

airport operator may submit to the FAA Noise Exposure Maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted Noise Exposure Maps that are found by FAA to be in compliance with the requirements of 14 CFR part 150, promulgated pursuant to the Act, may submit a Noise Compatibility Program for FAA approval which sets forth the measures the airport operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the Noise Exposure Maps and accompanying documentation submitted by Naples Airport Authority. The documentation that constitutes the "Noise Exposure Maps" as defined in Section 150.7 of 14 CFR part 150 includes: Figure 43, "2010 Existing Conditions Noise Exposure Map; Figure 44, "2015 Five-Year Forecast Conditions Noise Exposure Map"; Figure 11, p. 31 and Figures 50–55 on pp. 124–134 are at required scale in supplemental fold-out map entitled "Consolidated Modeling Flight Tracks"; Section 5.6, pp. 110–134; Section 3.1.2, pp 30–34; Section 2.4, pp. 23–27; Section 5.5, pp. 108; Table 2, p. 26; Section 5.5, p. 108; Table 7, p. 109. The FAA has determined that these Noise Exposure Maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on November 23, 2010.

FAA's determination on the airport operator's Noise Exposure Maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of 14 CFR part 150. Such determination does not constitute approval of the airport operator's data, information or plans, or a commitment to approve a Noise Compatibility Program or to fund the implementation of that Program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a Noise Exposure Map submitted under Section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise exposure contours, or in interpreting the Noise

Exposure Maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under 14 CFR part 150 or through FAA's review of Noise Exposure Maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 47503 of the Act. The FAA has relied on the certification by the airport operator, under Section 150.21 of 14 CFR part 150, that the statutorily required consultation has been accomplished.

Copies of the full Noise Exposure Maps documentation and of the FAA's evaluation of the maps are available for examination at the following locations: Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, Florida 32822.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Orlando, Florida on November 23, 2010.

**W. Dean Stringer,**

*Manager, Orlando Airports District Office.*

[FR Doc. 2010–30588 Filed 12–6–10; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### [Summary Notice No. PE–2010–56]

#### 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 December 17, 2010.

**ADDRESSES:** You may send comments identified by Docket Number FAA–2010–1086 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 December 2, 2010.

**Dennis Pratte,**

*Acting Director, Office of Rulemaking.*

#### Petition for Exemption

*Docket No.:* FAA–2010–1086.

*Petitioner:* RLB Aviation, Inc. d.b.a. Starfighters, Inc.

*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]

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## 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]

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## 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**