

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-2010-0395.

Petitioner: Recurrent Training Center, Inc.

Section of 14 CFR Affected: 14 CFR 141.5(d).

Description of Relief Sought:

In August 2011, Recurrent Training Center, Inc. (RTC), current pilot school certificate (No. R9KS949K) will expire. As such, RTC seeks relief from 14 CFR 141.5(d) to substitute an end of course test for the knowledge test requirement as an alternative measurement of the quality of training.

[FR Doc. 2010-11289 Filed 5-11-10; 8:45 am]

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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.

Pacific Locomotive Association, Inc.

[Docket Number FRA-2010-0007]

The Pacific Locomotive Association, Inc. (PLA), operators of the Niles Canyon Railway Museum (NCRY), requests Special Approval to continue their operation of former freight equipment that was converted for use as tourist/excursion passenger cars or museum exhibits. NCRY operates a tourist/museum railroad on approximately 13 miles of former Southern Pacific Company right-of-way between Niles and Pleasanton, California. The museum railroad is staffed by volunteer members of PLA, a non-profit organization since 1965, for historical and educational purposes and does not interchange freight.

The petitioner requests this relief from the requirements of Title 49 CFR 215.203 *Restricted cars*, and 215.303 *Stenciling of restricted cars*, for both their freight equipment used in their tourist railroad operations, and for

"photo freights," which are non-revenue service freight trains of antiquated equipment. They provide the public with an opportunity to view freight trains of a by-gone era for educational purposes. The cars are operated at a maximum speed of 20 miles per hour and typically operate at a maximum of 40 total miles distance per day. There are four classes of cars operated on NCRY: passenger use, cabooses, freight cars, and roster cars. The cars for passenger use are open freight cars with seats designed for passenger viewing of the scenery of the Niles Canyon. These cars carry a total weight, passengers and seats, of 10 tons which is nominally 25% of their designed capacity. The cabooses are typically used for small private parties. Additional seats have been added for patrons and always have a PLA car attendant on board.

As an operating railroad museum, NCRY has restored some of their freight cars with the original paint schemes and reporting marks in an effort to interpret the history of West Coast railroading in the early 20th century. When used in "photo freight" trains, these restored antiquated freight cars are operated empty, and typically, these events are held only 2-4 times per year. In addition, some of these cars such as side-dump gondola cars are also used in maintenance-of-way service to aid in maintain the museum's railroad. The cars listed as "roster cars" are additional equipment that NCRY has available for future restoration. The equipment will be added to the active roster when the appropriate repairs or maintenance has been completed.

NCRY operates an annual seasonal train between November 27th and December 23rd, Friday-Sunday, and the remaining operations on Sundays with open cars during spring, summer, and fall. An annual "Steam Fest" is another important event held on two weekends in March. This event involves use of restricted freight equipment converted for passenger use to achieve the patron capacity necessary. The loss of seating due to the removal from service of these freight/converted freight cars would adversely impact NCRY's revenue and their ability to maintain and preserve the museum's collection.

NCRY has operated since 1988, and continues to endeavor to maintain all equipment, operations, and track to FRA's compliance standards. To date, no FRA safety violations have been issued to NCRY, and no equipment-related derailments or accidents have occurred since May 1988, when the museum began operating.

In summary, NCRY requests relief from the regulatory requirements of 49

CFR 215.203 *Restricted cars*, and 215.303 *Stenciling of restricted cars*, for antiquated freight equipment used in tourist/excursion service. A comprehensive listing of the 51 pieces of equipment is provided at "Exhibit A" in Docket Number FRA-2010-0007, including the reason(s) for their restricted use.

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-2010-0007) 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. 2010-11211 Filed 5-11-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

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New Jersey Transit Corporation

[Waiver Petition Docket Number FRA-2010-0082]

The New Jersey Transit Corporation (NJTC) has petitioned FRA for an alternate method from compliance as cited in 49 CFR 238.105, which applies to electronic hardware and software used to control or monitor safety functions in passenger equipment. Title 49 CFR 238.105(d)(1) states that hardware and software that controls or monitors a train's primary braking system shall either:

(i) Fail safely by initiating a full service brake application in the event of a hardware or software failure that could impair the ability of the engineer to apply or release the brakes or;

(ii) Access to direct manual control of the primary braking system (both service and emergency braking) shall be provided to the engineer.

NJTC recently placed an order for 27 ALP-46A electric passenger locomotives, and the braking software being provided by the manufacturer only partly meets the above requirements.

The railroad explains in their petition that the full service brake application is transmitted electronically to each MU's Friction Brake Control Unit (FBCU). FBCU then provides the requested brake application without drawing down brake pipe pressure. An Emergency Magnetic Valve (EMV) is provided on each MU for an electric emergency brake application. During normal operations, EMVs are energized in the closed position and any loss of power or software malfunction causes EMVs to

open and vent to atmosphere causing the brakes over the entire consist to apply at an emergency rate.

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-2010-0082) 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.
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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>.

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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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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

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Steam Railroading Institute

[Docket Number FRA-2009-0060]

The Michigan State Trust for Railway Preservation, Inc. (MSTRP), d/b/a Steam Railroading Institute (SRI) petitioned FRA for relief from the requirements of 49 CFR 223.15 *Existing passenger cars* and § 223.13 *Existing cabooses* for 5 passenger cars and 2 cabooses. Specifically, passenger cars MSTX 5576, 5581, 5646, and 762 were built by the Canadian Car and Foundry Company in 1954. Car number 2624 was built by the Pullman Car Company in 1950. Cabooses AA 2838 and AA 2839 were built in 1952. Since FRA's long-standing definition of "antiquated" is being built prior to the end of World War II, even though this equipment is used in tourist/excursion/educational service, relief from the Federal safety glazing requirements is required.

A caboose listed in the petition, number PM A909, was built in 1937, thus considered by FRA to be antiquated, but over 50 years of age from original construction. A Special Approval for continued use of this over-age caboose will be considered under a separate proceeding.

MSTRP primarily operates this equipment in steam and diesel locomotive powered excursion service on the entire trackage of the Great Lakes Central (GLC) and shared trackage utilized by GLC, the Ann Arbor Railroad and Canadian National Railroad. MSTRP has previously and in the future intends to operate (or lease to operators) this equipment in excursion service on the trackage of the Rail America subsidiaries Huron and Eastern Railway, Mid-Michigan Railroad, and Saginaw Valley Railway. In addition, occasional operations have previously taken place on the Lake State Railway and Saginaw Bay Southern.

The above referenced passenger cars and cabooses have occasionally been leased for excursion service purposes to