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*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:** Kenna Sinclair, ANM-113, (425) 227-1556, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98057-3356, or Brenda Sexton, (202-267-3664), Office of Rulemaking (ARM-204), 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 March 2, 2010.

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

#### **Petition for Exemption**

*Docket No.:* FAA-2009-1247.

*Petitioner:* Embraer.

*Section of 14 CFR Affected:* §§ 26.11, 26.33, 26.35, 26.43, 26.45, and 26.49, 14 CFR 26.

*Description of Relief Sought:* The petitioner seeks relief from part 26 for Embraer Model EMB-135J airplanes. These airplanes' maximum payload capacities and passenger capacities are below those specified for transport category airplanes. However, since this model is on the same type certification data sheet (TCDS) as the original Embraer Model EMB-135/EMB-145 airplanes, it is subject to the part 26 rule.

[FR Doc. 2010-4788 Filed 3-5-10; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

#### **Petition for Waiver of Compliance**

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### **Dakota, Missouri Valley & Western Railroad**

[Waiver Petition Docket Number FRA-2009-0091]

The Dakota, Missouri Valley & Western Railroad (DMVW) hereby petitions FRA for a waiver from replacing rails with rail end vertical split head type defects 4" or less in size. These defects are rail ends only and are confined within the area of the joint bars. These rails are located on Class I track and the train speed is 10 mph. The line does not have passenger service. DMVW will inspect these defects with their normal inspections but will not note each one separately.

Besides the elevators, DMVW serves the Coal Creek Power Station who provides power for eastern North Dakota, and much of Minnesota. DMVW also serves the Blue Flint Ethanol Plant which provides alternative fuel sources.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2009-0091) and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12-140,

Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of 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) or at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC on March 3, 2010.

**Grady C. Cothen, Jr.**,

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 2010-4868 Filed 3-5-10; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

#### **Privacy Act of 1974; System of Records Notice**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA) Department of Transportation (DOT).

**ACTION:** Notice to establish a new system of records.

**SUMMARY:** FMCSA proposes to establish a system of records under the Privacy Act of 1974 (5 U.S.C. 552a) for its Pre-Employment Screening Program (PSP), as required by 49 U.S.C. 31150. The system of records will make crash and inspection data about commercial motor vehicle (CMV) drivers rapidly available to CMV drivers (operator-applicants) and prospective employers of those drivers (motor carriers), via a secure Internet site, as an alternative to requiring them to submit a Freedom of Information Act (FOIA) request or Privacy Act request to FMCSA for the data.