

exclusions. Grant applications and related materials submitted by applicants pursuant to this guidance would become agency records and thus subject to the FOIA and to public release through individual FOIA requests. FRA also recognizes that certain information submitted in support of an application for funding in accordance with this guidance could be exempt from public release under FOIA as a result of the application of one of the FOIA exemptions, most particularly Exemption 4, which protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential (5 U.S.C. 552(b)(4)). In the context of this grant program, commercial or financial information obtained from a person could be confidential if disclosure is likely to cause substantial harm to the competitive position of the person from whom the information was obtained (*see* National Parks & Conservation Ass'n v. Morton, 498 F.2d 765, 770 (DC Cir. 1974)). Entities seeking exempt treatment must provide a detailed statement supporting and justifying their request and should follow FRA's existing procedures for requesting confidential treatment in the railroad safety context found at 49 CFR 209.11. As noted in the Department's FOIA implementing regulation (49 CFR part 7), the burden is on the entity requesting confidential treatment to identify all information for which exempt treatment is sought and to persuade the agency that the information should not be disclosed (*see* 49 CFR 7.17). The final decision as to whether the information meets the standards of Exemption 4 rests with the FRA.

### Appendix 3: Additional Information on Application Budgets

Applicants must present a detailed budget for the proposed project that includes both Federal funds and matching funds. Items of cost included in the budget must be reasonable, allocable and necessary for the project. At a minimum, the budget should separate total cost of the project into the following categories:

- **Personnel:** List each position by title and name of employee, if available, and show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.
- **Fringe Benefits:** Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for personnel listed in the "Personnel" budget category and only for the percentage of time devoted to the project.
- **Travel:** Itemize travel expenses of project personnel by purpose (training, interviews, and meetings). Show the basis of computation (*e.g.*, X people to Y-day training at \$A airfare, \$B lodging, \$C subsistence).
- **Equipment:** List nonexpendable items that are to be purchased. Nonexpendable equipment is tangible property having a useful life of more than two years and an acquisition cost of \$5,000 or more per unit. (Note: Organization's own capitalization policy may be used for items costing less

than \$5,000.) Expendable items should be included either in the "Supplies" category or in the "Other" category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment should be listed in the "Contractual" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

- **Supplies:** List items by type (office supplies, postage, training materials, copying paper, and expendable equipment items costing less than \$5,000) and show the basis for computation. (Note: Organization's own capitalization policy may be used for items costing less than \$5,000.) Generally, supplies include any materials that are expendable or consumed during the course of the project.

- **Consultants/Contracts:** Indicate whether applicant's written procurement policy (*see* 49 CFR 18.36) or the Federal Acquisition Regulations (FAR) are followed. **Consultant Fees:** For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and the estimated time on the project. **Consultant Expenses:** List all expenses to be paid from the grant to the individual consultants in addition to their fees (travel, meals, and lodging). **Contracts:** Provide a description of the product or service to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

- **Other:** List items (rent, reproduction, telephone, janitorial or security services) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, or provide the monthly rental cost and how many months to rent.

- **Indirect Costs:** Indirect costs are allowed only if the applicant has a Federally approved indirect cost rate. A copy of the rate approval (a fully executed, negotiated agreement) must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization.

Issued in Washington, DC, on March 29, 2010.

**Karen Rae,**

*Deputy Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2010-0109]

#### Petition for Waiver of the Terms of the Order Limiting Operations at LaGuardia Airport

**ACTION:** Notice of reopening comment period to accept rebuttal comments.

**SUMMARY:** On February 18, 2010, the FAA published a notice in the Federal Register seeking comment on a joint waiver request filed by Delta Air Lines and US Airways seeking a waiver from the prohibition on purchasing operating authorizations ("slots" or "slot interest") at LaGuardia Airport. The comment period closed on March 22, 2010. The FAA finds it in the public interest to reopen the comment period for seven days to give all interested parties additional time to file rebuttal comments. Any rebuttal comments filed by April 5, 2010, will be considered.

**DATES:** The comment period on the petition for waiver of the terms of the Order Limiting Operations at LaGuardia Airport opened on February 18, 2010, and closed on March 22, 2010, and is reopened for rebuttal comments until April 5, 2010.

**ADDRESSES:** You may send comments identified by Docket Number FAA-2010-0109 using any of the following methods:

- **Federal ERulemaking Portal:** Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- **Mail:** Send comments to Docket Operations, M-30, U.S. Department of Transportation, 1200 New Jersey Avenue, SW., West Building Ground Floor, Room W12-140, Washington, DC 20590.

- **Fax:** Fax comments to Docket Operations at 202-493-2251.

- **Hand Delivery:** Bring comments to Docket Operations Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. For more information on the process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**Privacy:** We will post all comments we receive without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment or

signing the comment for an association, business, labor union, etc. You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://DocketsInfo.dot.gov>.

**Docket:** To read background documents or comments received, go to <http://www.regulations.gov> at any time or to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Rebecca MacPherson, Assistant Chief Counsel for Regulations, by telephone at (202) 267-3073 or be electronic mail at [Rebecca.Macpherson@faa.gov](mailto:Rebecca.Macpherson@faa.gov).

**SUPPLEMENTARY INFORMATION:** On February 18, 2010, the FAA published a notice in the Federal Register (75 FR 7306) seeking comment on a joint waiver request filed by Delta Air Lines and US Airways seeking a waiver from the prohibition on purchasing operating authorizations ("slots" or "slot interest") at LaGuardia Airport. The comment period closed on March 22, 2010. The FAA finds it in the public interest to reopen the comment period for seven days to give all interested parties additional time to file rebuttal comments. Any rebuttal comments filed by April 5, 2010, will be considered.

Issued in Washington, DC, on March 29, 2010.

**James W. Whitlow,**  
*Acting Chief Counsel.*

[FR Doc. 2010-7347 Filed 3-29-10; 4:15 pm]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 290 (Sub-No. 4)]

#### Railroad Cost Recovery Procedures— Productivity Adjustment

**AGENCY:** Surface Transportation Board.

**ACTION:** Adoption of a railroad cost recovery procedures productivity adjustment.

**SUMMARY:** By decision served on February 1, 2010, the Board proposed to adopt 1.010 (1.0% per year) as the 2008 productivity adjustment, as measured by the average change in railroad productivity for the years 2004 through 2008. The February 1, 2010 decision provided an opportunity to file comments regarding any perceived data and computational errors in the Board's

calculation. The Board's decision also stated that the proposed productivity adjustment would become effective on March 1, 2010, unless the Board issued a further order postponing the effective date.

On February 22, 2010, the Board received timely comments from the Western Coal Traffic League (WCTL) regarding the output index calculation for 2008. To allow for adequate consideration of WCTL's comments, the Board issued a decision on February 26, 2010, postponing the effective date of the 2008 productivity adjustment pending further order of the Board.

In its comments, WCTL questioned the 2008 output index as compared to the 2007 output index. In response to WCTL's comments, we reviewed the calculations for the output indices for both of those years. This review revealed the inadvertent use of masked revenues from the waybill records in both the 2007 and 2008 calculations, and the exclusion of certain waybill records in the 2007 calculations. Once these errors were discovered and corrected, we verified that the output index calculations for the entire 2004-2008 averaging period used unmasked revenues and did not improperly exclude waybill records.

Accordingly, for the corrected 2008 productivity adjustment, the Board's calculation of the output index for 2007 of 1.014 should be modified to 1.000, and the Board's calculation of the output index for 2008 of 0.967 should be modified to 0.990. As a result, the corrected 5-year geometric mean of the annual change in productivity for the 2004-2008 period is 1.012 (or 1.2% per year).

**DATES:** The productivity adjustment is effective on March 26, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Michael Smith, (202) 245-0322. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision, which is available on our Web site <http://www.stb.dot.gov>.

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

Decided: March 26, 2010.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Nottingham.

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

[FR Doc. 2010-7270 Filed 3-31-10; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### Open Meeting of the President's Economic Recovery Advisory Board (the PERAB)

**AGENCY:** Departmental Offices,  
Department of the Treasury.

**ACTION:** Notice of open meeting.

**SUMMARY:** The President's Economic Recovery Advisory Board will meet on April 16, 2010, in the White House Roosevelt Room, 1600 Pennsylvania Avenue, NW., Washington, DC, beginning at 1:30 p.m. Eastern Time. The meeting will be open to the public via live Webcast at <http://www.whitehouse.gov/live>.

**DATES:** The meeting will be held on April 16, 2010 at 1:30 p.m. Eastern Time.

**ADDRESSES:** The PERAB will convene its next meeting in the White House Roosevelt Room, 1600 Pennsylvania Avenue, NW., Washington, DC. The public is invited to submit written statements to the Advisory Committee by any of the following methods:

#### Electronic Statements

- Send written statements to the PERAB's electronic mailbox at [PERAB@do.treas.gov](mailto:PERAB@do.treas.gov); or

#### Paper Statements

- Send paper statements in triplicate to Emanuel Pleitez, Designated Federal Officer, President's Economic Recovery Advisory Board, Office of the Under Secretary for Domestic Finance, Room 1325A, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

In general, all statements will be posted on the White House Web site (<http://www.whitehouse.gov>) without change, including any business or personal information provided such as names, addresses, e-mail addresses, or telephone numbers. The Department will also make such statements available for public inspection and copying in the Department's Library, Room 1428, Main Department Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect statements by telephoning (202) 622-0990. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:** Emanuel Pleitez, Designated Federal