

determine which aircraft can be operated under LHFE? Some of the LHFE aircraft range from complete restorations (from the data plate up) to aircraft that have serious corrosion or other structural issues.

i. How should the FAA identify which aircraft are eligible for LHFE status?

ii. How does the FAA or operator ensure an equal level of safety?

(ii) Should the FAA allow aircraft that previously held a standard certificate, but later “decertified” and now hold an experimental certificate, be allowed to operate under an LHFE exemption?

i. Aircraft that no longer conform to their type certificate data sheet create an issue for the FAA since it can be difficult to determine an equal level of safety for a decertified aircraft. With this in mind, should such aircraft be allowed to operate under LHFE status?

### Participation at the Public Meetings

Commenters who wish to present oral statements at the June 26, 27, and 28, 2012, public meetings should submit requests to the FAA no later than June 18, 2012.

Requests should be submitted as described in the **FOR FURTHER INFORMATION CONTACT** section of this document and should include a written summary of oral remarks to be presented and an estimate of time needed for the presentation. Preferably, please submit requests via email to: [9-AFS-LHFE@faa.gov](mailto:9-AFS-LHFE@faa.gov). Requests received after the dates specified above will be scheduled if there is time available during the meetings; however, the speakers' names may not appear on the written agendas. To accommodate as many speakers as possible, the amount of time allocated to each speaker may be less than the amount of time requested to ensure various views can be heard. See “Public Meeting Procedures” below.

The FAA may have available a projector and a computer capable of accommodating Word and PowerPoint presentations from a compact disk (CD) or USB memory device. Persons requiring any other kind of audiovisual equipment should notify the FAA when requesting to be placed on the agenda.

Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting.

### Public Meeting Procedures

A panel of representatives from the FAA and other government agencies will be present. An FAA representative will facilitate the meetings in

accordance with the following procedures:

(1) The meetings are designed to facilitate the public comment process. The meetings will be informal and non-adversarial. No individual will be subject to cross-examination by any other participant. Government representatives on the panel may ask questions to clarify statements and to ensure an accurate record. Any statement made during the meetings by a panel member should not be construed as an official position of the government.

(2) There will be no admission fees or other charges to attend or to participate in the public meetings. The meetings will be open to all persons, subject to availability of space in the meeting room. The FAA will make every effort to accommodate all persons wishing to attend. The FAA asks that participants sign in between 7:30 and 8:00 a.m. on the days the meetings are being attended. The FAA will try to accommodate all speakers; however if available time does not allow this, speakers will be scheduled on a first-come-first-served basis. The FAA reserves the right to exclude some speakers, if necessary, to obtain balanced viewpoints. The meetings may adjourn early if scheduled speakers complete their statements in less time than is scheduled for the meetings.

(3) The FAA will prepare agendas of speakers and presenters and make the agendas available at the meetings.

(4) Speakers may be limited to 3-minute statements. If possible, the FAA will notify speakers if additional time is available.

(5) The FAA will review and consider all material presented by participants at the public meetings. Position papers or materials presenting views or information related to the draft policy may be accepted at the discretion of the presiding officer and will be subsequently placed in the public docket. The FAA requests that presenters at the meetings provide at least 10 copies of all materials for distribution to the panel members. Presenters may provide other copies to the audience at their discretion.

(6) Each person presenting comments is asked to submit data to support the comments. The FAA will protect from disclosure all proprietary data submitted in accordance with applicable laws.

Issued in Washington, DC, on May 16, 2012.

**John M. Allen,**

*Director, Flight Standards Service.*

[FR Doc. 2012-12383 Filed 5-21-12; 8:45 am]

**BILLING CODE 4910-13-P**

---

## NATIONAL MEDIATION BOARD

### 29 CFR Part 1206

[Docket No. C-7034]

RIN 3140-ZA01

### Representation Procedures and Rulemaking Authority

**AGENCY:** National Mediation Board.

**ACTION:** Proposed rule; notice of public hearing.

---

**SUMMARY:** The National Mediation Board (NMB or Board) extends an invitation to interested parties to attend an open public hearing with the Board and its staff on June 19, 2012. During the hearing, the NMB invites interested persons to share their views on the proposed rule changes related to the amendments to the Railway Labor Act (RLA) in the Federal Aviation Administration Modernization and Reform Act of 2012.

**DATES:** The hearing will be held on Tuesday, June 19, 2012 from 9 a.m. to 4 p.m. A second day may be scheduled for Wednesday, June 20, 2012 if necessary. Due to time and seating considerations, individuals desiring to attend the hearing, or to make a presentation before the Board, must notify the NMB staff, no later than 4 p.m. EDT on Friday, June 1, 2012.

**ADDRESSES:** The hearing will be held in the Margaret A. Browning Hearing Room (Room 11000), National Labor Relations Board, 1099 14th Street NW., Washington, DC 20570. Requests to attend the hearing must be addressed to Mary Johnson, General Counsel, National Mediation Board, 1301 K Street NW., Suite 250-East, Washington, DC 20005. Written requests may also be made electronically to [legal@nmb.gov](mailto:legal@nmb.gov). All communications must include Docket No. C-7034.

**FOR FURTHER INFORMATION CONTACT:** Mary Johnson, General Counsel, National Mediation Board, 202-692-5050, [infoline@nmb.gov](mailto:infoline@nmb.gov).

**SUPPLEMENTARY INFORMATION:** The National Mediation Board will hold an open public hearing on Tuesday, June 19, 2012, from 9 a.m. until 4 p.m. The purpose of the hearing will be to solicit views of interested persons concerning proposed rule changes. On Tuesday,

May 15, 2012, the NMB issued a Notice of Proposed Rulemaking (NPRM) (77 FR 28536), proposing to amend its rules in response to amendments to the RLA contained in the Federal Aviation Administration Modernization and Reform Act of 2012, Public Law 112–095 (FAA Reauthorization). These rule changes are proposed to be codified at 29 CFR part 1206. In addition to the comment procedure outlined in the NPRM, the NMB is providing another opportunity for interested persons to provide their views to the Board on this important matter.

The FAA Reauthorization amendments include a requirement that the Board change its rules according to the informal rulemaking procedures in the Administrative Procedure Act (APA), 5 U.S.C. 553, and “after the opportunity for a public hearing.” Because the language in the amendment does not trigger the stricter requirements in sections 556 and 557 of the APA, this hearing will comply with those informal rulemaking procedures under the APA. See, e.g. *United States v. Allegheny-Ludlum Steel Corp.*, 406 US 742 (1972); *Siegel v. Atomic Energy Comm’n*, 400 F.2d 778, 785 (D.C. Cir. 1968) (holding that formal rulemaking procedures are only required where “the agency statute, in addition to providing a hearing, prescribes explicitly that it be ‘on the record.’”).

Individuals desiring to attend the hearing must notify the NMB staff, in writing, at the above listed physical or email address by the deadline posted. If the individual desires to make a presentation to the Board at the hearing, he or she is required to submit a brief outline of the presentation when making the request. In addition, a full written statement must be submitted no later than 4 p.m. on Friday, June 15, 2012. In lieu of making an oral presentation, individuals may submit a written statement for the record.

To attend the hearing, all potential attendees must include in their request: (1) their full name and (2) organizational affiliation (if any). Attendees are reminded to bring a photo identification card with them to the public hearing in order to gain admittance to the building. Due to the time and potential space limitations in the hearing room, the NMB will notify individuals of their attendance and/or speaking status (*i.e.*, preliminary time for their presentation) prior to the hearing. Time allocation for oral presentations will depend upon the number of individuals who desire to make presentations to the Board. Individuals should be prepared to summarize their written statements at the hearing.

*Agenda:* The hearing will be limited to issues related to the NMB’s proposed rule changes appearing in the **Federal Register** on May 15, 2012 at 77 FR 28536–28538.

Dated: May 17, 2012.

**Mary Johnson,**

*General Counsel, National Mediation Board.*

[FR Doc. 2012–12412 Filed 5–21–12; 8:45 am]

**BILLING CODE 7550–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2012–0352]

RIN 1625–AA00

#### Safety Zone; City of Tonawanda July 4th Celebration, Niagara River, Tonawanda, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a temporary safety zone on the Niagara River, Tonawanda, NY. This proposed rule is intended to restrict vessels from a portion of the Niagara River during the City of Tonawanda July 4th Celebration fireworks display. The safety zone established by this proposed rule is necessary to protect spectators, participants, and vessels from the hazards associated with firework display.

**DATES:** Comments and related material must be received by the Coast Guard on or before June 21, 2012.

**ADDRESSES:** You may submit comments identified by docket number USCG–2012–0352 using any one of the following methods:

(1) *Federal eRulemaking Portal:*

<http://www.regulations.gov>.

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or email LT Christopher Mercurio, Chief of Waterway Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9343, email [SectorBuffaloMarineSafety@uscg.mil](mailto:SectorBuffaloMarineSafety@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

#### SUPPLEMENTARY INFORMATION:

#### Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

#### Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2012–0352), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via <http://www.regulations.gov>) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via [www.regulations.gov](http://www.regulations.gov), it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, type the docket number USCG–2012–0352 in the “SEARCH” box and click “SEARCH.” Click on “Submit a Comment” on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received