

ways to minimize the burden of the collection of information on respondents, by the use of electronic means, including the use of automated collection techniques or other forms of information technology. All responses to the notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: Issued in Washington, DC, on March 23, 2012.

**Jeffrey B. Gaynes,**

*Assistant Director for Regulatory Affairs.*

[FR Doc. 2012-7657 Filed 4-6-12; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### **Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending March 24, 2012**

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* DOT-OST-2012-0042.

*Date Filed:* March 19, 2012.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* April 9, 2012.

*Description:* Application of People Express Airlines, Inc. ("People Express") requesting a certificate of public convenience and necessity authorizing People Express to engage in interstate scheduled air transportation of persons, property, and mail.

**Renee V. Wright,**

*Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. 2012-8506 Filed 4-6-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### **Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending March 10, 2012**

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* DOT-OST-2012-0034.

*Date Filed:* March 6, 2012.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* March 27, 2012.

#### **Description**

Application of Dassault Falcon Service ("DFS") requesting a foreign air carrier permit to the full extent authorized by the Air Transport Agreement Between the United States and the European Community and the Member states of the European Community to enable it to engage in: (i) Foreign charter air transportation of persons and property from any point or points behind any Member State of the European Union via any point or points in any Member State and via intermediate points to any point or points in the United States and beyond; (ii) foreign charter air transportation of persons and property between any point or points in the United States and any point or points in any member of the European Common Aviation Area; (iii) other charters, (iv) transportation authorized by any additional route rights made available to European Community carrier in the future. DFS further requests exemption authority to the extent necessary to enable it to provide the service described above pending issuance of a foreign air carrier permit and such additional or other relief as the Department may deem necessary or appropriate.

*Docket Number:* DOT-OST-2009-0351.

*Date Filed:* March 9, 2012.

*Due Date for Answers, Conforming Applications, or Motion To Modify Scope:* March 30, 2012.

#### **Description**

Application of Premium Jet AG ("Premium Jet") requesting renewal and amendment of its exemption and for a foreign air carrier permit authorizing Premium Jet to conduct: (i) Foreign charter air transportation of persons, property, and mail from points behind Switzerland via Switzerland and intermediate points to a point or points in the United States and beyond; and (ii) other charters.

**Renee V. Wright,**

*Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. 2012-8447 Filed 4-6-12; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### **Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending March 3, 2012**

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* DOT-OST-2012-0032.

*Date Filed:* March 3, 2012.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* March 23, 2012.

*Description:* Application of All Nippon Airways Co., Ltd. ("ANA") requesting an exemption and an amended foreign air carrier permit ANA to operate the following services: (i) Scheduled foreign air transportation of persons, property, and mail (separately or in combination) from points behind Japan via Japan and intermediate points to a point or points in the United States and beyond; (ii) charter foreign air transportation of persons, property, and

mail (separately or in combination) between any point or points in Japan and any point or points in the United States and between any point or points in the United States and any point or points in any third country; and, (iii) other charters.

**Renee V. Wright,**

*Program Manager, Docket Operations,  
Federal Register Liaison.*

[FR Doc. 2012-8453 Filed 4-6-12; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2011-0361]

#### **Policy and Procedures Concerning the Use of Airport Revenue: Petition of the Clark County Department of Aviation to Use a Weight-Based Air Service Incentive Program**

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

**ACTION:** Partial granting of petition; Disposition of comments.

**SUMMARY:** On April 14, 2011, the FAA issued a Notice in the **Federal Register** (76 FR 21,420, April 15, 2011) seeking comment on a petition submitted by Clark County Department of Aviation (CCDOA), owner and operator of Las Vegas McCarran International Airport (Airport). The petition requested a determination by the Federal Aviation Administration ("FAA") that its proposed air service incentives program ("Incentives Program"), intended to induce increases in landed weight by air carriers at McCarran International Airport (the "Airport" or "LAS") in Las Vegas, is consistent with Federal law and policies on the use of airport revenue and on airport rates and charges. In its petition, CCDOA proposed the FAA amend its interpretation of "new air service" to include "increases in landed weight."

The FAA has interpreted these policies, and the underlying Federal statutes, to permit a temporary waiver of standard airport fees for carriers that provide new air service at an airport, as an incentive to begin or expand air service. In September 2010, the agency issued the Air Carrier Incentive Program Guidebook to provide specific guidance to airport operators on the use of air service incentive programs. That guidance restates FAA's previously issued opinions regarding what constitutes new service as characterized in the FAA's *Policy and Procedures*

*Concerning the Use of Airport Revenue (Revenue Use Policy)* (64 FR 7,696 (Feb. 16, 1999)). Since the inception of the Revenue Use Policy in 1999, the FAA has defined new air service as: (a) Service to an airport destination not currently served, (b) nonstop service where no nonstop service is currently offered, (c) new entrant carrier, and/or (d) increased frequency of flights to a specific destination. The FAA's interpretation has not permitted an airport operator to offer an incentive program that provides discounts based on increased aircraft weight or an increased number of seats on existing flights. CCDOA proposes an incentive program that would reward air carriers for an increase in landed weight. An increase in landed weight could result from an increase in the size of aircraft used, or "upgauging," on existing flights, consolidation of existing flights, and/or added flights. CCDOA requests that the FAA amend existing guidance to make clear that its proposed incentive plan is consistent with Federal law and existing agency policies on the use of airport revenue and on airport rates and charges.

This notice responds to the comments received and grants a portion of the petition as written.

**ADDRESSES:** Comments received on the petition [identified by Docket Number FAA-2011-0361] are available for public review in the Docket Operations, Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Also, you may review public dockets on the Internet at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Kevin Willis, Manager, Airport Compliance Division, ACO-100, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-3085; facsimile: (202) 267-5257.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. The Petition**

On February 14, 2011, the Federal Aviation Administration (FAA) received a letter and a 13-page memorandum from counsel for CCDOA, the owner and operator of McCarran International Airport in Las Vegas, Nevada, requesting a determination from the FAA that CCDOAs proposed air service incentive program does not conflict with Federal obligations.

In brief, CCDOA stated that the "objective of the proposed Incentives Program is to provide an incentive at the

margin to promote additions to scheduled air service seat capacity." The program provides, subject to certain terms and exceptions, that:

\* \* \* all monthly scheduled service landed weight, by airline, in excess of that operated in the same month of the prior year, would receive a credit of up to 100% of the landing fee (currently \$2.26 per 1,000 pounds of landed weight) paid on the incremental landed weight.

In addition to new flights, the credit would apply to existing flights for which an increase in aircraft size resulted in an increase in landed weight.

In its petition, CCDOA makes the argument that upgauging should be an eligible incentive because it is considered new service. CCDOA reasons in its petition, "*Air travelers, as well as airports, reasonably regard an upgrade in the size of equipment used on a flight to constitute 'new service(s).'*" CCDOA stated the *Revenue Use Policy* does not provide for nor does it exclude upgauging as a form of new air service. Finally, the CCDOA argued the proposed petition is not contradictory to statute, grant assurance obligations, and the FAA's *Revenue Use Policy*.

The FAA published the Petition and sought comments on it prior to issuing a determination.

## **II. Discussion**

### *A. Summary of Comments*

In addition to the CCDOA's comments, seven comments were received in the docket. Five comments generally supported the petition; two opposed it. The four airport operator commenters generally supported the petition or greater flexibility for operators to design air service incentive programs. Of the two airline commenters, ATA opposed the petition, while British Airways supported it. One citizen opposed the petition because it would not result in savings for passengers.

### **Comments in Support of the Petition**

In its petition, the CCDOA states it is:

concerned with a temporary, but precipitous, drop in air service at (LAS) that has not rebounded as quickly as at other airports. Landed weight at LAS was down approximately 17% from Calendar Year 2007 through the 12-month period ending in September 2010. While some individual carriers have expanded operations, these initiatives have fallen well short of restoring McCarran operations to previous levels. This drop-off in operations has meant that the Airport's airside and terminal facilities are not optimally utilized. The shortfall in traffic has also caused a significant drop in Airport revenue, particularly non-aeronautical