

Fishburns operate this car in charter, tourist and excursion service on Amtrak and other railroads.

The Fishburns state that the passenger car is equipped with double pane laminated safety glass and polycarbonate glazing material; with the exception of four passageway and three small auxiliary windows, which are glazed with single pane 1/4" polycarbonate. The Fishburns state that in 20+ years of operating the car, the current glazing has had a perfect safety record protecting both passengers and staff. None of the many objects that have struck the car over the years have penetrated the glazing and entered the passenger compartment. The Fishburns additionally state that operation of the passenger car is a very small business, and the cost of installing compliant glazing would pose an extreme hardship.

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-2010-0080) 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 June 25, 2010.

**Michael J. Logue,**

*Deputy Associate Administrator, Safety Compliance and Program Implementation.*

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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.

#### DesertXpress Enterprises, LLC

[Docket Number FRA-2010-0098]

The DesertXpress Enterprises, LLC (DXE) seeks a waiver of compliance from certain provisions of Title 49 of the CFR. Specifically, DXE is considering purchasing vehicles that are constructed to and meet European safety standards for crash-worthiness and related safety measures for use on its proposed high-speed rail corridor between Victorville, California, and Las Vegas, Nevada. DXE seeks relief from certain requirements of 49 CFR part 238, Passenger Equipment Safety Standards (§§ 238.115, 238.121, 238.435, 238.447, 238.403, 238.405, 238.407, 238.409, 238.411, 238.413, 238.417, 238.419); 49 CFR part 231, Railroad Safety Appliance Standards (§ 231.14); and 49 CFR part 229, Railroad Locomotive Safety Standards (§ 229.141).

DXE intends to design, develop, and construct an intercity high-speed passenger-only rail corridor, exclusive of freight operations, connecting Victorville, CA, and Las Vegas, NV, along a 183-mile long, double track

alignment. The system will feature a high-speed train operation at speeds up to 150 mph (FRA Class 8), featuring preferred electric multiple unit (EMU) technology train-sets based upon the Regina system, which was developed by Bombardier in Sweden. Most of the alignment will run parallel to the Interstate-15 (I-15) highway corridor, making maximum use of excess freeway right of way and minimizing impact upon the largely undeveloped land alongside the highway. There will be no highway-rail grade crossings with road vehicles.

DXE is considering purchasing non-FRA compliant EMU Regina train-sets for this high-speed rail system, and is requesting this relief primarily as a result of DXE's decision to construct and operate this project as a grade-separated, passenger-only system, with no freight trains or any other dissimilar trains operating on the line and no highway-rail grade crossings. DXE asserts that an added level of safety is further provided by DXE's exclusive, grade-separated system, in combination with advanced positive train control, broken rail detection, unique highway/rail barrier protection, and use of an intrusion detection system. According to DXE, these EMU's will offer higher reliability than typical FRA-compliant equipment, higher energy efficiency due to light vehicle weight, and better performance due to power-to-weight ratio which will enable these train-sets to climb steep grades. No push-pull or locomotive-hauled trains will be used, so that in the event of a collision, only identical train-sets will be involved, thereby simplifying the design requirements for crash-worthiness.

Noting that certain provisions in 49 CFR part 231 pertaining to safety appliances are statutorily required, and therefore not subject to FRA's waiver authority, DXE also requests that FRA exercise its authority under 49 U.S.C. 20306 to exempt DXE from certain provisions of Chapter 203, Title 49 of the United States Code because the EMU Regina vehicles will be equipped with their own array of safety devices resulting in equivalent safety.

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-2010-0098) 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 June 25, 2010.

**Michael J. Logue,**

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA-2010-0086]

### Reports, Forms, and Recordkeeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Request for public comment on extension of a currently approved collection of information.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes an existing collection of information for an existing regulation for the aftermarket modification of vehicles to accommodate people with disabilities, for which NHTSA intends to seek renewed OMB approval.

**DATES:** Comments must be received on or before August 30, 2010.

**ADDRESSES:** Comments must refer to the docket number cited at the beginning of this notice, and may be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, M-30, U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays. *Telephone:* 1-800-647-2251.

- *Instructions:* All submissions must include the docket number for this document. Please identify the collection of information for which a comment is provided by referencing the OMB Control Number, 2127-0635. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

*Privacy Act:* 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 (65 FR 19477-78) or you may visit <http://DocketsInfo.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Gayle Dalrymple, NHTSA, 1200 New

Jersey Avenue, SE., Room W45-333, NVS-123, Washington, DC 20590. Mrs. Dalrymple's telephone number is (202) 366-5559.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) How to enhance the quality, utility, and clarity of the information to be collected;

(4) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following collection of information:

*Title:* Exemption for the Make Inoperative Prohibition.

*OMB Control Number:* 2127-0635.

*Form Number:* This collection of information uses no standard form.

*Type of Request:* Extension of a currently approved collection of information.

*Abstract:* On February 27, 2001 NHTSA published a final rule (66 FR 12638) to facilitate the modification of motor vehicles so that persons with disabilities can drive or ride in them as passengers. In that final rule, the agency issued a limited exemption from a statutory provision that prohibits specified types of commercial entities from either removing safety equipment or features installed on motor vehicles pursuant to the Federal motor vehicle safety standards or altering the equipment or features so as to adversely affect their performance. The exemption