

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Withdrawal of Notice of Intent To Prepare an Environmental Impact Statement for the George Bush Intercontinental Airport, Houston, TX**

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

ACTION: Notice.

SUMMARY: The FAA is issuing this notice to advise federal, state, and local government agencies and the public that the FAA is withdrawing its Notice of Intent to prepare an Environmental Impact Statement (EIS) for proposed capacity improvements at the George Bush Intercontinental Airport (IAH). The Houston Airport System (HAS), the sponsor of the proposed improvements, has requested that the EIS be terminated because the need for the proposed capacity improvements no longer exists. The HAS noted that arrival and departure delays at IAH have been decreasing and stated that IAH is currently one of the least delayed large hub airports in the United States.

FOR FURTHER INFORMATION CONTACT: Paul Blackford, by mail at Federal Aviation Administration, Airports Division, Attn: Paul Blackford, ASW-650, 2601 Meacham Boulevard, Fort Worth, Texas 76137, email at paul.blackford@faa.gov, or by telephone (817) 222-5607.

SUPPLEMENTARY INFORMATION: On April 9, 2009, the FAA issued a Notice of Intent in the **Federal Register** [74 FR 16255-16256] to prepare an EIS for proposed airfield improvements at IAH. The Airport Master Plan (AMP) prepared by the HAS documented that improvements were needed to increase airfield capacity and reduce projected delays. The FAA proceeded with preparing the EIS in accordance with the National Environmental Policy Act of 1969, as amended.

On July 30, 2010, the FAA received a letter from the HAS requesting that the preparation of the EIS be delayed. The HAS indicated that additional planning work was necessary to ensure that the assumptions used to develop the AMP remained valid. The HAS cited several reasons that contributed to their decision to conduct additional planning including the potential merger of United and Continental Airlines, the economic downturn, potential changes to aircraft fleet mix due to the airline merger, and the need to update the existing terminal concept. Therefore, the FAA suspended the preparation of the EIS and published a notice in the **Federal Register** stating

such on September 16, 2010 [75 FR 56653].

On January 3, 2012, the HAS sent a letter to the FAA requesting that the EIS be terminated. The HAS cited statistics that show delays at IAH have been decreasing, stated that they do not expect significant increases in the number of aircraft operations at IAH, and did not wish to pursue a new runway at this time. In response to the HAS letter, the FAA is terminating the EIS.

Issued in Fort Worth, Texas, on May 16, 2012.

Kelvin L. Solco,

Manager, Airports Division.

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DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2010-0027]

Hours of Service of Drivers: RockTenn, Exemption Application

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

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to grant RockTenn an exemption from the driver hours-of-service (HOS) provisions of the Federal Motor Carrier Safety Regulations (FMCSRs). This limited exemption is for RockTenn's shipping department employees and occasional substitute commercial driver's license (CDL) holders who transport paper mill products short distances between its shipping and receiving locations on a public road. The exemption is restricted to a specific route. RockTenn requested an exemption from the HOS regulation that prohibits drivers from operating property-carrying commercial motor vehicles (CMVs) after the 14th hour of coming on duty. This exemption will allow these individuals to occasionally work up to 16 consecutive hours and be allowed to return to work with less than the mandatory 10 consecutive hours off duty.

DATES: This exemption is effective from April 17, 2012 (12:01 a.m.), through April 16, 2014 (11:59 p.m.).

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations, Telephone: 202-366-4325. Email: MCPSD@dot.gov.

SUPPLEMENTARY INFORMATION:**Background**

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from many of the safety regulations, including the HOS requirements in 49 CFR part 395, for a two-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved absent such exemption" (49 CFR 381.305(a)).

Request for Exemption

Under 49 CFR 395.3(a)(2), a property-carrying CMV driver is prohibited from operating a CMV on a public road after the end of the 14th hour after coming on duty following 10 or more consecutive hours off duty.

RockTenn operates a paper mill located in Chattanooga, Tennessee, its principal place of business. Its shipping and receiving departments are on opposite sides of the paper mill, requiring driver-employees to travel on a public road to shuttle trailers as needed. These drivers utilize a public road—Compress Street—an average of forty times per day to travel between its manufacturing facility, and shipping and receiving docks. These drivers do not transport any material farther than the paper mill lots and/or Compress Street. The distance traveled on Compress Street is approximately 275 feet in one direction, and one tractor is used to perform this work.

RockTenn requires all shipping department CMV drivers to have the required 10 hours off duty prior to returning to work and only allows them to work a maximum of 14 consecutive hours in any given duty period. It has three 8-hour shifts up to 7 days a week, and there are two shipping employees on each shift. One employee drives a fork-lift truck loading trailers with finished goods, and the other operates the tractor shuttling trailers. These employees do not drive the CMV continuously during their shift(s).

According to RockTenn, the problem arises because they use a backward-rotating shift schedule, and also on occasion when a shipping department driver does not report for work as scheduled. On a Monday, for example, if an individual worked the weekend, his or her shift would normally have to "hurry back" within 8 hours. As a result of the mandatory 10 hours off-duty requirement, RockTenn schedules these drivers' shifts to start later than other employees. This creates at least 2 hours when the company cannot load or transport trailers with finished goods due to the absence of the drivers.