

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed by no later than December 24, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35250 must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy must be served on James H. M. Savage, Of Counsel, John D. Heffner, PLLC, 1750 K Street, NW., Suite 200, Washington, DC 20006.

Board decisions and notices are available on our Web site at "<http://www.stb.dot.gov>."

Decided: December 15, 2009.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. E9-30109 Filed 12-17-09; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Receipt of Noise Compatibility Program Update and Request for Review for Modesto City-County Airport, Modesto, CA

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program update that was submitted for Modesto City-County Airport under the provisions of 49 U.S.C. 47501 *et seq.* (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 CFR part 150 by City of Modesto. This program was submitted subsequent to a determination by FAA that associated noise exposure maps submitted under 14 CFR part 150 for Modesto City-County Airport were in compliance with applicable requirements, effective January 9, 2009 (74 FR 4499). The proposed noise compatibility program update will be approved or disapproved on or before June 6, 2010.

**DATES:** *Effective Date:* The effective date of the start of FAA's review of the noise compatibility program update is

December 9, 2009. The public comment period ends February 8, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Camille Garibaldi, Environmental Protection Specialist, Federal Aviation Administration, Western-Pacific Region, San Francisco Airports District Office, 831 Mitten Road, Suite 210, Burlingame, California 94010. Telephone number: (650) 876-2778, extension 613.

Comments on the proposed noise compatibility program update should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA is reviewing a proposed noise compatibility program update for Modesto City-County Airport which will be approved or disapproved on or before June 6, 2010. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has formally received the noise compatibility program update for Modesto City-County Airport, effective on December 6, 2009. The airport operator has requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act. Preliminary review of the submitted material indicates that it conforms to FAR Part 150 requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before June 6, 2010.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety or create an undue burden on interstate or foreign commerce, and whether they are reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the

introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments relating to these factors, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps and the proposed noise compatibility program update are available for examination at the following locations:

Federal Aviation Administration, National Headquarters, Planning and Environmental Division, APP-400, 800 Independence Avenue, SW., Room 621, Washington, DC 20591.

Federal Aviation Administration, Western-Pacific Region Office, Airports Division, Room 3012, 15000 Aviation Boulevard, Hawthorne, CA 90261.

Federal Aviation Administration, Western-Pacific Region, San Francisco Airports District Office, 831 Mitten Road, Suite 210, Burlingame, CA 94010.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Hawthorne, California on December 9, 2009.

**Mia Paredes Ratcliff,**

*Acting Manager, Airports Division, Western-Pacific Region, AWP-600.*

[FR Doc. E9-30186 Filed 12-17-09; 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.

#### **Railserve, Inc.**

**(Waiver Petition Docket Number FRA-2009-0115)**

The Railserve, Inc. (RASX) of Atlanta, Georgia, has petitioned for a permanent waiver of compliance for two (2) locomotives from the requirements of the Railroad Safety Glazing Standards, Title 49 CFR Part 223, which require certified glazing in all windows. The reporting marks on these locomotives

are RASX 2120 and RASX 1286. These locomotives are used in switching operations inside the Kinder Morgan chemical plant in Houston, Texas. The switching operations involve interchange with the Union Pacific Railroad for inbounds and outbounds only, on the trackage that is less than  $\frac{1}{4}$  mile long. RASX states that there is no history of vandalism at the Kinder Morgan chemical plant in Houston, Texas, and that both locomotives are parked inside the plant at all times. The top speed of operations is 5 mph. RASX has stated that to install glass at FRA specifications would be cost prohibitive. 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-2009-0115) 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 December 11, 2009.

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

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

[FR Doc. E9-30200 Filed 12-17-09; 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.

#### The National Railroad Passenger Corporation

##### (Docket Number FRA-2009-0103)

By letter dated September 28, 2009, the National Railroad Passenger Corporation (Amtrak), a Class 1 Railroad, petitioned FRA for a waiver of compliance from 49 CFR part 214 (Railroad Workplace Safety) related to the removal of snow from passenger station platforms outside of the Northeast Corridor. Notice of this waiver request was published on October 30, 2009. 74 FR 56257. Amtrak subsequently withdrew its September 28, 2009, waiver request and by letter dated November 13, 2009, Amtrak submitted a modified request for waiver from 49 CFR part 214, again related to the removal of snow from passenger station platforms outside of the Northeast Corridor.

Section 214.335 of Part 214 specifies the methods by which roadway work groups may be provided on-track safety when fouling tracks to perform work. Fouling a track means "the placement of an individual or an item of equipment in such proximity to a track that the individual or equipment could be struck by a moving train or on-track equipment, or in any case is within four feet of the field side of the near running rail." Amtrak states that the current definition of fouling a track prevents the timely removal of snow from the last

three feet of station platforms adjacent to the track and it discourages the removal of snow in an area where snow removal is critical for passenger safety. Accordingly, Amtrak seeks permission to implement alternative protection for workers removing snow.

In accordance with Amtrak's waiver request, only Amtrak employees and contractors trained on the alternative protection methods will be used to remove snow from platforms and when relying on the proposed alternative protection procedure, only small tools such as shovels, brooms and leaf blowers would be used. If large, powered equipment is to be used, Amtrak would comply with 49 CFR part 214.

The alternative protection procedure would also include:

1. Job briefings to discuss work to be done.
2. Prohibition on workers' feet crossing the yellow tactile strip.
3. Prohibition on conducting snow removal in the presence of moving trains.

Amtrak also submits they are not aware of any safety incidents associated with the recommended procedures at the many stations maintained by public agencies such as municipalities that use non railroad employees to clear platforms.

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-2009-0103) 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 30 days of the date of this notice will be considered by FRA before final action is