

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

It is ordered:

1. The delegation of authority of the Office of Proceedings, under 49 CFR 1011.7(b)(10), to determine whether to issue a notice of exemption in this proceeding is revoked.

2. This decision is effective on the date of service.

Decided: September 13, 2010.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Nottingham. Vice Chairman Mulvey dissented with a separate expression.

Vice Chairman Mulvey, dissenting:

Once again, I must disagree with the Board's decision to allow a transaction containing a significant interchange commitment to be processed under the Board's class exemption procedures at 49 CFR 1150.41. I believe that it is incumbent for the Board to take a close look at interchange commitments before permitting them to become effective, particularly when they contain outright bans on interchange with third-party carriers or, as here, economic incentives that can only be evaluated with the provision of additional information.

Here, M&NJ seeks authorization to lease or sublease approximately 36 miles from NSR. As disclosed in the M&NJ's Verified Notice of Exemption, the lease agreement contains an interchange commitment that gives M&NJ a "credit" toward its annual lease payment for every car that it interchanges with NSR at Campbell Hall, NY. But the notice of exemption and supporting documents do not explain (1) whether the "credit" is so large vis a vis the projected carloads and annual lease payment as to eliminate any incentive by M&NJ to interchange with a third-party carrier, (2) how many shippers and carloads will be impacted by the interchange commitment, (3) and what competitive routing options are being foreclosed during the term of the lease.¹ I believe that all of this information, which would be obtained through the Board's more detailed application or a petition for exemption procedures, is necessary to understand the impact of this new lease.

The trickle of transactions with interchange commitments since the Board's 2008 interchange commitment disclosure rules were adopted has turned into a steady drip.² Although the disclosure rules were an important first step to regulating interchange commitments, I urge my colleagues to closely scrutinize newly proposed long-term leases

¹ Indeed, M&NJ's Verified Notice of Exemption does not even indicate how long the proposed lease would be in effect. The Board has included that information in its decision.

² E.g., *Northern Plains R.R.—Lease Exemption—Soo Line R.R.*, FD 35382 (STB served Aug. 6, 2010) (Mulvey, dissenting); *Washington & Idaho Ry.—Lease and Operation Exemption—BNSF Ry.*, FD 35370 (STB served Apr. 23, 2010) (Mulvey, commenting). See disclosure rules at *Disclosure of Rail Interchange Commitments*, EP 575 (Sub-No. 1) (STB served May 29, 2008).

that will shape competition in the rail industry for years to come.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2010–23147 Filed 9–15–10; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA NextGen Advisory Committee (NAC)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA NextGen Advisory Committee (NAC)

SUMMARY: The FAA published a Notice in the *Federal Register* on September 3, 2010 (75–FR–54221), concerning a Notice to advise the public of a meeting of RTCA NextGen Advisory Committee. The Agenda in that notice has been revised.

DATES: The meeting will be held September 23, 2010, from 8:30 a.m. to 11:30 a.m.

ADDRESSES: The meeting will be held at Bessie Coleman Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. *Metro:* L'Enfant Plaza Station (Use 7th & Maryland Exit).

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site <http://www.rtca.org>.

SUPPLEMENTARY INFORMATION: The Agenda published in the *Federal Register* Notice on September 3, 2010, (75–FR–54221) is revised to read as follows:

- Opening Plenary (Welcome and Introductions).
- Review Terms of Reference.
- Overview of NextGen—Setting the stage for Committee actions.
- RTCA Task Force 5 Recommendations.

- FAA Actions and Activities.
- Close-out ATMAC Action Items.
- Discussion of Initial Task.
- Discussion of Working Subcommittee.

- Set Meeting Dates for 2011.
- Closing Plenary (Other Business, Adjourn).

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person

listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 10, 2010.

Robert L. Bostiga,
RTCA Advisory Committee.

[FR Doc. 2010–23071 Filed 9–15–10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In August 2010, there were two applications approved. This notice also includes information on one application, approved in July 2010, inadvertently left off the July 2010 notice. Additionally, three approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: Puerto Rico Ports Authority, San Juan, Puerto Rico.

Application Number: 09–06–C–00–SJC.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total PFC Revenue Approved in This Decision: \$19,713,152.

Earliest Charge Effective Date: August 1, 2031.

Estimated Charge Expiration Date: March 1, 2033.

Class of Air Carriers Not Required To Collect PFCs: None.

Brief Description of Project Approved for Collection at Luis Munoz Marin International Airport (SJU) and Use at SJU at a \$3.00 PFC Level: PFC application development.

Brief Description of Projects Approved for Collection at SJU and Use at Jose Aponte de la Torre Airport at a \$3.00 PFC Level:

Phase 0 construction—terminal facility.