

similar organizations in the Midwest region of the United States, and are proposed for lease in the future. In all instances, the excursions operate through rural and wooded areas. The coaches are used at speeds up to and including 45 mph, and the cabooses 30 mph. There have been no reported incidents of stoning or acts of vandalism against the excursion trains since the start of operations, and the cars are stored inside a protected facility when not in use.

MSTRP is a non-profit educational organization incorporated under Section 501(c)(3) of the Internal Revenue Code. The main source of income for the organization is the operation of steam and diesel locomotive powered excursion trains. The above referenced equipment is heavily relied upon to fund the continued operations. MSTRP believes that bringing the passenger and caboose cars' glazing into compliance would impose a severe financial hardship considering the intermittent usage of the equipment in excursion service. Further, MSTRP believes that they could not generate enough revenue to justify this expense.

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-2009-0060) 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 May 6, 2010.

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

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

[FR Doc. 2010-11212 Filed 5-11-10; 8:45 am]

**BILLING CODE 4910-06-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.

#### Metro-North Railroad

[Docket Number FRA-2007-0006]

The Metro-North Railroad (Metro-North) seeks a permanent waiver of compliance from certain specific requirements in the testing protocol of the *Locomotive Safety Standards*, 49 CFR 229.129(c), as it pertains to railroad locomotive horn testing. Metro-North seeks to utilize an acoustic enclosure specifically designed for the purpose of testing horns removed from the locomotives in lieu of the requirements required in 229.129(c)(4), (5) & (7). The data from the acoustic enclosure testing would be used to calculate the level to be expected at the location 100 feet in front of the locomotive as required under 229.129(c)(7). Metro-North has requested the Acoustical Society of America to work towards a new American National Standards Institute

(ANSI) standard that supports the approach proposed by Metro-North.

In addition to the requested waiver of the technical requirements described above, Metro-North is also requesting an extension of 5 years to June 24, 2015, in which to complete the required testing of its approximately 1,098 train horns.

FRA's Safety Board (Board) did not grant the requested waiver of the June 24, 2010, deadline as a result of the original waiver petition. The Board did however invite Metro-North to resubmit that portion of the waiver request when the outcome of the alternative testing procedure was known and shown to be acceptable.

Metro-North has proceeded to fund the design, fabrication and pilot testing of the testing facility proposed subject to the previously granted conditional waiver. Metro-North has presented test data from the testing facility developed under the previous application that supports the technical validity of the procedure and wishes FRA to reconsider its application for an extension of 5 years to complete its efforts to have an ANSI standard adopted and submitted to FRA in support of its petition, and to complete the testing of its train horns in accordance with that standard.

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-2007-0006) 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 May 6, 2010.

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

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

[FR Doc. 2010-11206 Filed 5-11-10; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notification of Petition for Approval; Railroad Safety Program Plan

Although not required, the Federal Railroad Administration (FRA) is providing notice that it has received a petition for approval of a Railroad Safety Program Plan (RSPP) submitted pursuant to Title 49 Code of Federal Regulations (CFR) part 236, subpart H. The petition is listed below, including the party seeking approval, and the requisite docket number. FRA is not accepting comments on this RSPP.

#### Port Authority Trans-Hudson Corporation

[Docket Number FRA-2010-0086]

The Port Authority Trans-Hudson Corporation (PATH) submits a petition for approval of an RSPP. An RSPP is a system safety plan implemented by the railroad to identify and manage safety risks and generate data for use in making safety decisions. The petition, RSPP, and any related documents have been placed in the requisite Docket (FRA-2010-0086) and are available for public inspection.

Interested parties are invited to review the RSPP and associated documents at the DOT Docket Management Facility during regular business hours (9 a.m.—5 p.m.) at 1200 New Jersey Avenue, SE., Room W12-

140, Washington, DC 20590. All documents in the public docket are also available for inspection and copying on the internet at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications received into any of our dockets by 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 the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC on May 6, 2010.

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

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

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**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2010-24]

#### 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 any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before June 1, 2010.

**ADDRESSES:** You may send comments identified by Docket Number FAA-2010-0459 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, 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.

For more information on the rulemaking 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).

*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:** Jan Thor, (425-227-2127), Standardization Branch, ANM-113, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98057-3356, or Brenda Sexton, (202) 267-3664, Office of Rulemaking, ARM-1, 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 7, 2010.

**Pamela Hamilton-Powell,**

*Director, Office of Rulemaking.*

#### Petition For Exemption

*Docket No.:* FAA-2010-0459.

*Petitioner:* The Boeing Company.

*Section of 14 CFR Affected:*

§ 25.809(a).

*Description of Relief Sought:* To provide relief for the Boeing Model 787 from the requirement that the outside viewing means provided for the flightcrew emergency exit must permit viewing of the likely area of evacuee ground contact, that the likely area of evacuee ground contact must be viewable during all lighting conditions with the landing gear extended as well