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**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:** Everette Rochon, Acting Manager, AFS-820, Commercial Operations Branch, General Aviation and Commercial Division, 55 M Street SE., Washington, DC 20003; or Sandra K. Long, ARM-200 Office of Rulemaking, Federal Aviation Administration, 800 Independence Ave., Washington, DC 20591, email [Sandra.long@faa.gov](mailto:Sandra.long@faa.gov), phone (202) 267-4714.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on December 12, 2014.

**Lirio Liu,**

*Director, Office of Rulemaking.*

#### **Petition for Exemption**

*Docket No.:* FAA-2010-0134

*Petitioner:* Al's Aerial Spraying, LLC

#### **Section of 14 CFR Affected**

14 CFR 137.53; 137.51(b)(4)(i)

#### **Description of Relief Sought**

The petitioner seeks relief from 14 CFR §§137.53 and 137.51(b)(4)(i) to use a single-engine turbopropeller-powered Air Tractor aircraft to make turnarounds over congested areas in a loaded configuration.

[FR Doc. 2014-29613 Filed 12-17-14; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **Notice of Submission Deadline To Amend Slot Records for LaGuardia Airport**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation.

**ACTION:** Notice of submission deadline.

**SUMMARY:** Under this notice, the FAA announces the submission deadline of January 5, 2015, for requests to amend slot records (adjust slot times and arrival/departure designations) at New York LaGuardia Airport (LGA).

**DATES:** Adjustment requests must be submitted no later than January 5, 2015.

**ADDRESSES:** Adjustment requests may be submitted by mail to the Slot Administration Office, AGC-200, Office of the Chief Counsel, 800 Independence Ave. SW., Washington, DC 20591; by facsimile to: 202-267-7277; or by email to: [7-AWA-slotadmin@faa.gov](mailto:7-AWA-slotadmin@faa.gov).

**FOR FURTHER INFORMATION CONTACT:**

Robert Hawks, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone number: 202-267-7143; email: [rob.hawks@faa.gov](mailto:rob.hawks@faa.gov).

**SUPPLEMENTARY INFORMATION:** Scheduled operations at LGA currently are limited by FAA Order until a final Slot Management and Transparency Rule for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport (RIN 2120-AJ89) becomes effective but not later than October 29, 2016.<sup>1</sup> The LGA Order permits the leasing or trading of slots through the expiration date of the Order, but this mechanism limits a carrier's ability to permanently adjust its slot base through trades with another carrier, as is common at Ronald Reagan Washington National Airport (DCA). Additionally, the Order permanently allocates slots, unlike the EWR and JFK Orders that allocate slots and permit slot retimings on a seasonal basis, subject to availability of slots through a transparent process generally following the International Air Transport Association (IATA) Worldwide Slot Guidelines (WSG).<sup>2</sup>

In July 2014, the FAA announced a submission deadline for requests to amend slot records (adjust slot times and arrival/departure designations) and evaluated those requests in anticipation of the 2014-15 winter IATA scheduling season.<sup>3</sup> The FAA received generally favorable feedback from carriers and interested parties on the adjustment process. Historically, the FAA had evaluated and confirmed these adjustment requests, consistent with the LGA Order and prior FAA practice, on

a first-come, first-served basis after evaluating whether they have an operational benefit or a neutral effect on operations. Since 2007, adjustments have improved LGA operational performance. Although the FAA had not necessarily intended to request and review slot adjustments on a regular basis, it has determined that using a seasonal review process addresses operational necessities in a fair and transparent manner. Therefore, in the future the FAA will establish submission deadlines by **Federal Register** notice in early August and early December because the FAA has noticed that the largest number of requests occur as carriers are finalizing their planned schedules. The FAA will continue to review all adjustment requests submitted outside of this semi-annual process in the order they are received.

To evaluate LGA slot adjustments for the upcoming 2015 summer IATA scheduling season in a fair and transparent manner, the FAA is establishing a deadline of January 5, 2015, for carriers to request retiming and changes to the arrival/departure designation of currently-held slots. Carriers should provide slot information in sufficient detail including, at a minimum, the operating carrier, slot number, scheduled time of arrival or departure, frequency, arrival/departure designation, and effective dates. Consistent with past practice, the FAA will evaluate requests in light of the overall operational impact at LGA and whether the requests improve or have a neutral effect on operational performance. The FAA will consider both short-term adjustments and adjustments through the expiration of the LGA Order. In addition, if the FAA receives conflicting requests for retiming, the FAA will give priority to new entrants and limited incumbents, consistent with the LGA Order and FAA practice. The terms of the LGA Order prevent the FAA from allocating new slots in hours at or above the slot limit.

The FAA will evaluate requests received by January 5, 2015, and intends to respond to the requests no later than January 12, 2015. The FAA cannot guarantee that all requests to adjust slot holdings will be confirmed. Requests received after January 5, 2015, will be evaluated after timely requests in the order they are received. As permitted under paragraph A.5 of the LGA Order, carriers are encouraged to engage in slot trades, when possible, to achieve desired timings.

<sup>1</sup> Operating Limitations at New York LaGuardia Airport, 71 FR 77854 (Dec. 27, 2006) as amended by 79 FR 17222 (Mar. 27, 2014).

<sup>2</sup> See 79 FR 16857 (Mar. 26, 2014) (EWR Order); 79 FR 16854 (Mar. 26, 2014) (JFK Order).

<sup>3</sup> 79 FR 44088 (Jul. 29, 2014).

Issued in Washington, DC, on December 12, 2014.

**Mark W. Bury,**

*Assistant Chief Counsel for International Law, Legislation, and Regulations.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[FHWA Docket No. FHWA-2013-0042]

### Major Project Financial Plan Guidance

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Final Notice.

**SUMMARY:** This final notice announces the availability of Major Project Financial Plan Guidance. February 2, 2015

**DATES:** *Effective Date:* The final notice is effective February 2, 2015.

**FOR FURTHER INFORMATION CONTACT:** Jim Sinnette, Office of Innovative Program Delivery, 202-366-1561, [james.sinnette@dot.gov](mailto:james.sinnette@dot.gov) or, Janet Myers, Office of the Chief Counsel, 202-366-2019, [janet.myers@dot.gov](mailto:janet.myers@dot.gov), Federal Highway Administration, 1200 New Jersey Ave. SE., Washington, DC 20590-0001. Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

#### Electronic Access

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#### Background

On September 6, 2013, FHWA published a notice and request for comments regarding the FHWA's proposal to revise the Major Project Financial Plan Guidance. Major projects are defined in section 106(h) of title 23, United States Code (23 U.S.C. 106(h)), as projects receiving Federal financial assistance with an estimated total cost of \$500 million or other projects as may be identified by the Secretary. Major

projects are typically large, complex projects designed to address major highway needs and require the investment of significant financial resources. The preparation of the annual financial plan, as required by 23 U.S.C. 106(h)(3), ensures that the necessary financial resources are identified, available, and monitored throughout the life of the project.

The proposed Major Project Financial Plan Guidance replaces the existing January 2007 Major Project Financial Plan Guidance. Title 23 U.S.C. 106, as amended by section 1503 of the Moving Ahead for Progress in the 21st Century Act (MAP-21), allows financial plans to include a phasing plan when there are insufficient financial resources to complete the entire project. In addition, 23 U.S.C. 106 now requires recipients of Federal financial assistance to assess the appropriateness of a public-private partnership (P3) to deliver the project. In addition to these MAP-21 changes, the proposed Major Project Financial Plan Guidance also incorporates a recommendation included in a 2009 Government Accountability Office report titled "Federal-Aid Highway: FHWA Has Improved Its Risk Management Approach, but Needs to Improve Its Oversight of Project Costs" (GA-090-751). The report recommended that financial plans include the cost of financing the project.

#### Discussion of Comments

##### I. Summary

All comments received in response to the notice and request for comments have been considered in adopting this final notice. Comments were received from the American Association of State Highway and Transportation Officials (AASHTO), Professional Engineers in California Government (PECG), Ernst & Young Infrastructure Advisors, LLC (E&Y), and representatives of seven State DOTs. The following discussion identifies and summarizes the major comments submitted by the commenters in response to the September 6, 2013, notice and the FHWA's responses.

##### II. General Comments—Approval of Financial Plans

*Comment:* The AASHTO believes that the FHWA approval of financial plans for projects with an estimated cost of \$500 million or more is not supported by the language of the statute (23 U.S.C. 106(h)(1)) and recommends that the guidance be modified to require only that the project sponsor submit the financial plan to the DOT. The AASHTO notes that the DOT would still approve financial plans for projects

receiving Transportation Infrastructure Finance and Innovation Act (TIFIA) assistance. The Nevada Department of Transportation (NDOT) notes that the statute only requires submission of financial plans and does not mention approval or concurrence.

*FHWA Response:* The submission of major project financial plans is required by statute (23 U.S.C. 106(h)(1)). The FHWA's review and approval of major project financial plans is to ensure that the plans contain the information required by 23 U.S.C. 106(h)(3), and is necessary for FHWA to carry out its stewardship and oversight responsibilities for major projects. No changes have been made to the guidance.

*Comment:* AASHTO recommends adding a statement clarifying that the guidance does not impose any binding legal requirements.

*FHWA Response:* FHWA acknowledges that this guidance does not impose any binding legal requirements. The purpose of this guidance is to clarify the FHWA review and approval of financial plans. As noted in the guidance, it applies only to the development and updates of major project financial plan. It does not apply to the application of any other Federal requirements. No changes have been made to the guidance.

*Comment:* The NDOT recommends that the FHWA Division Office determine the acceptability of the financial plans and respond to the sponsor within 30 days.

*FHWA Response:* The guidance states that FHWA will determine a financial plan's acceptability within 60 days after receipt by the Office of Innovative Program Delivery Project Delivery Team. Due to the importance and complexity associated with financial plans and based on previous experience, FHWA believes that this timeframe is appropriate. No changes have been made to the guidance.

##### III. General—Project Exemptions

*Comment:* The Washington State Department of Transportation (WSDOT) and the Arkansas State Highway and Transportation Department (AHTD) recommend that financial plans underway prior to MAP-21 be exempted from this updated guidance.

*FHWA Response:* Consistent with this comment the final notice states that this guidance will be in effect for all financial plans submitted to FHWA 45 days after date of publication in the **Federal Register**. This identifies specific criteria that can be verified by FHWA and provide a timeline that will allow financial plans submitted prior to the