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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:** Katherine Haley, Office of Rulemaking, ARM-203, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 493-5708, facsimile (202) 267-5075; e-mail [Katherine.L.Haley@faa.gov](mailto:Katherine.L.Haley@faa.gov).

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 18, 2010.

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

#### **Petition for Exemption**

*Docket No.:* FAA-2010-1057.

*Petitioner:* Gulfstream Aerospace Corporation.

*Sections of 14 CFR Affected:* § 91.817.

*Description of Relief Sought:*

Gulfstream Aerospace Corporation seeks relief to allow certain flight tests to exceed Mach 1.

[FR Doc. 2010-26594 Filed 10-21-10; 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) received

a request for a waiver of compliance with 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.

#### **Northeast Illinois Commuter Railroad Corporation**

[Waiver Petition Docket Number FRA-2010-0150]

The Northeast Illinois Commuter Railroad Corporation (Metra) seeks a waiver of compliance with the Locomotive Safety Standards, 49 CFR 229.21, 229.23(d), 229.27(a)(3), and 229.29(a). Also, from the Passenger Equipment Safety Standards, 49 CFR 238.19, 238.303, 238.305, and 238.307 as they pertain to record-keeping and employee signatures. Metra seeks to keep locomotive Daily Inspection, Periodic Inspection, Annual Tests, and Biennial tests records in a centralized database, and provide for employees performing these inspections to utilize electronic signatures. These electronic records would be available at the various mechanical facilities where hard copies of the records are now maintained. FRA does not see a need to grant a waiver from the record-keeping requirements of the Passenger Equipment Safety Standards which already allows for electronic record-keeping.

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-2010-0150) 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 comment (or signing the comment, 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 (Volume 65, Number 70; Pages 19477-78).

Issued in Washington, DC, on October 18, 2010.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2010-26682 Filed 10-21-10; 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.

#### **BNSF Railway Company and Ferrocarril Mexican Railway Company**

[Waiver Petition Docket Number FRA-2010-0126]

The BNSF Railway Company (BNSF) and Ferrocarril Mexican Railway Company (FXE) seek a test waiver of compliance from the requirements of 49 CFR 232.205 Class 1 Brake Test, Initial terminal inspection; 232.409—Inspection and testing of end-of-train devices; and 215.13—Pre-departure Inspection. This test waiver is necessary to allow tests and inspections conducted at Rio Escondido and

Torreon, Mexico, by FXE on northbound unit trains to be considered valid for run-through trains interchanged with BNSF at Eagle Pass, Texas, and bound for Temple, Texas. FXE Carmen will perform all Class 1 initial terminal inspections and repairs, and will comply with all parts of 49 CFR 232 and 215, as well as all applicable Association of American Railroads interchange rules. With this test waiver, BNSF and FXE seek to establish to FRA's satisfaction that cross-border commerce can be safely increased by eliminating the congestion of traffic that presently occurs at the border.

BNSF and FXE expect to demonstrate, with this test waiver, that Class 1 initial terminal inspections performed in Mexico by FXE carmen are equally on par with Class 1 initial terminal inspections performed by U.S. railroads to comply with Federal regulation. BNSF and FXE state that the available inspection track on the U.S. side of the border is rudimentary at best with no option for expansion from adjacent landholders, while work environment enhancements are offered at FXE's Rio Escondido and Torreon facilities.

The FXE Rio Escondido facility is a new and modern facility built to facilitate international rail commerce, equipped with the latest in freight car repair technology and tooling, and is staffed with trained and motivated employees. BNSF estimates risk in the work environment is halved by performing inspections and repairs at Rio Escondido or Torreon, as compared to the present U.S. facility.

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-2010-0126) 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.

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Issued in Washington, DC on October 18, 2010.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2010-26683 Filed 10-21-10; 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.

#### Canadian Pacific Railway

[Waiver Petition Docket Number FRA-2010-0024]

The Canadian Pacific Railway (CP) hereby petitions FRA for a temporary waiver from 49 CFR Part 213, subpart C, to develop and test pilot an "unattended" track geometry measurement system. Over the course of 6 months, CP intends to test the new system on their Northeast U.S. main line

between Rouses Point and Binghamton, New York, a distance of approximately 315 miles. The project includes outfitting and deploying an unattended track geometry measurement system that will be used in conjunction with other automated systems to monitor overall track infrastructure condition on a frequency that is not possible today.

CP asserts that the benefits that are expected to be derived from this system are as follows:

- Increased geometry inspections over what is possible today (anticipated 400% increase) resulting in improved infrastructure reliability;
- Proactive instead of reactive track maintenance will result in improved infrastructure condition and therefore a safer operation;
- Scheduled maintenance and repair activities will reduce unscheduled employee call outs and therefore also reduce fatigue related risk to employees;
- Reduction of track geometry which will cause slow orders; and
- Improved passenger train performance at a reduced level of risk.

The project is currently in the planning phase. CP indicates that if FRA agrees, the build, design and test phase of the project could commence in late 2010. Testing would then occur in early 2011. It is the testing phase of the project that is the subject of this waiver application. In order to proceed with this pilot project, CP is seeking a temporary waiver from 49 CFR part 213, subpart C, such that all measurements and data produced by the new track geometry vehicle are deemed "not valid" and "immaterial" for the purpose of track geometry verification. The data produced during the 6 month test period will be used solely for the purposes of mapping and for false positive rejection development, and CP is requesting regulatory relief for the initial 6-month period when the new equipment is being evaluated and tested.

CP further explains that it will adhere to all regulated track inspection processes while the new track geometry equipment is being tested. All track defects identified through the normal inspection processes will be corrected according to current processes and procedures designed to comply with FRA's track safety standards. The waiver that is being requested will only apply to information that is developed through the use of the new geometry technology during the initial 6 month testing and evaluation phase of the project.

CP further explains that it does not expect that the waiver would apply to the regular, manned track geometry