

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.

Union Pacific Railroad Company

[Waiver Petition Docket Number FRA-2009-0062]

The Union Pacific Railroad Company (UPRR) seeks a waiver of compliance with the *Locomotive Safety Standards*, 49 CFR 229.129(c)(10), as they pertain to the requirement to maintain a written record of the locomotive horn testing requirement described in this part, and allow the person performing the testing to utilize an electronic signature. If granted, UPRR would maintain locomotive horn testing information in a secure database until a subsequent locomotive horn test is completed and information will be made available to FRA upon request, as provided by 49 U.S.C. 20107. In place of required signatures of persons performing inspections and tests, UPRR employees would be provided a unique login identification number and a secure password to access the system and verify performance of required horn test.

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-2009-0062) 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 July 16, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E9-17318 Filed 7-21-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****Petition for Waiver of Compliance**

In accordance with Title 49, Code of Federal Regulations (CFR), Sections 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of Federal railroad safety regulations. The 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.

Union Pacific Railroad Company

[Waiver Petition Docket Number FRA-2006-25862]

On October 6, 2007, FRA granted the Union Pacific Railroad Company (UP) a temporary conditional waiver from certain provisions of 49 CFR part 240 (*Qualification and Certification of Locomotive Engineers*). The regulatory relief was granted in connection with

implementation of a Close Call Reporting System (C3RS) Demonstration Pilot Project involving UP's North Platt Service Unit. The C3RS Demonstration Pilot Project is sponsored by FRA's Office of Research and Development and is one of the action items included in FRA's Rail Safety Action Plan initiated in 2006. Background documentation related to the existing regulatory relief granted is available under Docket Number FRA-2006-25862, available online at <http://www.regulations.gov>.

In 2008, FRA amended 49 CFR part 218 (*Railroad Operating Practices*) to include Subpart F pertaining to handling equipment, switches, and fixed derails. In its current request, UP has asked that FRA amend the existing waiver in this docket to provide relief from certain provisions of Subpart F of Part 218. Specifically, for properly reported close call events, UP requests relief from the requirements of: 49 CFR 218.99(b)-(e), 218.101(b)-(c), 218.103(b)-(d), 218.105(b)-(d), 218.107(b)-(c), and 218.109(b)-(c).

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-2006-25862) 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 15 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 July 16, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 670 (Sub—No. 2)]

Notice of Rail Energy Transportation Advisory Committee Vacancies

AGENCY: Surface Transportation Board, Department of Transportation.

ACTION: Notice of vacancies on Federal Advisory Committee and solicitation of nominations.

SUMMARY: The Surface Transportation Board (Board), hereby gives notice of two vacancies on the Board's Rail Energy Transportation Advisory Committee (RETAC): (1) A representative of a Class II or III railroad and (2) a representative of a biofuel refiner, processor, or distributor, or biofuel feedstock grower or provider. The Board is soliciting suggestions for candidates to fill those vacancies.

DATES: Suggestions of candidates for membership on RETAC are due July 31, 2009.

ADDRESSES: Suggestions may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-

FILING link on the Board's Web site, at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: STB Ex Parte No. 670, 395 E Street, SW., Washington, DC 20423–0001.

FOR FURTHER INFORMATION CONTACT:

Scott M. Zimmerman at 202–245–0202. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Board, created by Congress in 1996 to take over many of the functions previously performed by the Interstate Commerce Commission, exercises broad authority over transportation by rail carriers, including regulation of railroad rates and service (49 U.S.C. 10701–10747, 11101–11124), as well as the construction, acquisition, operation, and abandonment of rail lines (49 U.S.C. 10901–10907) and railroad line sales, consolidations, mergers, and common control arrangements (49 U.S.C. 10902, 11323–11327).

In 2007, the Board established RETAC as a Federal advisory committee consisting of a cross-section of energy and rail industry stakeholders to provide independent, candid policy advice to the Board and to foster open, effective communication among the affected interests on issues such as rail performance, capacity constraints, infrastructure planning and development, and effective coordination among suppliers, carriers, and users of energy resources.

RETAC's membership is a balanced representation of interested and affected parties, consisting of not less than: 5 representatives from the Class I railroads, 3 representatives from Class II and III railroads, 3 representatives from coal producers, 5 representatives from electric utilities (including at least one rural electric cooperative and one state- or municipally-owned utility), 4 representatives from biofuel refiners, processors, or distributors, or biofuel feedstock growers or providers, and 2 representatives from private car owners, car lessors, or car manufacturers. RETAC may also include up to 3

members with relevant experience but not necessarily affiliated with one of the aforementioned industries or sectors. Members are selected by the Chairman of the Board with the concurrence of a majority of the Board. The Chairman of the Board may invite representatives from the U.S. Departments of Agriculture, Energy and Transportation and the Federal Energy Regulatory Commission to serve on RETAC in advisory capacities as *ex officio* (non-voting) members, and Board members serve as *ex officio* members of the Committee as well.

RETAC functions solely as an advisory body, in compliance with the Federal Advisory Committee Act and its implementing regulations. RETAC typically meets four times per year, at the Board's headquarters in Washington, DC. No honoraria, salaries, travel or per diem are available to members of the RETAC; however, reimbursement for travel expenses may be sought from the Board in cases of hardship.

Two vacancies currently exist for 3-year terms on RETAC beginning September 1, 2009: (1) A representative of a Class II or III railroad, and (2) a representative of a biofuel refiner, processor, or distributor, or biofuel feedstock grower or provider. Suggestions for members to fill those vacancies should be submitted in letter form, identifying the name of the candidate and the entity the candidate would represent, and a representation that the candidate is willing to serve a 3-year term as a member of the RETAC beginning in the Fall of 2009. Suggestions for candidates for membership on RETAC should be filed with the Board by July 31, 2009.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 721, 49 U.S.C. 11101; 49 U.S.C. 11121.

Decided: July 16, 2009.

By the Board, Anne K. Quinlan, Acting Secretary.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E9–17309 Filed 7–21–09; 8:45 am]

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