

ballast trains to and from the ballast pit at Elsey, CA, which is adjacent to the UP rail line. The trackage rights are temporary in nature and are scheduled to expire at midnight on December 31, 2009.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the 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. Stay petitions must be filed by May 1, 2009 (at least 7 days before the exemption becomes effective).

Pursuant to the Consolidated Appropriations Act, 2008, Public Law No. 110-161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing, or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting, and shredding). The term “solid waste” is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35238, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Karl Morell, Of Counsel, Ball Janik LLP, Suite 225, 1455 F Street, NW., Washington, DC 20005.

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

Decided: April 16, 2009.

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

**Kulunie L. Cannon,**  
*Clearance Clerk.*

[FR Doc. E9-9192 Filed 4-23-09; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35240]

#### Muskogee City-County Port Authority—Operation Exemption—A Line of Railroad in Muskogee County, OK

Muskogee City-County Port Authority (the Port), a non-carrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate a 4.7-mile rail line extending from milepost 88.80, at or near Davis Field, to milepost 93.50, at or near Shopton, in Muskogee County, OK.

On January 6, 1993, a decision and notice of interim trail use or abandonment (NITU) was served by the Board's predecessor agency, the Interstate Commerce Commission, in *Missouri Pacific Railroad Co.—Abandonment Exemption—In Muskogee, McIntosh and Haskell Counties, OK*, Docket No. AB-3 (Sub-No. 104X), establishing a 180-day period for Missouri Pacific Railroad Company (MP)<sup>1</sup> to negotiate an interim trail use/ rail banking agreement under the National Trails System Act, 16 U.S.C. 1247(d) for a 43.0-mile rail line extending from milepost 93.50, at or near Shopton, to milepost 50.50, near Kerr McGee, in Muskogee, McIntosh, and Haskell Counties, OK. Trail negotiations were successful and an agreement for rail banking and interim trail use was reached in the Line Donation Contract (Contract) between MP, the Port, and Indian Nations Recreation Trail (INRT). Pursuant to that agreement, the Port obtained the right to use the 4.7-mile segment described above for rail banking and interim trail use.<sup>2</sup> The Port now wishes to reactivate service over the 4.7 mile line segment.<sup>3</sup>

The Port certifies that its projected annual revenues as a result of this transaction will not result in the Port becoming a Class II or Class I rail carrier and further certifies that its projected annual revenues will not exceed \$5 million.

The transaction is scheduled to be consummated on May 10, 2009, the effective date of the exemption (30 days after the exemption is filed).

<sup>1</sup> Union Pacific Railroad is the successor-in-interest to MP.

<sup>2</sup> The NITU governing the rest of the line is not at issue here.

<sup>3</sup> Port simultaneously filed a petition to vacate the NITU issued in *Missouri Pacific Railroad Co.—Abandonment Exemption—In Muskogee, McIntosh and Haskell Counties, OK*, Docket No. AB-3 (Sub-No. 104X) (ICC served Jan. 6, 1993). The petition will be addressed by the Board in a separate decision.

If the 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 does not automatically stay the transaction. Petitions for stay must be filed no later than May 1, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35240, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Jeffrey O. Moreno, 1920 N Street, NW., Suite 800, Washington, DC 20036-1601.

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

Decided: April 21, 2009.

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

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. E9-9450 Filed 4-23-09; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2009-16]

#### 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 the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number involved and must be received on or before May 14, 2009.

**ADDRESSES:** You may send comments identified by Docket Number FAA-2009-0084 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.

**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:** For technical questions concerning this notice contact Paul Vause (AFS-340), Federal Aviation Administration, Aircraft Maintenance Division, Repair Station Branch, 950 L'Enfant Plaza, SW, 5th Floor, Washington, DC 20024; telephone (202) 385-6441; facsimile (202) 385-6474, e-mail [paul.w.vause@faa.gov](mailto:paul.w.vause@faa.gov).

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on April 21, 2009.

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

### Petition for Exemption

**Docket No.:** FAA-2009-0084.

**Petitioner:** Short Brothers plc (Bombardier).

**Section of 14 CFR Affected:** 14 CFR 145.103(b)

**Description of Relief Sought:** Short Brothers plc requests relief from requirements to provide suitable permanent housing to enclose the largest type and model of aircraft it has listed on its operation specification.

[FR Doc. E9-9427 Filed 4-23-09; 8:45 am]

**BILLING CODE 4910-13-P**

## NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. NHTSA-2009-0086]

### Technical Report on the Maintenance and Repair Expenses to the ABS and Underride Guard on Heavy Tractors and Trailers

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Request for comments on technical report.

**SUMMARY:** This notice announces the publication by NHTSA of an analysis of the costs to repair and maintain the Anti-Lock Brake System (ABS) and Underride Guard (URG) on heavy tractors and trailers. Federal Motor Vehicle Safety Standards 121 and 105 mandate antilock braking systems (ABS) on all air-braked vehicles and hydraulic-braked trucks and buses with a GVWR of 10,000 pounds or greater. FMVSS Nos. 223 and 224 require underride guards (URG) meeting a strength test on trailers with a GVWR of 10,000 pounds or greater.

**DATES:** Comments must be received no later than August 20, 2009.

**ADDRESSES:** *Report:* The technical report is available on the Internet for viewing in PDF format at <http://www-nrd.nhtsa.dot.gov/Pubs/811109.PDF>. You may obtain a copy of the report free of charge by sending a self-addressed mailing label to Kirk Allen (NVS-431), National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

*Comments:* You may submit comments [identified by Docket Number NHTSA-2009-0086] by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Fax:** 1-202-493-2251.

- **Mail:** Docket Management Facility, M-30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- **Hand Delivery:** West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 am and 5 pm Eastern Time, Monday through Friday, except Federal holidays.

You may call Docket Management at 202-366-9826.

**Instructions:** For detailed instructions on submitting comments, see the Procedural Matters section of this document. Note that all comments received will be posted without change

to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Kirk Allen, Statistician, Evaluation Division, NVS-431, National Center for Statistics and Analysis, National Highway Traffic Safety Administration, Room W53-457, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: 202-366-9308. E-mail: [kirk.allen@dot.gov](mailto:kirk.allen@dot.gov).

*For information about NHTSA's evaluations of the effectiveness of existing regulations and programs:* Visit the NHTSA Web site at <http://www.nhtsa.dot.gov> and click "NCSA" near the upper right corner on the home page; then click "Regulatory Evaluation" under "Browse Topics" on the "NCSA" page.

**SUPPLEMENTARY INFORMATION:** Federal Motor Vehicle Safety Standards mandate antilock braking systems (ABS) on heavy vehicles and underride guards (URG) on heavy trailers. Repair receipts from in-service vehicles were analyzed to estimate the maintenance and repair expenses to the ABS and URG. The average ABS expenses per month of operation were \$0.85 for tractors and \$0.25 for trailers. The presence of ABS did not increase expenses to other parts of the brake system. The estimated lifetime maintenance and repair expenses were notably smaller than the cost of equipping new vehicles with ABS. Repairs to the trailer URG averaged \$0.16 per month of service. (All values are in 2007 dollars.)

### Procedural Matters

*How can I influence NHTSA's thinking on this subject?*

NHTSA welcomes public review of the technical report. The agency is interested in learning of any additional data that may be useful in the evaluations. The availability of data on later model year tractors and trailers is especially relevant because ABS-equipped vehicles in this analysis could have been at most six years old. NHTSA will submit to the Docket a response to the comments and, if appropriate, will supplement or revise the report.

*How do I prepare and submit comments?*

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the Docket number of this document (NHTSA-2009-0086) in your comments.

Your primary comments must not be more than 15 pages long (49 CFR 553.21). However, you may attach additional documents to your primary