

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**DATE OF UPDATE:**

June 3, 2009.

Dated: June 18, 2009.

**Habib Azarsina,**

*Departmental Privacy Officer, 202-366-1965.*

[FR Doc. E9-14837 Filed 6-23-09; 8:45 am]

**BILLING CODE 4910-9X-P**

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236**

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236, as detailed below.

Docket Number FRA-2009-0052.

*Applicant:* Norfolk Southern Corporation, Mr. Donald D. Graab, Assistant Vice-President Mechanical, Mechanical Department, 1200 Peachtree Street, NE., Atlanta, Georgia 30309-3579.

The Norfolk Southern Corporation (NS) seeks relief from the requirements of the Rules, Standards, and Instructions, 49 CFR Part 236, §§ 236.586 and 236.110. NS seeks a waiver from compliance with § 236.586 Daily or after trip test, in its entirety for locomotives equipped with UltraCab equipment. NS seeks a waiver from that portion of § 236.110 that requires record-keeping and record retention for tests performed under § 236.586.

The reason given for the proposed changes is that UltraCab locomotive cab signal equipment is microprocessor-based, and it is universally recognized that this technology has provided vast breakthroughs in advanced train stop and train control equipment. These systems offer improvements far superior to their predecessors in performance, reliability, and safety. Equipment is now capable of checking itself several times a second and verifying that the system is functioning properly and that all external inputs are valid.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the

interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

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-2009-0052) 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 June 17, 2009.

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

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

[FR Doc. E9-14830 Filed 6-23-09; 8:45 am]

**BILLING CODE 4910-06-P**

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****Notice of Informational Filing**

For informational purposes only, the Federal Railroad Administration (FRA) is providing notice that it has received an informational filing from the BNSF Railway Company (BNSF) to conduct testing of Configuration IV of BNSF's Electronic Train Management System (ETMS) submitted pursuant to Title 49 Code of Federal Regulations (CFR) 236.913. The informational filing is described below, including the submitting party and the requisite docket number where the informational filing and any related information may be found. The document is available for public inspection; however, FRA is not accepting public comment on the document.

**BNSF Railway Company**

[Docket Number FRA-2006-23687]

BNSF has submitted an informational filing to FRA to begin operational testing of ETMS Version IV on BNSF's Stampede Subdivision. This testing will allow BNSF to obtain the necessary assessments required to amend BNSF's currently approved Product Safety Plan (PSP) for ETMS Version I for a future submittal to FRA. In addition, this testing will allow BNSF to substantiate the ETMS technology on mountain grade territory with freight operations. The informational filing has been placed under Docket Number FRA-2006-23687 and is available for public inspection.

Interested parties are invited to review the informational filing and associated documents at the DOT Docket Management facility during regular business hours (9 a.m.-5 p.m.) at 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590. All documents in the public docket are also available for inspection and copying on the Internet at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications received into any of our dockets by name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.).