

existing shippers on adjoining segments will continue to receive local service; all overhead service can be rerouted; no one has requested local service on the middle segment in over 10 years; and there is no indication of any need for service on the middle segment in the future. Finally, because any traffic that might need to move over the middle segment could move over a refurbished BNSF Line (the Packingtown Lead), the public convenience and necessity does not require BNSF to keep the middle segment in the national rail system. Accordingly, the Board on its own motion granted BNSF an exemption from the provisions of 49 U.S.C. 10903 for the middle segment.

In seeking a declaratory order, BNSF also asked the Board for an expedited decision so that the relocation project to facilitate the construction of the I-40 highway could go forward. The Board, on its own motion, exempted the abandonment of the middle segment from the statutory offer of financial assistance (OFA) program so that the highway project may proceed and because applying the OFA provisions under 49 U.S.C. 10904 is not necessary to carry out the rail transportation policy.

Lastly, the Board granted an exemption on its own motion from the public use provisions under 49 U.S.C. 10905. BNSF has already agreed to make the right-of-way available to Oklahoma Department of Transportation (ODOT) for public use, *i.e.*, the construction of I-40. Therefore, the purpose sought to be achieved by section 10905—to provide an opportunity to public bodies to negotiate for the acquisition of abandoned rail properties—has already been fulfilled by the agreement reached between BNSF and ODOT.

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

Decided: May 19, 2009.

By the Board, Acting Chairman Mulvey, and Vice Chairman Nottingham.

**Andrea Pope-Matheson,**  
Clearance Clerk.

[FR Doc. E9-12099 Filed 5-22-09; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2009-15]

#### Petition for Exemption; Summary of Petition Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number involved and must be received on or before June 15, 2009.

**ADDRESSES:** You may send comments identified by Docket Number FAA-2009-0250 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

- *Fax:* Fax comments to the Docket Management Facility at 202-493-2251.

- *Hand Delivery:* Bring comments to the Docket Management Facility 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.

*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).

*Docket:* To read background documents or comments received, go to <http://www.regulations.gov> at any time or to the Docket Management Facility 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:** Laverne Brunache (202) 267-3133 or Tyneka Thomas (202) 267-7626, Office

of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on May 20, 2009.

**Pamela Hamilton-Powell,**  
Director, Office of Rulemaking.

#### Petition for Exemption

*Docket No.:* FAA-2009-0250.

*Petitioner:* Ameristar Air Cargo, Inc.

*Section of 14 CFR Affected:* 14 CFR 121.434(h)(3).

*Description of Relief Sought:* Ameristar Air Cargo, Inc. (Ameristar), has petitioned the Federal Aviation Administration to permit a pilot that meets certain conditions outlined in its petition, but not the requirements of 14 CFR 121.434(g), to serve as a pilot in an airplane for which the pilot has newly qualified. Additionally, Ameristar wishes to operate under such an exemption outside the United States, specifically: Canada, Mexico, Central America, South America, and the Caribbean nations or areas of operations authorized in its operations specifications.

[FR Doc. E9-12091 Filed 5-22-09; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### Purpose, Use and Effect of Field Operations Training Manual.

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of Interpretation of Internal Agency Document.

**SUMMARY:** The purpose of this notice is to restate and confirm the Agency's policy regarding the purpose, use and effect of the paper and electronic versions of FMCSA's Field Operations Training Manual (FOTM and eFOTM).  
**DATES:** *Effective Date:* This interpretation restates policy already in effect.

**FOR FURTHER INFORMATION CONTACT:** Peter Snyder, Trial Attorney, Office of the Chief Counsel, Enforcement Division, 19900 Governors Drive, Suite 210, Olympia Fields, IL 60461, telephone (708) 283-3515; or Genevieve Sapir, Attorney-Advisor, Office of the Chief Counsel, Regulatory Affairs Division, 1200 New Jersey Avenue, SE., Washington, DC 20590, telephone (202) 366-7056.