

### Southeastern Pennsylvania Transportation Authority

[Waiver Petition Docket Number FRA-2005-22688]

Southeastern Pennsylvania Transportation Authority (SEPTA) seeks a waiver of compliance with 49 CFR 229.27(d)(2) (locomotive safety standards), which requires locomotives that are equipped with a self-monitoring event recorder to undergo further maintenance and testing if a "download of the event recorder, taken within the preceding 30 days and reviewed for the previous 48 hours of locomotive operation, reveals a failure to record a regularly recurring data element or reveals that any required data element is not representative of the actual operations of the locomotive during this time period." Specifically, 49 CFR 229.27(d)(2) provides that, "[i]f the review is not successful, further maintenance and testing shall be performed until a subsequent test is successful. When a successful test is accomplished, a record, in any medium, shall be made of that fact and of any maintenance work necessary to achieve the successful result. This record shall be kept at the location where the locomotive is maintained until a record of a subsequent successful test is filed. The download shall be taken from information stored in the certified crash-worthy crash-hardened event recorder memory module if the locomotive is so equipped."

SEPTA operates a fleet of MU passenger locomotives that have an event recorder incorporated within the cab signal system. The event recorder incorporates a software self-test every 250 milliseconds whenever the system is energized. If any event recorder input fails, a fault is declared, which causes a penalty brake application, and the fault is logged. SEPTA believes that the system has proved reliable with no data lost over the previous 10 years. SEPTA requests that they be allowed to continue this practice of checking fault indications at the time of periodic inspections, and if the waiver is granted, that they perform no annual downloads of their event recorders.

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 (FRA-2005-22688) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. 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://dms.dot.gov>.

Anyone is able to search the electronic form of all 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). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC, on October 4, 2006.

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

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notification of Extension of Comment Period

In accordance with Part 211 of Title 49 of the Code of Federal Regulations (CFR), the Federal Railroad Administration (FRA) gave notice that it had received a request of approval for a waiver by the Union Pacific Railroad (UP). UP is implementing remote authority technology, designed to permit authorized users in the field to request, be granted, or release on-track authority without train dispatcher interaction. To facilitate the implementation of this technology, UP is requesting that FRA suspend compliance with certain rules in accordance with the provisions contained in 49 CFR 211.51.

FRA placed the supporting documentation under docket number

FRA-2006-24840. FRA also gave notice that it would accept comments on the petition for 45 days subsequent to the publication of the notice. The comment period ended on September 10, 2006, and FRA is reopening the docket for comments to allow the public time to analyze and comment on additional documentation submitted by UP.

All communications concerning this proceeding should identify the appropriate docket number (FRA-2006-24840) and may be submitted by any of the following methods:

- *Web site:* <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.

- *Fax:* 202-493-2251

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.

- *Hand Delivery:* Docket Management Facility, Room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received within 90 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://dms.dot.gov>.

Anyone is able to search the electronic form of all 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). The statement may also be found at <http://dms.dot.gov>.

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

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

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