

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, 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.

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 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]

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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:
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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 or by
facsimile at (202) 267-7277.

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