

Issued in Washington, DC, on April 13, 2010.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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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) received a request for a waiver of compliance with 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.

Northern Indiana Commuter Transportation District

[Waiver Petition Docket Number FRA-2006-24562]

The Northern Indiana Commuter Transportation District (NICTD) seeks approval to participate in a previously granted waiver of compliance with the requirements of the *Passenger Equipment Safety Standards* contained in 49 CFR 238.309(b)(3), *Periodic brake equipment maintenance*, which requires that brake equipment receive periodic maintenance at 736 days. The previously granted waiver was issued to the Northeast Illinois Regional Commuter Railroad Corporation (METRA) and authorized METRA to extend the time period from 736 days between inspections to 1,840 days for 26 new bi-level electric passenger MU's.

NICTD purchased 14 bi-level electric MU's that are equipped with identical braking systems as the 26 electric MU locomotives for which the relief was previously granted. The 14 NICTD cars are the subject of this waiver request. The 14 NICTD cars and the 26 METRA cars were built by Sumitomo Corporation of America/Nippon Sharyo and the air brake system was provided by Knorr Brake Corporation, Westminster, Maryland. NICTD explains in its petition that the brake application is transmitted electronically to each MU's Friction Brake Control Unit (FBCU). The FBCU then provides the requested brake application without drawing down brake pipe pressure. An Emergency Magnetic Valve is provided

on each MU for an electronic emergency brake application.

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-2006-24562) 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 April 12, 2010.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

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Association of American Railroads

[Waiver Petition Docket Number FRA-2010-0026]

The Association of American Railroads (AAR), on behalf of its member railroads, seek a waiver of compliance with the Locomotive Safety Standards, 49 CFR 229.129(b)(2), which requires that the sound level of locomotive horns manufactured before September 18, 2006, be tested before June 24, 2010. AAR member railroads own approximately 24,000 locomotives, most of which were manufactured before September 18, 2006. AAR estimates that over 50 percent of these locomotives have not yet been tested. AAR states that there are a number of reasons that the testing has not progressed as rapidly as needed to meet the requirement, site requirements, weather conditions, community noise complaints, and developing automated testing facilities. AAR requests that the requirement to complete testing of horns on locomotives built prior to September 18, 2006, be extended to December 30, 2012, for its membership.

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-2010-0026) 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.

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Issued in Washington, DC, on April 12, 2010.

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[FR Doc. 2010-8694 Filed 4-15-10; 8:45 am]

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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.

National Railroad Passenger Corporation

[Docket Number FRA-2009-0104]

The National Railroad Passenger Corporation (Amtrak), has petitioned for a permanent waiver of compliance from

the requirements of the Fire Safety Standard, 49 CFR 238.103, which requires materials used on the passenger car, meet the test performance criteria for flammability and smoke emission characteristics as specified in Appendix B of this section.

Amtrak stated that their current fleets of 205 operating diesel locomotives are the Genesis P42-8 model manufactured by General Electric (GE). These locomotives were manufactured between the years of 1996–2002. The Manufacturing and the material selection process at that time were based on the 49 CFR part 229 regulations. However, due to the inclusion of all locomotives on passenger trains under the 49 CFR part 238 regulations, some materials in the human occupied areas have since become non-compliant under Smoke and Flame Requirements (49 CFR 238.103).

Amtrak and GE have collectively sort out alternate manufactures and materials for eliminating the non-compliant materials from the locomotive cab. However due to the comparatively small fleet of passenger locomotives with freight locomotives, the cost and the manufacturing feasibility of these materials, Amtrak has been unable to obtain alternates for the components in question. Therefore, Amtrak seeks a waiver for use of these materials in the locomotive cab. Several of these materials need to be replenished in the locomotive cabs; however due to the non-compliance, Amtrak has not been able to order these items from vendors. Amtrak listed 13 items in its petition. Amtrak provided descriptions and analyses about these items in support of its petition.

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-2009-0104) 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.

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DEPARTMENT OF TRANSPORTATION

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Petition for Waiver of Compliance

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New York & Lake Erie Railroad

[Docket Number FRA-2004-19950]

The New York & Lake Erie Railroad (NYLE) of Gowanda, New York, has petitioned for a permanent waiver of compliance for two locomotives, numbered NYLE 1013 and NYLE 308,