

available for inspection and copying in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2009-92 and should be submitted on or before November 20, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>15</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-26172 Filed 10-29-09; 8:45 am]

BILLING CODE 8011-01-P

## 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.

#### The National Railroad Passenger Corporation

[Docket Number FRA-2009-0103]

The National Railroad Passenger Corporation (Amtrak), a Class 1 Railroad, petitioned FRA for a waiver of compliance from certain provisions prescribed by 49 CFR 214.335 *On-track safety procedures for roadway work groups*.

49 CFR 214.7 *Definitions*, states in part, "Fouling a track means the placement of an individual or an item of equipment in such proximity to a track that the individual or equipment could be struck by a moving train or on-track equipment, or in any case is within four feet of the field side of the near running rail." The requirements in 49 CFR 214.335 specify the methods in which roadway work groups are provided on-track safety in order to foul railroad tracks to perform work. Those

methods include working limits and train approach warning.

Amtrak states that the current definition of fouling a track prevents the timely removal of snow from the last 3 feet of station platforms adjacent to the track and it discourages the removal of snow in an area where snow removal is critical for passenger safety.

This waiver request is submitted for the removal of snow on platforms exclusively on passenger station platforms outside of the Northeast Corridor. The method proposed would use train conductors to coordinate railroad employees or contractors to remove snow at the platforms after they have received documented training on the process which includes:

1. Job briefings to discuss work to be done.
2. Not crossing the yellow tactile strip.
3. Directions on which tools to use.
4. Not working while trains are moving.

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-2009-0103) 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 document (or signing the document, 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 (65 FR 19477) or at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on October 26, 2009.

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

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

[FR Doc. E9-26214 Filed 10-29-09; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

October 23, 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 publication date 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, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

*Dates:* Written comments should be received on or before November 30, 2009 to be assured of consideration.

#### Community Development Financial Institutions Fund

*OMB Number:* 1559-0016.

*Type of Review:* Revision.

*Title:* New Markets Tax Credit (NMTC) Program—Allocation Application.

*Form:* CDFI 0020.

*Description:* The New Markets Tax Credit (NMTC) Program will provide an incentive to investors in the form of a tax credit, which is expected to stimulate investment in private capital that, and in turn, will facilitate economic and community development in low-income communities. In order to qualify for an allocation of tax credits under the NMTC Program an entity

<sup>15</sup> 17 CFR 200.30-3(a)(12).

must be certified as a qualified community development entity and submit an allocation application to the CDFI Fund. Upon receipt of such applications, the CDFI Fund will conduct a competitive review process to evaluate applications for the receipt of NMTC allocations.

*Respondents:* Businesses and other for-profit institutions.

*Estimated Total Burden Hours:* 49,800 hours.

*Clearance Officer:* Ashanti McCallum (202) 622-9018, Community Development Financial Institutions Fund, Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005.

*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. E9-26151 Filed 10-29-09; 8:45 am]

**BILLING CODE 4810-70-P**

**DEPARTMENT OF THE TREASURY**

**Departmental Offices, Office of Small and Disadvantaged Business Utilization (OSDBU); Proposed Collection; Comment Request**

**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 Departmental Offices, OSDBU within the Department of the Treasury is soliciting comments concerning the Electronic Capability Statement (ECS).

**DATES:** Written comments should be received on or before December 31, 2009, to be assured of consideration.

**ADDRESSES:** Direct all written comments to the Department of the Treasury, Departmental Offices, OSDBU, ATTN: Robin Byrd, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, MS: Metropolitan Square, Room 6091, (202) 622-8213; <http://www.treas.gov/osdbu>.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions should be directed to the Department of the Treasury, Departmental Offices, OSDBU, ATTN: Robin Byrd, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, MS: Metropolitan Square, Room 6091, (202) 622-8213; <http://www.treas.gov/osdbu>.

**SUPPLEMENTARY INFORMATION:**

*Title:* Electronic Capability Statement.

*OMB Number:* 1505-0220.

*Abstract:* The Electronic Capability Statement will be used by firms that wish to do business with the Department of the Treasury. The form will capture key information such as NAICS, contract and subcontract award information, and past performance. The information will be stored in a database. The database will be used by OSDBU, Treasury Acquisition staff and the Troubled Asset Relief Program to conduct research when searching for small businesses to perform on Treasury contracts.

*Current Actions:* The Electronic Capability Statement has been developed by the Chief Information

Officer. The OSDBU is preparing to conduct a demonstration of the eCS and commence testing with the Department of the Treasury Bureaus and TARP. The OSDBU is also in the process of obtaining funds to purchase a dedicated server and equipment to implement the ECS.

*Type of Review:* Extension.

*Affected Public:* Business or other for-profit; Federal Government.

*Estimated Number of Respondents:* 420.

*Estimated Total Annual Burden Hours:* 54.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 23, 2009.

**Teresa Lewis,**

*Director, Office of Small and Disadvantaged Business Utilization.*

[FR Doc. E9-26195 Filed 10-29-09; 8:45 am]

**BILLING CODE 4810-25-P**