

*Section of 14 CFR Affected:*  
§ 91.139(a).

*Description of Relief Sought:* RLB Aviation, Inc. d.b.a. Starfighters, Inc. (Starfighters), requests an exemption from § 91.319(a) to allow Starfighters to carry persons and property for compensation or hire in experimental aircraft.

[FR Doc. 2010-30649 Filed 12-6-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Random Drug and Alcohol Testing Percentage Rates of Covered Aviation Employees for the Period of January 1, 2011, Through December 31, 2011

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

**ACTION:** Notice.

**SUMMARY:** The FAA has determined that the minimum random drug and alcohol testing percentage rates for the period January 1, 2011, through December 31, 2011, will remain at 25 percent of safety-sensitive employees for random drug testing and 10 percent of safety-sensitive employees for random alcohol testing.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kevin Kearns, Office of Aerospace Medicine, Drug Abatement Division, Program Administration Branch (AAM-810), Federal Aviation Administration, 800 Independence Avenue, SW., Room 806, Washington, DC 20591; Telephone (202) 267-8442.

*Discussion:* Pursuant to 14 CFR 120.109(b), the FAA Administrator's decision on whether to change the minimum annual random drug testing rate is based on the reported random drug test positive rate for the entire aviation industry. If the reported random drug test positive rate is less than 1.00%, the Administrator may continue the minimum random drug testing rate at 25%. In 2009, the random drug test positive rate was 0.534%. Therefore, the minimum random drug testing rate will remain at 25% for calendar year 2011.

Similarly, 14 CFR 120.217(c), requires the decision on the minimum annual random alcohol testing rate to be based on the random alcohol test violation rate. If the violation rate remains less than 0.50%, the Administrator may continue the minimum random alcohol testing rate at 10%. In 2009, the random alcohol test violation rate was 0.088%. Therefore, the minimum random

alcohol testing rate will remain at 10% for calendar year 2011.

**SUPPLEMENTARY INFORMATION:** If you have questions about how the annual random testing percentage rates are determined please refer to the Code of Federal Regulations Title 14, section 120.109(b) (for drug testing), and 120.217(c) (for alcohol testing).

Issued in Washington, DC, on December 1, 2010.

**Frederick E. Tilton,**  
*Federal Air Surgeon.*

[FR Doc. 2010-30659 Filed 12-6-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Docket Number FRA-2010-0154

#### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

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 as detailed below.

Applicant: Massachusetts Bay Commuter Railroad Company; Mr. John B. Mitchell, Deputy Chief of Engineering Operations, Massachusetts Bay Commuter Railroad Company, 32 Cobble Hill Road—Suite 3, Somerville, MA 02143-4431.

The Massachusetts Bay Commuter Railroad Company (MBCR) seeks approval of the proposed modification of the signal system on the Fitchburg Commuter Rail Line from milepost (MP) 1.4 Swift Interlocking, in Somerville, Massachusetts, to but not including MP 25.6 CP—Martin St., in Acton, MA. By contract with the owner, the Massachusetts Bay Transportation Authority (MBTA), and in conjunction with the Small Starts American Recovery and Rehabilitation Act (ARRA), MBCR will be installing electronic track circuits on both tracks 1 and 2 to facilitate a bi-directional operation. New interlockings will be installed at MP 6, Horgan; MP 9, Beaver Brook; MP 10, Moody; MP 18, Hills; and MP 25, Maynard Junction. All interlockings will be equipped with colorlight LED type signal heads and electric switch machines.

The interlockings at West Cambridge, Hill Crossing, and Clematis Brook will be retired and South Acton will become Maynard Junction. The mechanical bed-locking interlocking machine at

Waltham Tower will be retired. Twenty-six existing automatic searchlight style signals will be retired, with twenty new automatic signals installed. The proposed modifications will retire a signal system comprised of dc neutral, mechanical, and searchlight type relays, and traffic control circuitry that operates via line wire and cable. Control of the territory will be transferred into the Commuter Rail Operations Control Center in Somerville, MA. This project is part of several projects designed to decrease passenger train trip time between Fitchburg, and Boston, MA.

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 (Docket No. FRA-2010-0154) 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, and 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 December 1, 2010.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2010–30533 Filed 12–6–10; 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.

#### American Short Line and Regional Railroad Association

[Waiver Petition Docket Number FRA–2009–0078]

In response to the American Short Line and Regional Railroad Association's (ASLRRRA) July 16, 2009, petition in this docket, FRA granted certain identified ASLRRRA member railroads limited conditional relief from the Federal hours of service law (HSL; 49 U.S.C. Chapter 211). Specifically, FRA granted the identified ASLRRRA member railroads listed on ASLRRRA's "Seconded Amended Exhibit A" in this docket relief from 49 U.S.C. 21103(a)(4)(A). (See FRA letter dated March 5, 2010, document number—0008.1 in the docket). Section 21103(a)(4)(A) mandates that train employees have 48 or 72-hour off-duty periods following the initiation of on-duty periods on either 6 or 7 consecutive days.

On September 1, 2010, ASLRRRA filed a motion to amend its petition in this docket to: (1) Add and withdraw participating railroads, and (2) expand the scope of the waiver granted in FRA's initial decision. ASLRRRA included with its September 1, 2010, motion, evidence that the applicable labor organizations or affected employees of each listed railroad concur with the request for relief.

By a letter dated October 15, 2010, FRA denied ASLRRRA's request to expand the scope of the relief granted, but reserved decision on the request to

make additional ASLRRRA member railroads party to the waiver, pending the solicitation of public comment on that aspect of ASLRRRA's request. (See FRA letter dated October 15, 2010, document number 0085.1 in the docket). This notice solicits public comment on ASLRRRA's request to make the nineteen additional railroads identified in its September 1, 2010, motion parties to the waiver. A complete copy of ASLRRRA's motion may be viewed at <http://www.regulations.gov> under the docket number listed above. (See documents numbered 0048.1 and 0048.2 in the docket).

Separately, by a letter dated September 29, 2010, ASLRRRA notified FRA of an error in its "Second Amended Exhibit A" upon which FRA based its initial grant of relief. (See document number 0078.1 in the docket). Specifically, ASLRRRA notified FRA that one ASLRRRA member railroad, the Heart of Georgia Railroad, was inadvertently omitted from the amended exhibit. Noting that the Heart of Georgia Railroad had properly executed the application agreeing to participate in ASLRRRA's petition and proposed pilot project, and had already filed evidence of its employee concurrence with the waiver in the docket as required by FRA's March 5, 2010, letter, ASLRRRA requested that FRA add the Heart of Georgia Railroad to the list of railroads participating in the waiver. FRA has done so, subject to public comment on the Heart of Georgia Railroad's participation in the waiver.

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 (Docket Number FRA–2009–0078) 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 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 December 1, 2010.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2010–30532 Filed 12–6–10; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA–2000–7257; Notice No. 65]

#### Railroad Safety Advisory Committee (RSAC); Working Group Activity Update

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Announcement of Railroad Safety Advisory Committee (RSAC) Working Group Activities.

**SUMMARY:** The FRA is updating its announcement of RSAC's Working Group activities to reflect its current status.

**FOR FURTHER INFORMATION CONTACT:** Larry Woolverton, RSAC Designated Federal Officer/Administrative Officer, FRA, 1200 New Jersey Avenue, SE., Mailstop 25, Washington, DC 20590, (202) 493–6212; or Robert Lauby, Deputy Associate Administrator for Regulatory and Legislative Operations, FRA, 1200 New Jersey Avenue, SE., Mailstop 25, Washington, DC 20590, (202) 493–6474.