and airfield construction at JFK that will temporarily affect operations at the airport. Runway 13R/31L is the airport's most frequently used and longest runway. The Port Authority of New York and New Jersey (Port Authority) indicates the runway historically accommodates a significant percentage of the annual air traffic operations at JFK, particularly departures. The Port Authority plans to resurface the runway with concrete and widen it to accommodate new large aircraft and to help prevent ice ingestion. In addition, the Port Authority will install new runway lighting, electrical infrastructure, and a new electrical feeder system to the runway. The Port Authority opted for a more extensive rehabilitation project to provide for a 40-year design life by surfacing with concrete instead of an 8-year design life with asphalt; however, the project will render Runway 13R/31L

unavailable from March 1 until June 30, 2010. The western two-thirds of the runway will reopen July 1, but its use will be limited under some weather and operating conditions, primarily because some high-speed runway turnoffs and navigational aids (NAVAIDS) will be unavailable until later in the construction period. On September 15, Runway 4L/22R will close until September 30 to resurface its intersection with Runway 13R/31L. The entire Runway 13R/31L and its associated NAVAIDS will be fully functional on November 15, 2010.

The FAA, the Port Authority, JFK operators, and other stakeholders have been meeting regularly to identify ways to mitigate congestion and delay in light of the runway and airfield construction. Surface management of aircraft requires further study, as some runway configurations may increase ground congestion, but we will continue to work to maximize the available infrastructure. In addition, we have identified preferred alternative runway configurations.

The FAA worked with MITRE's Center for Advanced Aviation System Development (CAASD) to estimate the capacity and potential delay impacts of the loss of Runway 13R/31L. MITRE CAASD and the FAA looked at historic runway configurations and operating conditions and the likely runway configurations that would substitute for Runway 13R/31L. Modeling compared the March, April, May, and June 2009 flight schedules by month against historic capacity and then against projected capacity in the same months for 2010, when Runway 13R/31L is closed. In each month, delays would increase over the corresponding month in 2009. The modeled peak afternoon and evening departure delays would increase significantly with the April-June schedules, adding about an average of ten minutes per aircraft. The modeled peak delays using March 2009 schedules and the construction capacity would remain within the levels accepted for the 2008 scheduling limits.

The FAA initiated discussions with the largest carriers at the airport, and they have agreed to keep their schedules at March 2009 levels from March 1 until at least July 1. In addition, those carriers and others have expressed concern about the operations for the remaining months of the construction and have agreed to cancel some flights even after Runway 13R/31L returns to partial service after June 30. This will assist in mitigating delays throughout the construction period.

Under the FAA's order limiting scheduled operations at JFK, Operating

Authorizations must be used at least 80 percent of the time they are allocated or they will be withdrawn. Historic precedence is given for the next scheduling season only for Operating Authorizations that meet the minimum usage threshold for the corresponding period during the prior scheduling season. The FAA may grant a waiver from the minimum usage requirements in highly unusual and unpredictable conditions that are beyond the control of the carrier and affect carrier operations for a period of five consecutive days or more.

#### Statement of Policy

The FAA has determined that the projected operational, congestion, and delay impacts of the 2010 runway and airfield construction program meet the requirements for a temporary waiver of the minimum usage rule at JFK. Absent a waiver, carriers would be required to operate flights in order to meet the minimum usage rules or to find another carrier to operate them. With the capacity impacts during the construction, the public interest supports a reduction in operations in order to minimize delays and improve on-time performance. Under the circumstances, carriers that temporarily reduce flights or elect to temporarily return Operating Authorizations to the FAA rather than transfer them for another carrier's use should not be penalized by permanently losing the authority to operate. The FAA appreciates that some carriers have already agreed voluntarily to postpone traditional summer flight increases. In light of this minimum usage waiver, we expect that other carriers may also temporarily limit their summer 2010 operations.

This minimum usage waiver applies only to Operating Authorizations at JFK. Carriers generally must provide advance notice of cancellations to the FAA Slot Administration Office in order to obtain a waiver. However, there may be times when delays are excessive and carriers elect to cancel flights shortly before their scheduled operation. The operational cancellation of a scheduled flight under these circumstances may still qualify for a usage waiver, provided that it is reported as a delay-related cancellation on the usage report submitted to the FAA by the carrier. Information on the use of Operating Authorizations should be provided to the Slot Administration Office by e-mail at [7-awa-slotadmin@faa.gov](mailto:7-awa-slotadmin@faa.gov) or by facsimile at (202) 267-7277.

In consideration of the above, the FAA is waiving the minimum usage requirement for Operating