

requested, and the petitioner's arguments in favor of relief.

Georgetown Loop Railroad

[Waiver Petition Docket Number FRA-2008-0107]

The Georgetown Loop Railroad (GLR), a narrow-gage tourist railroad, petitioned FRA for a waiver of compliance from certain provisions of the steam locomotive safety standards, as prescribed by 49 CFR Section 230.112 (Wheels and tires) and Section 230.113 (Wheels and tire defects) for one steam locomotive used in tourist/excursion service. Specifically, this waiver request applies to Locomotive Number GLR 12.

Locomotive Number GLR 12 was built in 1927 by Baldwin Locomotive Works (BLW), Philadelphia, PA, for the Kahului Railroad in Hawaii, and is a 36-inch narrow gage. The locomotive was used on a shortline in freight and passenger service until its retirement in the 1950s. It was subsequently sold to private individuals and moved to California to be used on various tourist/excursion trains. In the 1980s, a new boiler was installed and extensive repairs were made to the running gear. It was used frequently throughout the 1990s at the Silver Wood Amusement Park until its sale to the Colorado Historical Society in 2005, and was in service on GLR from 2005-2007.

By letter notification on April 7, 2008, FRA brought GLR under the agency's jurisdiction and the boiler is now compliant with the applicable requirements of 49 CFR Part 230. During an inspection of the entire locomotive, it was determined that the inside gage (back-to-back spacing) exceeds the safety limits set by FRA under 49 CFR Section 230.112(b). The actual measurements for the locomotive are 33½ inches wide. The allowable range under the regulation is 32½ to 32⅞ inches wide. The locomotive was built to BLW's narrow-gage standards, which allow wider back-to-back dimensions and narrower flange widths for narrow-gage engines. These alternate standard dimensions were primarily used in areas with prevalent sharp curves and poor track conditions. In addition to the wider back-to-back dimension used by Baldwin, a narrow flange width (new) that measures 1⅞ inches is used versus the 1¼-inch flange, which is the standard AAR narrow flange.

A second issue with GLR Number 12 pertains to the requirements of 49 CFR Section 230.113(g) regarding the minimum thickness of the tire's flange. The regulatory requirement for condemning a flange for insufficient width is 15/16 of an inch based upon a new thickness of 1¼ inches. Since the

new flange thickness on GLR Number 12's flanges was 1⅞ inches, GLR requests that the condemning limit for this locomotive be 13/16 of an inch based upon the reduced initial width. GLR stated that they have safely operated this locomotive for several years without any wheel problems prior to coming under FRA's jurisdiction. GLR believes that there is no practical way to modify the chassis components to comply with the regulatory requirements as the basic design of the locomotive's brake and spring rigging and driving boxes will not allow the driving tires and wheels to be significantly modified.

In summary, GLR requests relief from the regulatory requirements of 49 CFR Sections 230.112 and 230.113 to allow GLR Number 12 to be maintained to BLW standards for narrow-gage locomotives, as stated above.

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-2008-0107) 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 15, 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) 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.

Association of American Railroads (Docket Number FRA-2009-0004)

The Association of American Railroads (AAR), on behalf of itself and its member railroads, seeks a waiver of compliance from certain provisions of the *Railroad Locomotive Safety Standards*, 49 CFR Part 229. Specifically, AAR requests to change the time interval requirements of 49 CFR 229.27 *Annual Tests* and 49 CFR 229.29 *Biennial Tests* for all locomotives equipped with 26-L type brake systems, without air dryers, by extending the testing interval to 4 years.

On May 12, 2005, AAR petitioned for an industry-wide waiver of annual and biennial testing requirements for locomotives equipped with both the 26-L brake systems and air dryers. This request was based on the test data gathered by the Canadian railroads and waivers which were previously granted to both the Canadian National and the Canadian Pacific Railroads. On December 2, 2005, FRA granted a conditional waiver to extend the time limits of the required tests to 4 years. AAR believes it is now time to grant a

waiver extending the time requirements to 4 years for annual and biennial testing on locomotives that are not equipped with air dryers.

AAR proposes two alternatives for FRA to consider. The first is to expand the current waiver, Docket Number FRA 2005–21325 for locomotives equipped with air dryers to include locomotives not equipped with air dryers. The other option is a distinct test program for locomotives not equipped with air dryers. AAR is amenable to a test program with the following features:

- On locomotives approaching 3 years since the prior annual and biennial tests were performed, a full air test would be run with the valves untouched. On locomotives that pass the air tests, the valves would be marked with either a tag or stencil identifying them as part of the test waiver. The FRA blue card would annotate to reflect that the unit is operating under the test waiver. Any valve replaced during the test period would be sent to Wabtec Corporation for analysis. The railroads would keep track of all brake failures occurring during the test period.

- 6 months into the waiver period, one locomotive operating under the waiver will be selected from the test group of each participating railroad. Eligible locomotives would be locomotives that have not had any air brake valves replaced for a 3½ year time period. These valve sets will be removed from the locomotives and sent to Wabtec for a joint tear-down inspection with FRA and members of the AAR Brake Systems and Locomotive Committees.

- 1 year into the test period, one locomotive will be selected from the test group of each participating railroad. Eligible locomotives would be those that had not had any brake valve replacements for 4 years. These valve sets will be removed and sent to Wabtec for another joint tear-down inspection.

- If it is determined by the tear-down inspections that the lack of an air-dryer has no effect on the performance of the air brake system, FRA would then expand waiver Docket Number FRA–2005–21325 to include locomotives without air dryers.

AAR does not believe any safety hazard will be created, and looks forward to working with FRA on a waiver test program which will demonstrate that an extended time interval between tests will not adversely affect safety on locomotives not equipped with air dryers.

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–2009–0004) 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 15, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from Sidley Austin Brown LLP on behalf of Canadian Pacific Railway Company (WB471–11—April 9, 2009) for permission to use certain data from the Board's Carload Waybill Samples. A copy of the request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Scott Decker, (202) 245–0330.

Jeffrey Herzig,

Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2009 0043]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel SAVANNAH.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2009–0043 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations