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

It is ordered:
1. The delegation of authority of the Office of Proceedings, under 49 CFR 1011.7(b)(10), to determine whether to issue a notice of exemption in this proceeding is revoked.
2. This decision is effective on the date of service.

Decided: September 13, 2010.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Nottingham. Vice Chairman Mulvey dissented with a separate expression.

Vice Chairman Mulvey, dissenting:

Once again, I must disagree with the Board’s decision to allow a transaction containing a significant interchange commitment to be processed under the Board’s class exemption procedures at 49 CFR 1150.41. I believe that it is incumbent for the Board to take a close look at interchange commitments before permitting them to become effective, particularly when they contain outright bans on interchange with third-party carriers or, as here, economic incentives that can only be evaluated with the provision of additional information.

Here, M&NJ seeks authorization to lease or sublease approximately 36 miles from NSR. As disclosed in the M&NJ’s Verified Notice of Exemption, the lease agreement contains an interchange commitment that gives M&NJ a “credit” toward its annual lease payment for every car that it interchanges with NSR at Campbell Hall, NY. But the notice of exemption and supporting documents do not explain (1) whether the “credit” is so large vis-à-vis the projected carloads and annual lease payment as to eliminate any incentive by M&NJ to interchange with a third-party carrier, (2) how many shippers and carloads will be impacted by the interchange commitment, (3) and what competitive routing options are being foreclosed during the term of the lease.1 I believe that all of this information, which would be obtained through the Board’s more detailed application or a petition for exemption procedures, is necessary to understand the impact of this new lease.

The trickle of transactions with interchange commitments since the Board’s 2008 interchange commitment disclosure rules were adopted has turned into a steady drip.2 Although the disclosure rules were an improvement and an important first step to regulating interchange commitments, I urge my colleagues to closely scrutinize newly proposed long-term leases that will shape competition in the rail industry for years to come.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2010–23147 Filed 9–15–10; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

RTCA NextGen Advisory Committee (NAC)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA NextGen Advisory Committee (NAC)

SUMMARY: The FAA published a Notice in the Federal Register on September 3, 2010 (75–FR–54221), concerning a Notice to advise the public of a meeting of RTCA NextGen Advisory Committee. The Agenda in that notice has been revised.

DATES: The meeting will be held September 23, 2010, from 8:30 a.m. to 11:30 a.m.

ADDRESSES: The meeting will be held at Bossie Coleman Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Metro: L’Enfant Plaza Station (Use 7th & Maryland Exit).


SUPPLEMENTARY INFORMATION: The Agenda published in the Federal Register Notice on September 3, 2010, (75–FR–54221) is revised to read as follows:

• Opening Plenary (Welcome and Introductions).
• Review Terms of Reference.
• Overview of NextGen—Setting the stage for Committee actions.
• RTCA Task Force 5 Recommendations.
• FAA Actions and Activities.
• Close-out ATMAC Action Items.
• Discussion of Initial Task.
• Discussion of Working Subcommittee.
• Set Meeting Dates for 2011.
• Closing Plenary (Other Business, Adjourn).

Attendance is open to the interested public but limited to space availability.

Public Agency: Puerto Rico Ports Authority, San Juan, Puerto Rico.

Application Number: 09–06–C–00–SJC.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $19,713,152.

Earliest Charge Effective Date: August 1, 2031.

Estimated Charge Expiration Date: March 1, 2013.

Class of Air Carriers Not Required To Collect PFCs: None.

Brief Description of Project Approved for Collection at Luis Munoz Marin International Airport (SJU) and Use at SJU at a $3.00 PFC Level: PFC application development.

Brief Description of Projects Approved for Collection at SJU and Use at Jose Aponte de la Torre Airport at a $3.00 PFC Level:

Phase 0 construction—terminal facility.