

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****[Summary Notice No. PE-2010-11]****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 petitions or their final disposition.

DATES: Comments on these petitions must identify the petition docket number involved and must be received on or before May 13, 2010.

ADDRESSES: You may send comments identified by Docket Number FAA-2010-0168 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: Tyneka L. Thomas, 202-267-7626, or Ralen Gao, 202-267-3168, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on April 20, 2010.

Pamela Hamilton-Powell,
Director, Office of Rulemaking.

Petitions for Exemption

Docket No.: FAA-2010-0168.

Petitioner: Broken Wing, LLC.

Section of 14 CFR Affected: §§ 91.3, 91.7, 91.105.

Description of Relief Sought: Broken Wing, LLC requests an exemption from §§ 91.3, 91.7, 91.105 to allow for flight operations involving Boeing 727 in support of the National Geographic (USA), Channel 4 (UK), and German ProSieben scientific demonstration and filming operation for television broadcast. The purpose of this project is to replicate a survivable aircraft landing mishap for the purposes of aerial filming and television exhibition by controlling a large passenger aircraft into a precise, controlled impact with the ground at a designated and prepared spot.

[FR Doc. 2010-9490 Filed 4-22-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****[Docket No. FD 35368]****CSX Transportation, Inc.—Trackage Rights Exemption—Carolina Coastal Railway, Inc.**

Pursuant to a written supplemental trackage rights agreement (supplemental agreement) dated January 14, 2010, Carolina Coastal Railway, Inc. (CLNA), has agreed to amend an existing overhead trackage rights agreement with CSX Transportation, Inc. (CSXT),¹ to

¹ A redacted version of the initial trackage rights agreement and the supplemental agreement between CLNA and CSXT was filed with the notice of exemption. The full version of the initial agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for protective order. The motion is being addressed in a separate decision.

grant CSXT overhead trackage rights over Norfolk Southern Railway Company's (NSR) rail line:² (1) Between CSXT's connection with CLNA in the southwest quadrant of the rail crossing between CSXT and CLNA (CSXT and CLNA Crossing) at milepost NSR 148.1 and milepost NSR 132.0 at NSR's Chocowinity yard limit board, a distance of approximately 16.1 miles; and (2) 558 feet of a connecting track that is being built in the northeast quadrant of the CSXT and CLNA Crossing.

The transaction is scheduled to be consummated on May 7, 2010, the effective date of the exemption (30 days after the exemption was filed).

CSXT states that CLNA and CSXT entered into the original trackage rights agreement governing use of the line with the understanding of the North Carolina Department of Transportation, Rail Division's (NCDOT) plan to reconfigure the trackage in the vicinity of Greenville, including the area around the line. Because of NCDOT's track reconfiguration, CLNA and CSXT entered into a supplemental agreement for purposes of CSXT's continued entry onto and exit from the track. The supplemental trackage rights will allow CSXT's continued use of the track in accordance with NCDOT's track reconfiguration.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Railway—Trackage Rights—Burlington Northern*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease and Operate—California Western Railroad*, 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

² CSXT currently has trackage rights over NSR's line between Greenville and Lee Creek, N.C. (CSXT trackage rights line). See *Seaboard Coast Line R.R.—Trackage Rights—Over Norfolk S. Ry. between Greenville and Lee Creek in Pitt and Beaufort Counties, N.C.*, Docket No. FD 28252 (ICC served Feb. 28, 1977) (NSR's granting of trackage rights to Seaboard Coast Line Railroad Company) and *CSX Corp.—Control—Chessie System, and Seaboard Coast Line Indus.*, 363 I.C.C. 521 (1980) (acquisition of control of Seaboard Coast Line Industries, Inc., by CSX Corporation). NSR leased to CLNA its rail line from Greenville to Chocowinity, N.C., which is a segment of the CSXT trackage rights line. See *Carolina Coastal Ry.—Lease and Operation Exemption—Norfolk S. Ry.*, Docket No. FD 35034 (STB served June 6, 2007).