

By the Board, Rachel D. Campbell,
Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2008-0143]

Port Authority Trans-Hudson Corporation; Notice of Public Hearing

On January 22, 2009, the Federal Railroad Administration (FRA) published a notice in the **Federal Register** announcing the Port Authority Trans-Hudson Corporation's (PATH) request for a waiver of compliance from certain provisions of Title 49 Code of Federal Regulations (CFR) Part 231 (Railroad safety appliance standards) for its newly built PA-5 cars. PATH seeks a waiver of compliance from certain provisions of 49 CFR and/or exemption from certain statutory provisions of Title 49 U.S.C. Chapter 203 (the "Safety Appliance Law," including 49 U.S.C. 20302) as related to hand brakes, sill steps, side and end holds, and uncoupling levers.

PATH indicates that the PA-5 vehicles it plans to utilize are equipped with spring-applied/pneumatically released parking brakes, versus conventional hand brakes as required by Section 20302. PATH further indicates that the parking brakes are capable of holding a loaded vehicle on a 5-percent grade, the steepest grade on the PATH system. Accordingly, PATH asserts that the parking brakes of its PA-5 vehicles serve the same purpose as conventional hand brakes and that such parking brakes comply with the intent of 49 CFR 231.14(a) and 238.231(h).

PATH also indicates that sill steps (required by 49 U.S.C. 20302) and side handholds (required by 49 U.S.C. 20302 to aid in coupling and uncoupling vehicles) are not necessary for safety on its PA-5 vehicles and would not enhance the safety of the vehicles. Noting that traditional sill steps and side handholds are intended to facilitate conventional switching operations requiring vehicles to be coupled manually by individuals from the exterior of the car, PATH explains that the PA-5 vehicles are equipped with fully automatic couplers that allow "all mechanical, pneumatic and electrical end connections to be coupled or uncoupled without requiring personnel to leave the vehicle." Further, PATH notes that its safety rules specifically

prohibit individuals from riding on sill steps, and asserts that given the unique characteristics of its operating environment (e.g., the continuously energized 650-volt third rail and close wayside obstruction clearances), sill steps would pose an unacceptable safety risk if individuals should attempt to ride on the steps in violation of PATH's safety rules. PATH further notes that its PA-5 vehicles are equipped with side door steps and corresponding vertical handholds at each of the six side doorways. PATH contends that these side door steps and handholds can be used to facilitate employee access to and egress from the vehicles should it be necessary.

Although PATH expresses the view that the PA-5 vehicles' automatic couplers eliminate the need for end handholds (required by 49 U.S.C. 20302 to aid in coupling and uncoupling vehicles), PATH acknowledges the concerns expressed by FRA regarding safe access to the manual uncoupling handle located on the top of the automatic coupler. Noting that the manual uncoupling handle is not intended for normal coupling/uncoupling operations and is intended to provide a method of manually uncoupling the vehicles in the event the automatic coupling function is unavailable, PATH proposes to apply two end handholds to each vehicle to "provide an additional grip point to assist a worker when operating" the manual uncoupling lever. In this connection, PATH requests a waiver of the specific number and dimension requirements of 49 CFR 231.14(d).

Again, noting that the vehicles are equipped with fully automatic couplers, along with the fact that normal coupling/uncoupling operations are performed from within the vehicle cab, PATH also seeks a waiver from the requirement of 49 CFR 231.14(g) for uncoupling levers. In support of this request, PATH notes the presence of a manual uncoupling handle "intended for shop use, when a major system malfunction occurs, or on rare occasions during an emergency road rescue."

The Safety Appliance Law mandates that railroad vehicles be equipped with (1) handbrakes, (2) sill steps, and (3) side and end handholds to aid in coupling and uncoupling vehicles. Because these are statutory requirements, FRA cannot waive compliance from these provisions. Instead, in accordance with 49 U.S.C. 20306, FRA may exempt PATH from these statutory requirements based on evidence received and findings developed at a hearing demonstrating that the statutory requirements

"preclude the development or implementation of more efficient railroad transportation equipment or other transportation innovations under existing law." Accordingly, in order to receive evidence and develop findings to determine whether FRA should invoke its discretionary authority under 49 U.S.C. 20306 in this instance, and to receive comment on other aspects of PATH's petition relevant to the arrangement of safety appliances on its PA-5 cars, a public hearing is scheduled to begin at 9 a.m. on Wednesday, June 24, 2009, at the Hilton Gateway Hotel, located at Gateway Center, Raymond Boulevard, Newark, New Jersey (telephone number (973) 622-5000). Interested parties are invited to present oral statements at the hearing. The hearing will be informal and will be conducted by a representative designated by FRA in accordance with FRA's rules of practice (49 CFR 211.25). The hearing will be a non-adversarial proceeding; therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement, outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make a brief rebuttal will be given the opportunity to do so in the same order in which initial statements were made. Additional procedures, as necessary for the conduct of the hearing, will be announced at the hearing.

The petitioners should be present at the hearing and prepared to present evidence that the requirements of 49 U.S.C. Chapter 203, for which exemption is sought, "preclude the development or implementation of more efficient railroad transportation equipment or other transportation innovations under existing law."

Issued in Washington, DC, on May 22, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E9-12421 Filed 5-28-09; 8:45 am]

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DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

May 20, 2009.

The Department of Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13 on or after the date

of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11020, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before June 29, 2009 to be assured of consideration.

Office of the Procurement Executive

OMB Number: 1505-0208.

Type of Review: New collection.

Title: Terrorism Risk Insurance Program Cap on Annual Liability.

Description: Section 103 of the Terrorism Risk Insurance Act of 2002 (the Act), as amended by the Reauthorization Act, sets a limit on the annual liability for insured losses at \$100 billion. This section requires the Secretary of the Treasury to notify Congress not later than 15 days after the date of an act of terrorism as to whether aggregate insured losses are estimated to exceed the cap. The Act, as amended, also requires the Secretary to determine the pro rata share of insured losses under the Program when insured losses exceed the cap, and to issue regulations for carrying this out. In order to meet these requirements, Treasury may need to obtain loss information from involved insurers. This would be accomplished by the issuance of a "data call" to ascertain insurer losses. In the event of the imposition on insurers of a "pro rata loss percentage", it will be necessary to determine compliance when processing insurer claims for payment of the Federal share of compensation. This would be accomplished by nominal revision to the currently approved Treasury form TRIP 02C, "Bordereau" or "Schedule C".

Respondents: Businesses or other for-profit institutions.

Estimated Total Reporting Burden: 1,000 hours.

Clearance Officer: Sally Clary, Senior Insurance Analyst, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

OMB Reviewer: OIRA Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, oir_a_submission@omb.eop.gov.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. E9-12533 Filed 5-28-09; 8:45 am]

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DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

May 22, 2009.

The Department of the Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, and 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before June 29, 2009, to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545-2127.

Type of Review: Extension.

Form: 8926.

Title: Disqualified Corporate Interest Expense Disallowed Under Section 163(j) and Related Information.

Description: Pursuant to Congressional direction to determine whether the earnings stripping limitation rule of Code Section 163(j) was effective in curbing the erosion of the U.S. tax base, CC:INTL, LMSB, and the Treasury sought to create new Form 8926, Disqualified Corporate Interest Expense Disallowed Under Section 163(j) and Related Information. The new form is based on Code section 163(j) and the related proposed regulations.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 7,560,000 hours.

OMB Number: 1545-2126.

Type of Review: Extension.

Form: 8932.

Title: Form 8932—Credit for Employer Differential Wage Payments.

Description: Qualified employers will file Form 8932 to claim the credit for qualified differential wage payments paid to qualified employees after June 17, 2008, and before January 1, 2010. Authorized under I.R.C. section 45P.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 62,456 hours.

Clearance Officer: R. Joseph Durbala (202) 622-3634, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Shagufta Ahmed (202) 395-7873, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Celina Elphage,

Treasury PRA Clearance Officer.

[FR Doc. E9-12536 Filed 5-28-09; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG-208172-91]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG-208172-91 [TD 8787], Basis Reduction Due to Discharge of Indebtedness, (Sections 1.108-4, and 1.1017-1).

DATES: Written comments should be received on or before May 30, 2006 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or regulations should be directed to Allan Hopkins, at (202) 622-6665, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Basis Reduction Due to Discharge of Indebtedness.

OMB Number: 1545-1539.

Regulation Project Number: REG-208172-91.

Abstract: This regulation provides ordering rules for the reduction of bases of property under Internal Revenue Code sections 108 and 1017. The regulation affects taxpayers that exclude discharge of indebtedness from gross income under Code section 108. The collection of information is required for