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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Hand Fire Extinguishers for Use in Aircraft, AC 20-42D Revision

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of availability and request for public comment.

**SUMMARY:** This notice announces the availability of and request for public comments on the proposed revision of current Federal Aviation Administration (FAA) Advisory Circular (AC) 20-42C, Hand Fire Extinguishers for use in Aircraft. The proposed revision "D" to the AC provides updated guidance for the fire-fighting effectiveness, selection, location, mounting and safe-use of hand fire extinguishers in aircraft. It also identifies three FAA approved replacement agents for Halon 1211.

**DATES:** Comments must be received on or before November 27, 2009.

**ADDRESSES:** Send all comments on the proposed revision to FAA AC 20-42D to: Federal Aviation Administration, Aircraft Certification Service, Aircraft Engineering Division, 950 L'Enfant Plaza, 5th Floor, SW., Washington, DC 20024. *attn:* John Petrakis, AIR-120. You may deliver comments to: Federal Aviation Administration, 950 L'Enfant Plaza, 5th Floor, SW., Washington, DC 20024, or electronically submit comments to the following Internet address: *9-AWA-AVS-AIR120-TechPrograms@faa.gov*. Include in the subject line of your message the title of the document, Comments FAA AC 20-42D, Hand Fire Extinguishers for use in Aircraft.

**FOR FURTHER INFORMATION CONTACT:** John Petrakis, Senior Aerospace Engineer, Federal Aviation Administration, Aircraft Certification Service, Aircraft Engineering Division, Technical Programs and Continued Airworthiness Branch, AIR-120, 950 L'Enfant Plaza, 5th Floor, SW., Washington, DC 20024. Telephone (202) 385-6341, FAX (202) 385-6475, or e-mail at: *john.petrakis@faa.gov*.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

You are invited to comment on the draft order listed in this notice by sending such written data, views, or arguments to the above listed address. Please identify "FAA AC 20-42D, Hand Fire Extinguishers for use in Aircraft" as the subject of your comments. You may also examine comments received on the proposals before and after the comment closing date at FAA offices, 950 L'Enfant Plaza, 5th Floor, SW., Washington, DC 20024, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m. The Director of the Aircraft Certification Service will consider all communications received on or before the closing date before implementing the revision.

#### Background

The FAA developed this proposed revision to AC 20-42C with direct industry assistance through the International Aircraft Systems Fire Protection Working Group (IASFPWG). The proposed revision will provide users with updated guidance on available extinguishing agents. Specifically, the revised AC will provide guidance on the effectiveness and safe-use of Halon 1211 and three FAA approved replacement agents.

It: (1) Establishes an FAA approved minimum performance standard (MPS) for halon replacement agents developed by the FAA Technical Center which requires a hidden fire test and a seat fire/toxicity test; (2) Recommends that users of halon extinguishers transition to using the new halocarbon clean replacement agents in fire extinguishers kept onboard airplanes and rotorcraft; and (3) Provides guidance on how to gain certification for halocarbon clean agent extinguishers intended to replace Halon 1211 hand-held extinguishers.

#### How To Obtain Copies

You can get an electronic copy via the Internet at *http://www.faa.gov/aircraft/draft\_docs/*, and then select Advisory Circulars, or by contacting the person named in the paragraph **FOR FURTHER INFORMATION CONTACT**.

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 693]

#### Oral Argument

**AGENCY:** Surface Transportation Board, Department of Transportation.

**ACTION:** Notice of oral argument.

**SUMMARY:** The Surface Transportation Board will hold oral argument on Tuesday, October 27, 2009, at 9:30 a.m., at its offices in Washington, DC, regarding two cases, STB Docket No. 42104, *Entergy Arkansas, Inc. and Entergy Services, Inc. v. Union Pacific Railroad Company and Missouri & Northern Arkansas Railroad Company, Inc.*, and STB Finance Docket No. 34914, *DesertXpress Enterprises, LLC—Petition for Declaratory Order*.

*Date/Location:* Oral argument will begin at 9:30 a.m., Tuesday, October 27, 2009, at the Board's offices at 395 E Street, SW., Washington, DC. A video broadcast of the oral argument will be available via the Board's Web site at *http://www.stb.dot.gov*, under "Information Center"/"Web cast"/"Live Video" on the home page.

**FOR FURTHER INFORMATION CONTACT:** Timothy Stafford, (202) 245-0356. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** In STB Docket No. 42104, Entergy Arkansas, Inc., and Entergy Services, Inc. (collectively, Entergy), co-owners of a coal-fired utility plant, seek the prescription of a through route (or routes) directing the Missouri & Northern Arkansas Railroad Company, Inc. (MNA) and/or Union Pacific Railroad Company (UP) to interchange traffic with a long-haul carrier other than UP in order to provide adequate and more economic or efficient transportation of coal from Powder River Basin mines to the utility plant near Newark, AR. MNA has filed a motion to dismiss Entergy's complaint and a motion to require Entergy to make the complaint more definite. The Board will hold an oral argument on those two motions.

In STB Finance Docket No. 34914, DesertXpress, a private entity, asked the Board to issue a declaratory order that the construction and operation of its proposed interstate, passenger-rail system between Victorville, CA, and Las Vegas, NV, would be within the Board's jurisdiction under 49 U.S.C. 10501(a) and therefore the Federal preemption of

49 U.S.C. 10501(b) would apply and preempt most State and local laws. By decision served on June 27, 2007, the Board found that the proposed passenger-rail system would be within the Board's exclusive jurisdiction, would require Board authority under 49 U.S.C. 10901, and, if such authority were granted, Federal preemption would apply. California-Nevada Super Speed Train Commission, a bi-state commission and an agency of the State of Nevada, and its private-sector partner, American Magline Group, jointly petitioned to intervene and reopen the 2007 declaratory order, arguing that, because DesertXpress's rail system would not transport any freight or connect to lines on which freight is transported, the Board erred in determining that the line would be part of the interstate rail network and thus subject to its jurisdiction. The Board will hear argument on that petition to intervene and reopen.

The Board will hear argument regarding the above-mentioned proceedings on October 27, 2009. The Board will provide further procedural guidance, including the time allotted for each party to present its argument, in a future decision. The oral argument will be open for public observation, but only counsel for the parties will be permitted to present argument.

The Board will hold another oral argument on Monday, November 23, 2009 at 9:30 a.m. The cases to be argued then will be announced by decision at a later date.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Dated: October 7, 2009.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. E9-24519 Filed 10-9-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Announcement of Project Selections of Fiscal Year 2009 Recipients of Transit Investments for Greenhouse Gas and Energy Reduction (TIGGER) Grants; Response to Comments

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of project selections; response to comments.

**SUMMARY:** The American Recovery and Reinvestment Act of 2009 (ARRA) appropriated \$100 million for a new

discretionary grant program for public transportation projects that reduce a transit system's greenhouse gas emissions or results in a decrease in a transit system's energy use.

This notice announces the selection of the grant recipients and responds to the comments received in response to the request for comments on the program structure and requirements in FTA's Notice of Funding Availability.

**FOR FURTHER INFORMATION CONTACT:** For general program information, contact Walter Kulyk, Office of Mobility Innovation, (202) 366-4995, *e-mail:* [walter.kulyk@dot.gov](mailto:walter.kulyk@dot.gov). Project selectees should contact the appropriate FTA Regional Office in Appendix B for application-specific information and issues.

#### SUPPLEMENTARY INFORMATION:

FTA published a Notice of Funding Availability (NOFA) on March 24, 2009 (74 FR 12447), seeking program applications for Transit Investments for Greenhouse Gas and Energy Reduction (TIGGER) grants and inviting interested parties to comment on the program elements as outlined in the NOFA.

FTA received 224 applications proposing 561 projects, which totaled over \$2 billion. Because of the intense demand for the \$100 million, FTA was unable to fund all eligible applications, and as stated in the NOFA, to maximize the impact of the program, some applicants were provided with less than the full amount of funding requested in their application.

In this notice, FTA is publishing its list of TIGGER program selectees and responding to comments received in response to the NOFA.

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#### I. Background and Funding Opportunity Description

The American Recovery and Reinvestment Act (ARRA) (Pub. L. 111-5) provided \$8.4 billion to the Federal Transit Administration (FTA) for transit capital improvements and reinvestment. Of this \$8.4 billion, \$100 million was appropriated for a new program to provide funding to public transit agencies for capital investments to assist in reducing the energy consumption or greenhouse gas emissions of their public transportation systems. In response, FTA developed the Transit Investments

for Greenhouse Gas and Energy Reduction (TIGGER) program.

Because of statutory provisions for this ARRA funding, the NOFA requested that all proposals be submitted by May 22, 2009, while at the same time seeking comments on the proposed program outline, structure, and requirements. FTA reviewed the comments received during the comment period and determined that no substantive changes to the program were required, although FTA is responding to them in this Notice.

ARRA specified two types of eligible investments under the TIGGER program: first, for capital investments that will assist in reducing the energy consumption of a transit system; and, second, for capital investments that will reduce greenhouse gas emissions of a public transportation system. Proposals for projects were accepted under either or both categories. To ensure that the purposes of the ARRA are met, FTA established a range of funding that will be considered for approval. Each submitted proposal had to meet a minimum threshold of \$2,000,000. FTA allowed consolidated proposals from transit agencies to reach this \$2,000,000 threshold; thus, individual projects within a proposal may receive less than \$2,000,000. Conversely, to ensure a variety of funded projects, FTA established a maximum grant amount of \$25,000,000.

#### II. Basis for Allocation

This notice allocates all ARRA funding for the TIGGER Program. In making these allocations, FTA considered both the specific direction provided in the legislation as well as Congress' and the Administration's general objectives for accountability and transparency in the administration of ARRA funds. These objectives include the prompt and fair distribution of funding, the assurance that funds are being used for authorized purposes, and that instances of waste, fraud, and abuse are avoided.

Energy consumption reduction and greenhouse gas reduction projects were evaluated separately. An applicant could request evaluation under both criteria if it provided the necessary project measurement information. Two criteria were specific to energy consumption reduction projects and one criterion was specific to greenhouse gas reduction projects. The remaining criteria applied to all projects.

#### A. Project Evaluation Criteria for Energy Consumption Reduction Projects

FTA evaluated projects on total energy consumption savings projected