Issued in Washington, DC, on January 14, 2009.

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 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.

Union Pacific Railroad Company

[Docket Number FRA–2008–0165]

The Union Pacific Railroad Company (UP) seeks a waiver of compliance from certain provisions of of 49 CFR Part 232, *Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment.* Specifically, UP is requesting a waiver of 49 CFR 232.213, *Extended Haul Trains,* to the extent necessary to allow UP to operate certain trains up to 1,800 miles between Class I brake inspections. The current regulation restricts extended haul train movements to 1,500 miles.

UP states that if this request is granted, they would utilize it to operate approximately 50 such trains each day. Most of these trains are coal and intermodal trains, along with some automotive trains. UP commits to complying with all other provisions of § 232.213 using qualified UP mechanical inspectors. UP also states that if this waiver is approved, no UP employee in active service at points where train inspections will no longer be performed, due to this waiver, will be furloughed as a result of the waiver. UP claims that they have provided this commitment in writing to the Brotherhood of Railway Carmen. However, UP retains the right to relocate such employees if necessary.

UP believes this request is justified because they experience low defect rates on extended haul trains that are currently operating in coal, intermodal, and automotive service. Of the 15,911 inspections performed on extended haul trains during a three year period, only 0.49 percent of the inspections revealed FRA defects. UP's expanded use of wayside detection technologies has allowed UP to further improve safety by enabling it to identify defects not readily identified by train inspections. Of further note, UP points out that Canadian rail operators have been permitted to operate certain trains from origin to destination within Canada, without undergoing intermediate brake test and train inspections. While this allows Canadian operators to operate some trains distances of more than 2,000 miles without undergoing intermediate inspections, the change has not resulted in adverse safety effects.

UP claims that granting this request will give UP the flexibility it needs to concentrate its train inspections at terminals with greatest resources, which are best equipped to perform inspections in a safe expeditious manner. It would also lead to improved operating efficiencies and increased train velocities. The resulting decrease in en route delays would have the added benefit of allowing train crews to complete their journeys in shorter amounts of time and reduce fuel consumption. UP estimates that if this waiver is granted, they will save approximately 350,000 gallons of fuel annually through the elimination of certain inspections at Elko, NV, Pocatello, ID, and Salt Lake City, UT.

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–2008–0165) 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).

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Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Delays in Processing of Special Permits Applications

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT: Delmer F. Billings, Director, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001, (202) 366–4535.

Key to ''Reason for Delay''

1. Awaiting additional information from applicant.

2. Extensive public comment under review.

3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.

4. Staff review delayed by other priority issues or volume of special permit applications.

Meaning of Application Number Suffixes

N—New application.

M—Modification request.

PM—Party to application with modification request.

Issued in Washington, DC, on January 13, 2009.

Delmer F. Billings,

Director, Office of Hazardous Materials, Special Permits and Approvals.

Application number	Applicant	Reason for delay	Estimated date of completion
Modification to Special Permits			
14167–M	Trinityrail, Dallas, TX	4	02–28–2009
8723–M	Alaska Pacific Power Company, Anchorage, AK	1	02–28–2009
New Special Permit Applications			
14668–N	Lincoln Composites, Lincoln, NE	1	02–28–2009
14689–N	Trinity Industries, Inc., Dallas, TX	2, 3	02–28–2009
14733–N	GTM Technologies, Inc., San Francisco, CA	1, 3	03–31–2009

[FR Doc. E9–1010 Filed 1–21–09; 8:45 am]

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DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

New Markets Tax Credit Program

Funding Opportunity Title: Notice of Allocation Availability (NOAA) Inviting Applications for the CY 2009 Allocation Round of the New Markets Tax Credit Program.

Announcement Type: Initial announcement of tax credit allocation availability.

Dates: Electronic applications must be received by 5 p.m. ET on April 8, 2009. Applications sent by mail, facsimile or other form will not be accepted. The Community Development Financial Institutions Fund (the Fund) will not accept applications in paper form, other than the assigned signature page and certain paper attachments (see Section IV.D. of this NOAA for more details). Applications must meet all eligibility and other requirements and deadlines, as applicable, set forth in this NOAA. Allocation applicants that are not yet certified as Community Development Entities (CDEs) must submit an application for certification as a CDE that is postmarked on or before March 3, 2009 (see Section III of this NOAA for more details).

Executive Summary: This NOAA is issued in connection with the calendar year 2009 tax credit allocation round of the New Markets Tax Credit (NMTC) Program, as authorized by Title I, subtitle C, section 121 of the Community Renewal Tax Relief Act of 2000 (Pub. L. 106–554) and amended by section 221 of the American Jobs Creation Act of 2004 (Pub. L. 108–357), section 101 of the Gulf Opportunity Zone Act of 2005 (Pub. L. 108–357), and Division A, section 102 of the Tax Relief and Health Care Act of 2006 (Pub. L. 109–432) (the Act). Through the NMTC Program, the Fund provides authority to CDEs to offer an incentive to investors in the form of tax credits over seven years, which is expected to stimulate the provision of private investment capital that, in turn, will facilitate economic and community development in Low-Income Communities. Through this NOAA, the Fund announces the availability of $3.5 billion of NMTC authority authorized by the Act.

In this NOAA, the Fund specifically addresses how an entity may apply to receive an allocation of NMTCs, the competitive procedure through which NMTC Allocations will be made, and the actions that will be taken to ensure that proper allocations are made to appropriate entities.

I. Allocation Availability Description

A. *Programmatic changes:*

1. *Allocation Amounts.* As described in Section IIA, the Fund anticipates that it will provide allocation awards of not more than $100 million per applicant. This current $100 million cap is a reduction from the 2008 round cap of $125 million. In the 2008 allocation round, 70 entities received allocations totaling $3.5 billion. The Fund reduced the cap this year to better ensure a wider distribution of awards to the most highly qualified applicants.

2. *Prior QEI Issuance Requirements.* In order to be eligible to apply for NMTC allocations in the 2009 round, as described in Section III.A.2(a), applicants that have received NMTC allocation awards in previous rounds are required to meet minimum Qualified Equity Investment (QEI) issuance thresholds with respect to their prior-year allocations. The CDFI Fund has adjusted some of these QEI requirements, in response to credit market conditions at the time of the publication of this NOAA.

B. *Program guidance and regulations:* This NOAA provides guidance for the application and allocation of NMTCs for the seventh round of the NMTC Program and should be read in conjunction with: (i) Guidance published by the Fund on how an entity may apply to become certified as a CDE (66 FR 65806, December 20, 2001); (ii) the final regulations issued by the Internal Revenue Service (26 CFR 1.45D–1, published on December 28, 2004) and related guidance, notices and other publications; and (iii) the application and related materials for this seventh NMTC Program allocation round. All such materials may be found on the Fund's Web site at *http://www.cdfifund.gov.*

The Fund encourages applicants to review these documents. Capitalized terms used, but not defined, in this NOAA shall have the respective meanings assigned to them in the allocation application, IRC § 45D or the IRS regulations.

II. Allocation Information

A. *Allocation amounts:* Pursuant to the Act, the Fund expects that it may allocate to CDEs the authority to issue to their investors up to the aggregate amount of $3.5 billion in equity as to which NMTCs may be claimed, as