

to Public Law 99-399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107-56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS-D) database. *Please see the Privacy Impact Assessment for VACS-D at <http://www.state.gov/documents/organization/100305.pdf> for additional information.*

The U.S. Advisory Commission on Public Diplomacy is charged with appraising U.S. Government activities intended to understand, inform, and influence foreign publics and submitting reports on the same to the President, the Secretary of State, and the Congress. The Commission may conduct studies, inquiries, and meetings, as it deems necessary. It may assemble and disseminate information and issue reports and other publications, subject to the approval of the Chairperson, in consultation with the Executive Director.

The members of the Commission are: William Hybl of Colorado, Chairman; Ambassador Lyndon Olson of Texas, Vice Chairman; Jay Snyder of New York; Ambassador Penne Korth-Peacock of Texas; John Osborn of Pennsylvania; and Lezlee Westine of Virginia. The seventh seat on the Commission is currently vacant.

The following individuals are nominated to the Commission but await Senate confirmation as of this writing: Ambassador Ryan Crocker of Texas, Sim Farar of California, and Anne Wedner of Illinois.

The Commission is a bipartisan panel established under Section 604 of the United States Information and Educational Exchange Act of 1948, commonly known as the Smith-Mundt Act, as amended (22 U.S.C. 1469) and Section 8 of Reorganization Plan Numbered 2 of 1977. The U.S. Advisory Commission on Public Diplomacy is authorized by Public Law 101-246 (2009), 22 U.S.C. 6553, and has been further authorized through September 20, 2011.

Dated: April 18, 2011.

Matthew C. Armstrong,

Executive Director, Department of State.

[FR Doc. 2011-10074 Filed 4-25-11; 8:45 am]

BILLING CODE 4710-11-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Meeting: U.S. Registration of Aircraft in the Name of Owner Trustees

AGENCY: Federal Aviation Administration.

ACTION: Notice of public meeting.

SUMMARY: The FAA will be holding a public meeting on Wednesday, June 1, 2011, on the U.S. registration of aircraft in the name of owner trustees. The FAA is seeking the views from the public with respect to the use of owner trusts to register aircraft for the benefit of beneficiaries that are neither U.S. citizens nor resident aliens.

DATES: The meeting will be held on Wednesday, June 1, 2011, beginning at 9 a.m. Central Time and ending no later than 5 p.m. Central Time.

ADDRESSES: The meeting will be held at the Marriott Renaissance Convention Center Hotel, 10 North Broadway Avenue, Oklahoma City, OK 73102, Phone 405-228-8000 or 1-800-468-3571.

FOR FURTHER INFORMATION CONTACT: LaDeana Peden at 405-954-3296, Office of Aeronautical Center Counsel, Federal Aviation Administration. [Assistance for the hearing impaired is available through the Sign Language Resource Service (SLRS), Inc. at: 1-888-842-9460 or 405-721-0800 or <http://www.SLRSinc.com>.]

SUPPLEMENTARY INFORMATION: During the first part of the meeting, FAA will review the provisions of 49 U.S.C. 44102 and 14 CFR 47.7(c) and identify the issues that are relevant to compliance with those statutory and regulatory requirements in the context of trusts with foreign beneficiaries. The second part of the meeting will provide an opportunity for attendees to provide their views to the FAA regarding the appropriate application of the statute and regulations in this context and, in particular, to answer the specific questions set forth below. At some later time, after considering comments made during the meeting, FAA will notify the public about any further action it contemplates taking.

Background: The Federal Aviation Administration has a history of registering U.S. civil aircraft to trustees, some of which have beneficiaries that are neither U.S. citizens nor resident aliens. Title 49 U.S.C. 44102 describes the conditions under which an aircraft may be registered on the U.S. Civil Aircraft Registry under 49 U.S.C. 44103: the aircraft may not be registered under

the laws of a foreign country and must be owned by a citizen of the United States (See 49 U.S.C. 40102), a foreign citizen lawfully admitted for permanent residence in the United States, or a foreign corporation that is organized and doing business under the laws of the United States or a State and the aircraft is based and primarily used in the United States. In addition, 14 CFR 47.7 makes special provision for trustees to register aircraft and, when any beneficiary of the trust is not a U.S. citizen or a resident alien, imposes additional requirements and limitations with respect to the power of such beneficiaries to influence or limit the exercise of the trustee's authority or to direct or remove a trustee. In addition, the Federal Aviation Regulations impose particular obligations on the owners (and not just the pilots in command and operators) of aircraft (See 14 CFR 91.403(a)).

The FAA has issued several interpretations of its regulations as they apply to the relationship and permissible interactions between a trustee and beneficiaries that are not U.S. citizens or resident aliens, two of which have held that "there can be no other relationship between the trustee and beneficiaries other than that created by the trust. For example, there cannot be a lessor/lessee or bailor/bailee relationship." (Interpretation 1981-56; similarly: Interpretation 1982-6).

In order to clarify the appropriate interpretation and application of the statutes and FAA regulations in connection with the U.S. registration of aircraft to owner trusts with beneficiaries that are neither U.S. citizens nor resident aliens, the FAA seeks a discussion with interested members of the public. In order to have a robust and productive discussion with members of the public, the FAA presents the following questions and scenarios in order to highlight some of the salient issues around which it desires discussion.

Trust Registration Questions: At this meeting, the FAA is seeking the views from the public on the appropriate structures for using a trust to register an aircraft for the benefit of a beneficiary that is not a U.S. citizen or resident alien. The FAA would like to hear from members of the public on how a trust can be structured and implemented for purposes of aircraft registrations that satisfy statutory and regulatory requirements regarding ownership and U.S. citizenship. Simply expressed, which practices and contractual provisions must exist, and which practices and contractual provisions must be prohibited, in order to satisfy

the statutory and regulatory requirements.

In order to clarify the appropriate interpretation and application of statutory provisions, FAA regulations and FAA policy in connection with U.S. registration of aircraft to owner trustees, the FAA seeks a discussion with interested members of the public about the factors that would weigh in favor of or against a finding that a trustee is an "owner" of an aircraft.

The following questions are intended to elicit robust discussion:

1. What are the appropriate obligations to impose on a trustee of a trust with beneficiaries that are neither U.S. citizens nor resident aliens in order to satisfy the statute and regulations?
2. In the case of a trust with beneficiaries that are neither U.S. citizens nor resident aliens, which rights and actions must be prohibited on the part of the beneficiaries in order to satisfy the statute and regulations?
3. Which forms of granting possession, use or operational control of an aircraft by a trustee to its beneficiaries that are not U.S. citizens or resident aliens are permitted and which are prohibited under the statute and regulations?
4. What are the specific elements of "the trustee's authority" (14 CFR 47.7(c)(iii)) about which the FAA should be concerned, and what are the forms of influence or limitation that the FAA should proscribe?
5. How may a beneficiary that is not a U.S. citizen or resident alien participate in the decision to remove a trustee in accordance with the statute and regulations?
6. To what extent, if any, are the FAA interpretations cited above in need of amendment?
7. Which, if any, knowledge and information requirements (e.g., address of operator, location of maintenance records, principal hangar location) are appropriate for the FAA to impose on trustees of trusts beneficiaries that are not U.S. citizens or resident aliens?

Issued in Washington, DC on April 20, 2011.

Marc L. Warren,

Acting Chief Counsel, Federal Aviation Administration.

[FR Doc. 2011-10013 Filed 4-25-11; 8:43 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA-2011-0026]

Notice of Request for the Extension of Currently Approved Information Collection

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Request for Comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve the following information collection: 49 U.S.C. Sections 5309 and 5307 Capital Assistance Programs

DATES: Comments must be submitted before June 27, 2011.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Web site:* <http://www.regulations.gov>. Follow the instructions for submitting comments on the U.S. Government electronic docket site. (Note: **The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.**) All electronic submissions must be made to the U.S. Government electronic docket site at <http://www.regulations.gov>. Commenters should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202-366-7951.
3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to Internet users,

without change, to <http://www.regulations.gov>. You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit <http://www.regulations.gov>.

Docket: For access to the docket to read background documents and comments received, go to <http://www.regulations.gov> at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Larkins, FTA Office of Program Management, (202) 366-1728, or *e-mail:* Joyce.Larkins@dot.gov.

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: 49 U.S.C. 5309 Capital Assistance Programs.

(OMB Number: 2132-0502).

Background: 49 U.S.C. 5309 Capital Program and section 5307 Urbanized Area Formula Program authorize the Secretary of Transportation to make grants to State and local governments and public transportation authorities for financing mass transportation projects. Grant recipients are required to make information available to the public and to publish a program of projects for affected citizens to comment on the proposed program and performance of the grant recipients at public hearings. Notices of hearings must include a brief description of the proposed project and be published in a newspaper circulated in the affected area. FTA also uses the information to determine eligibility for funding and to monitor the grantees' progress in implementing and completing project activities. The information submitted ensures FTA's compliance with applicable federal laws, OMB Circular A-102, and 49 CFR part 18, "Uniform Administrative

FEDERAL AVIATION DECISIONS

Interpretation 1982-6

FAD Digest of Interpretations:

FAR 47.43(a)(4)

In order for a transaction involving a trust to be acceptable under FAR § 47.43(a)(4), the trustee must be able to exercise totally independent judgment with respect to all decisions involving the aircraft that is the subject of the trust agreement.

FAR 47.7(c)(2)(iii)

In order for a trustee to be able to provide the affidavit required by FAR § 47.7(c)(2)(iii), there can be no other relationship (e.g., lessor/lessee or bailor/bailee) between the trustee and beneficiaries other than that created by the trust.

FAR 47.7(c)(2)(iii)

For a trust to meet the requirements of the FAR, there should be no contact between the trustee and the beneficiary, advisory or otherwise, regarding any decision relating to the aircraft.

FAR 47.00

A trust agreement may include specific terms regarding the conduct of any sale of the aircraft, including the method of determining the selling price.

Source of Interpretation: Letter to Felix D. Bates from Joseph T. Brennan, Aeronautical Center Counsel, dated August 2, 1982.

Following our telephone conversation of last week regarding the proposed registration of Gulfstream Commander 690C, Serial Number 11697, we have again reviewed the document submitted.

On the basis of a review of the document and the stated purpose of the attempt to register the aircraft, to allow its operation pending completion of registration in Colombia, it is our opinion it is not eligible for registration.

The Federal Aviation Regulations, Section 47.43(a)(4), provide as follows:

- (a) The registration of an aircraft is invalid if, at the time it is made—
 - (1) . . .
 - (2) . . .
 - (3) . . .
 - (4) The interest of the applicant in the aircraft was created by a transaction that was not entered into in good faith, but rather was made to avoid (with or without the owner's knowledge) compliance with Section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401).

It is our position the proposed transaction comes within the purview of Section 47.43(a)(4).

INTERPRETATION 1982-6

Assuming, for the sake of discussion only, that the transaction was acceptable under the provisions of Section 47.43(a)(4) of the Federal Aviation Regulations since the sole beneficiary is neither a citizen of the United States nor a resident alien, it is our opinion that, under circumstances such as exist here, the trustee must be able to exercise totally independent judgment with respect to all decisions involving the aircraft. Also, it is our opinion that, for the trustee to be able to provide the affidavit required under Section 47.7(c)(2)(iii) of the Federal Aviation Regulations, there can be no other relationship between the trustee and beneficiaries other than that created by the trust. For example, there cannot be a lessor/lessee or bailor/bailee relationship insofar as the use of the aircraft is concerned. If the trust is to meet the requirements of the regulations, there should be no contact between the trustee and the beneficiaries, advisory or otherwise regarding any or all decisions relating to the aircraft. This would include the sale of the aircraft. In that regard the trust could provide, by specific terms, how any sale was to be conducted including the method of determining the selling price.

If there are any questions, please advise us.

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FEDERAL AVIATION DECISIONS

Interpretation 1981-56

FAD Digest of Interpretations:

FAR 47.43(a)(4)

The proposed registration of an aircraft was unacceptable to the FAA where the stated purpose of the trust was to register the aircraft in the United States, which could not otherwise be done since one of the two corporate beneficiaries was a foreign corporation; such an arrangement was invalid under the good faith requirement of FAR § 47.43(a)(4).

FAR 47.7(c)

The trustee must be able to exercise totally independent judgment with respect to all decisions involving the aircraft, including the sale of the aircraft.

FAR 47.7(c)(2)(iii)

In order for a trustee to be able to provide the affidavit required under FAR § 47.7(c)(2)(iii), there can be no relationship between the trustee and beneficiaries other than that created by the trust; furthermore, there should be no contact between the trustee and the beneficiaries, advisory or otherwise, regarding any or all decisions relating to the aircraft.

Source of Interpretation: Letter to H. Randolph Williams from Joseph T. Brennan, Aeronautical Center Counsel, dated December 22, 1981.

This is in reply to your letter of December 10, 1981, wherein you requested our opinion regarding the eligibility of an aircraft for registration under a proposed trust agreement.

As we understand the proposal, the trust would be established with two corporations as the sole beneficiaries. One of these corporations was not incorporated in the United States. The other, you state, would qualify to register an aircraft under the provisions of Section 47.9 of the Federal Aviation Regulations. Under the arrangement the beneficiaries would have no power to direct or remove the trustee. However, any sale, exchange or disposition of the aircraft would require the approval of the beneficiaries.

In your letter you state that the aircraft will be "based and primarily used in the United States."

The stated purpose of the transaction is to allow registration of the aircraft in the United States which, it is stated, could be done by the beneficiaries except for the fact that one of the corporations is a foreign corporation.

It is our opinion that on the basis of the stated purpose of this transaction, and the terms of Article II, paragraph 1, of the proposed trust agreement relating to utilization of the aircraft, the aircraft could not be registered to the trustee under the proposed transaction. The basis for this position is Section 47.43(a)(4) of the Federal Aviation Regulations which reads as follows: "(a)

INTERPRETATION 1981-56

The registration of an aircraft is invalid if, at the time it is made—

- (1) . . .
- (2) . . .
- (3) . . .
- (4) The interest of the applicant in the aircraft was created by a transaction that was not entered in good faith, but rather was made to avoid (with or without the owner's knowledge) compliance with § 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401)."

Assuming, for the sake of discussion only, that the transaction was acceptable under the provisions of Section 47.43(a)(4) of the Federal Aviation Regulations, the proposed trust would require amendment. It is our opinion that, under circumstances such as exist here, the trustee must be able to exercise totally independent judgment with respect to all decision involving the aircraft. Also, it is our opinion that, for the trustee to be able to provide the affidavit required under Section 47.7(c)(2)(iii) of the Federal Aviation Regulations, there can be no other relationship between the trustee and beneficiaries other than that created by the trust. For example, there cannot be a lessor/lessee or bailor/bailee relationship. If the trust is to meet the requirements of the regulations, there should be no contact between the trustee and the beneficiaries, advisory or otherwise regarding any or all decisions relating to the aircraft. This would include the sale of the aircraft. In that regard the trust could provide, by specific terms, how any sale was to be conducted including the method of determining the selling price.

If there are any questions, please advise us.