

automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than July 22, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35256, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Louis E. Gitomer, 600 Baltimore Ave., Suite 301, Towson, MD 21204.

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

Decided: July 9, 2009.

By the Board.

**Rachel D. Campbell,**  
*Director, Office of Proceedings.*

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. E9-16616 Filed 7-14-09; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### Sunshine Act Meetings; Unified Carrier Registration Plan Board of Directors

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**TIME AND DATE:** August 6, 2009, 12 noon to 3 p.m., Eastern Daylight Time.

**PLACE:** This meeting will take place telephonically. Any interested person may call Mr. Avelino Gutierrez at (505) 827-4565 to receive the toll free number and pass code needed to participate in these meetings by telephone.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:** The Unified Carrier Registration Plan Board of Directors (the Board) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement and to that end, may consider matters properly before the Board.

**FOR FURTHER INFORMATION CONTACT:** Mr. Avelino Gutierrez, Chair, Unified Carrier Registration Board of Directors at (505) 827-4565.

Issued on: July 9, 2009.

**Larry W. Minor,**  
*Associate Administrator for Policy and Program Development.*

[FR Doc. E9-16902 Filed 7-13-09; 11:15 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration (FAA)

[Dockets No. FAA-2007-29320 and FAA-2008-0221]

#### Operating Limitations at John F. Kennedy International Airport and Newark Liberty International Airport

**ACTION:** Notice of limited waiver of the slot usage requirement.

**SUMMARY:** This action announces a limited waiver of the minimum usage requirements that apply to Operating Authorizations at John F. Kennedy International Airport (JFK) and Newark Liberty International Airport (EWR) for nonstop flights to or from Mexico. This policy is effective from April 27, 2009, through September 12, 2009.

**DATES:** Effective Date: effective upon publication.

#### FOR FURTHER INFORMATION CONTACT:

James Tegtmeier, Associate Chief Counsel for the Air Traffic Organization; telephone—(202) 267-8323; e-mail—[james.tegtmeier@faa.gov](mailto:james.tegtmeier@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 1, the Air Transport Association (ATA) requested a partial waiver of the minimum slot usage requirements at JFK and EWR. The ATA requested relief for flights between points in Mexico and JFK or EWR, citing the recent incidence of H1N1 influenza that has affected the number of airline passengers traveling to and from cities in Mexico. ATA also cites actions by the U.S. Centers for Disease Control and Prevention (CDC), the World Health Organization, and the Mexican government to address the H1N1 outbreak, which have limited passenger demand for flights to Mexico.

According to ATA, demand had fallen by approximately 50 percent and future bookings were “vastly reduced.” ATA represented that the relief is necessary to address an unexpected and extraordinary disruption of travel demand and service. ATA sought a waiver of the minimum usage requirements on flights to and from Mexico, as well as to and from any other country to which the CDC recommends against unnecessary travel. The CDC issued such a recommendation regarding non-essential travel to and from Mexico on April 27. The CDC withdrew its recommendation on May 15, narrowing its travel-related, precautionary advice to the population that is at risk for complications from the virus.

Under the FAA's orders limiting scheduled operations at the airports, slots must be used at least 80 percent of the time or they will be withdrawn and will not receive historic precedence for the following scheduling season.<sup>1</sup> 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 circumstances surrounding the outbreak of the H1N1 flu meet the criteria for a limited waiver of the applicable minimum slot usage requirements. On April 27, the CDC issued a Travel Health Warning recommending against non-essential travel to Mexico. The CDC downgraded this warning on May 15 to a Travel Health Precaution, urging travelers to take steps to protect against contracting the H1N1 flu and to consider postponing travel if the traveler is in a population that is at risk for complications from the virus.

We have evaluated the effect of the CDC recommendations on carriers that conduct scheduled service to affected airports. Our review of carrier schedules at JFK, EWR, and other airports shows that carriers have cancelled flights or adjusted frequencies for various dates through the summer season. Many carriers have also adopted policies to allow limited flexibility for passengers to change or cancel reservations for Mexico flights. Carriers are assessing demand to determine when or if to restore flights to points in Mexico. At the same time, overall demand for flights in the New York City area remains strong, and several carriers are seeking slots for new or expanded service. As a result, carriers that have cancelled service to Mexico could use the slots to serve other markets or to enter into agreements to have other carriers use their slots for a period of time.

The FAA has decided to grant the waiver until September 12, because many carriers have significant schedule changes during that month. This would also afford affected carriers a period of time to arrange for the continued use of the operating authority at or above the minimum use threshold, either by adding service to unaffected locations or by leasing or trading the operating authority to another carrier that can conduct such service. This slot usage waiver applies only to nonstop flights

<sup>1</sup> 73 FR 8,737, 8,737-38, 8,739 (Feb. 14, 2008) (JFK); 73 FR 29,550, 29,554-55 (May 21, 2008).

scheduled between JFK or EWR and a point in Mexico during the effective dates of this policy and only to flights that were available for sale prior to April 27, 2009.

Carriers must identify to the FAA's Slot Administration Office the dates for which the waiver is requested and provide the flight number, origin/destination airport, scheduled time of operation, and the slot identification number. By August 14, carriers should identify qualified cancelled flights for the period from April 27 through August 2. Beginning August 3, carriers must provide advance notice of cancellations to the FAA Slot Administration Office in order to obtain a waiver. Information should be provided to the Slot Administration Office by e-mail at [slotadmin@faa.gov](mailto:slotadmin@faa.gov) or by facsimile at (202) 267-7277.

Issued in Washington, DC on July 7, 2009.

**Rebecca B. MacPherson,**

*Assistant Chief Counsel for Regulations.*

[FR Doc. E9-16512 Filed 7-14-09; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35255]

#### Temple & Central Texas Railway, Inc.— Operation Exemption—City of Temple, TX

Temple & Central Texas Railway, Inc. (TC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate about 7.7 miles of unmarked rail line (the line) owned by the City of Temple (the City), in Bell County, TX.<sup>1</sup> TC states that it intends to interchange traffic with BNSF Railway Company (BNSF).<sup>2</sup>

This transaction is related to a concurrently filed verified notice of exemption for Patriot Rail, LLC, Patriot Rail Holdings LLC, and Patriot Rail Corp. to continue in control of TC upon TC's becoming a Class III rail carrier. See STB Finance Docket No. 35256, *Patriot Rail, LLC, Patriot Rail Holdings LLC, and Patriot Rail Corp.—Continuance in Control Exemption—Temple & Central Texas Railway, Inc.*

<sup>1</sup> There are no mileposts on the line. The City constructed the line as part of the development of an industrial park in the Temple Reinvestment Zone and has licensed TC to provide operations over the line.

<sup>2</sup> TC states there are no interchange commitments or paper barriers in the license and operating agreement, nor will there be any interchange commitments or paper barriers in the interchange agreement with BNSF.

The transaction is expected to be consummated on or after August 1, 2009.

TC certifies that its projected annual revenues as a result of the transaction will not result in TC becoming a Class II or Class I rail carrier and further certifies that its projected annual revenue will not exceed \$5 million.

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 July 22, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35255, 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 Louis E. Gitomer, 600 Baltimore Ave., Suite 301, Towson, MD 21204.

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

Decided: July 9, 2009.

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

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. E9-16633 Filed 7-14-09; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1998-4334; FMCSA-2000-7918; FMCSA-2001-9561; FMCSA-2003-14223; FMCSA-2003-14504; FMCSA-2005-20027; FMCSA-2005-20560; FMCSA-2006-25246; FMCSA-2007-26653]

#### Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 28 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**DATES:** This decision is effective August 8, 2009. Comments must be received on or before August 14, 2009.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-1998-4334; FMCSA-2000-7918; FMCSA-2001-9561; FMCSA-2003-14223; FMCSA-2003-14504; FMCSA-2005-20027; FMCSA-2005-20560; FMCSA-2006-25246; FMCSA-2007-26653, using any of the following methods.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

- *Fax:* 1-202-493-2251.

Each submission must include the Agency name and the docket number for this Notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your