

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether their information is contained in this system should address written inquiries to the U.S. Department of Transportation, Privacy Act Officer, Office of the Chief Information Officer, 1200 New Jersey Avenue SE., Washington, DC 20590. Inquiries should include name, address and telephone number and describe the records you seek.

**RECORD ACCESS PROCEDURES:**

See "Notification procedure" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification procedure" above.

**RECORD SOURCE CATEGORIES:**

Records include: (1) Records collected directly from the individual; (2) records obtained from other government agencies; (3) records collected from the individual using technologies like cameras or audio recorders; and (4) records collected from the vehicle operated by the individual.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

Issued in Washington, DC on February 24, 2012.

**Claire W. Barrett,**

*Departmental Chief Privacy Officer,  
Department of Transportation.*

[FR Doc. 2012-4964 Filed 2-29-12; 8:45 am]

**BILLING CODE 4910-62-P**

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

**[Docket No. DOT-OST-2012-0028]**

### Submission of U.S. Carrier and Airport Tarmac Delay Contingency Plans to Department of Transportation for Approval

**AGENCY:** Office of the Secretary (OST), Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** The FAA Modernization and Reform Act of 2012 requires covered U.S. carriers and U.S. airports to submit to the Secretary of Transportation for review and approval tarmac delay contingency plans on or before May 14, 2012. The U.S. Department of Transportation's Office of Aviation Enforcement and Proceedings (Enforcement Office) will be establishing an electronic submission system to enable covered airlines and airports to submit the required plans through the World Wide Web. The Enforcement Office plans to issue

another notice within 45 days that will provide information on how covered carriers and airports can submit these required plans. Submissions of the plans should not be made prior to that date to ensure proper review and recording.

**FOR FURTHER INFORMATION OR TO**

**CONTACT:** Livaughn Chapman, Jr., or Laura Jennings, Office of the General Counsel, U.S. Department of Transportation, 1200 New Jersey Ave. SE., W-96-429, Washington, DC 20590-0001; Phone: (202) 366-9342; Fax: (202) 366-7152; Email: *Livaughn.Chapman@dot.gov*, or *Laura.Jennings@dot.gov*.

**SUPPLEMENTARY INFORMATION:**

#### Background

On February 14, 2012, President Obama signed the FAA Modernization and Reform Act of 2012 (the "Act") into law. Among other things, the Act requires U.S. carriers that operate scheduled passenger service or public charter service using any aircraft with a design capacity of 30 or more seats, and operators of large hub, medium hub, small hub, or non-hub U.S. airports, to submit contingency plans for lengthy tarmac delays to the Secretary of Transportation for review and approval no later than May 14, 2012.

The requirements of the Act do not conflict with the Department's existing tarmac delay rule (14 CFR part 259). The Act also permits the Department to establish, as necessary, minimum standards for contingency plans. As such, the specific requirements of Part 259 remain in effect for U.S. carriers.

U.S. carrier contingency plans must contain a provision that a passenger shall have the option to deplane an aircraft and return to the airport terminal when there is an excessive tarmac delay (3 hours for domestic flights and 4 hours for international flights) at each large hub, medium hub, small hub, or non-hub U.S. airport at which they operate scheduled or public charter air service, with the following exceptions: (1) Where an air traffic controller with authority over the aircraft advises the pilot in command that permitting a passenger to deplane would significantly disrupt airport operations; or (2) where the pilot in command determines that permitting a passenger to deplane would jeopardize passenger safety or security. The deplaning option must be offered to a passenger even if the flight in covered air transportation is diverted to a commercial airport other than the originally scheduled airport. Under the Act, U.S. carrier contingency plans must also contain a description of how the

carrier will: (1) Provide adequate food, potable water, restroom facilities, comfortable cabin temperatures (a requirement not currently contained in DOT rules), and access to medical treatment for passengers onboard an aircraft when the departure of a flight is delayed or disembarkation of passengers is delayed; and (2) share facilities and make gates available at the airport in an emergency (another requirement not currently in DOT rules). Existing DOT rules require carriers to provide assurance that the plan has been coordinated with airport authorities (including terminal facility operators where applicable), U.S. Customs and Border Protection and the Transportation Security Administration at each U.S. large hub airport, medium hub airport, small hub airport and non-hub airport that the carriers serve, as well as their regular U.S. diversion airports.

Under the statute airport contingency plans must contain a description of how the airport operator, to the maximum extent practicable, will: (1) Provide for the deplanement of passengers following excessive tarmac delays; (2) provide for the sharing of facilities and make gates available at the airport in an emergency; and (3) provide a sterile area following excessive tarmac delays for passengers who have not yet cleared U.S. Customs and Border Protection. DOT tarmac delay rules currently do not apply directly to airports.

The Enforcement Office intends to establish an electronic submission system, similar to the Department's current disability complaint reporting system, where covered airlines and airports will submit their required plans. The Enforcement Office is working to establish the necessary mechanisms to implement that system and plans to issue another notice within 45 days with detailed information on the submission process.

In defining the hub size of an airport, the Department uses the airport-specific thresholds published by the Department's Bureau of Transportation Statistics (BTS). A list of airport information for calendar year 2010 (the latest available data) is available on the FAA's Web site at [http://www.faa.gov/airports/planning\\_capacity/passenger\\_allcargo\\_stats/passenger/media/cy10\\_primary\\_enplanements.pdf](http://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger/media/cy10_primary_enplanements.pdf). In addition, a preliminary list of covered U.S. carriers provided by BTS can be found on the Department's Aviation Consumer Protection Division Web site at [http://airconsumer.ost.dot.gov/SA\\_FlightDelays.htm](http://airconsumer.ost.dot.gov/SA_FlightDelays.htm). Any U.S. carrier or airport on the referenced air carrier or airport lists that believes that it is not

covered by the statute and should not be on either list should notify one of the Department contacts listed above immediately. If any person, including any U.S. carrier or airport, believes that a carrier or airport is covered by the statute but does not appear on the appropriate list, that person should notify one of the Department contacts noted above immediately with that information.

The Enforcement Office's review of the contingency plans will concentrate on the statutory and existing regulatory requirements for such plans. However, carriers and airports are directed to the model contingency planning document, titled "Development of Contingency Plans for Lengthy Airline On-Board Ground Delays," that was developed by the National Task Force to Develop Model Contingency Plans to Deal with Lengthy Airline On-Board Ground Delays for contingency planning guidance. See Docket No. DOT-OST-2007-0108-0124. This document can also be found at <http://airconsumer.dot.gov/publications/TarmacTFModelContingencyPlanningDocument.pdf>. We also understand that the Airport Cooperative Research Program (ACRP) has developed some preliminary guidance materials in this area as well. Those materials can be found at <http://onlinepubs.trb.org/onlinepubs/acrp/docs/ACRP10-10.Update.10Dec2011.pdf>.

Issued this 24th day of February 2012, at Washington, DC.

**Samuel Podberesky,**  
Assistant General Counsel for Aviation Enforcement and Proceedings, U.S. Department of Transportation.

[FR Doc. 2012-4963 Filed 2-29-12; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2011-0036]

### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that by a document dated April 11, 2011, the City of Chandler, AZ, has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 222. FRA assigned the petition Docket Number FRA-2011-0036.

The City of Chandler is seeking a waiver from the provisions of 49 CFR Section 222.9 (specifically, the

definition of a non-traversable curb) so that three existing public crossings (Ray Road (DOT #741579U), Pecos Road (DOT #741674P), and Germann Road (DOT #741676D)) can be deemed acceptable supplemental safety measures (SSM). The crossings, equipped with flashing lights, gates, and medians, comply with all requirements necessary to be "gates with medians or channelization devices" SSMs with non-traversable curbs; except that the posted highway speed limit is 45 mph instead of 40 mph as required in the definition.

The City of Chandler is also seeking a waiver from the provisions of 49 CFR Section 222.35(b)(1) so that the active grade crossing warning devices at Commonwealth Avenue (DOT #741672B) and Frye Road (DOT #741673H) are not required to be equipped with constant warning time devices for the siding track at the crossings.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at <http://www.regulations.gov> and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE, W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

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 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 by April 16, 2012 will be considered by FRA

before final action is taken. Comments received after that date will be considered as far as practicable.

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), or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on February 17, 2012.

**Ron Hynes,**

*Acting Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2012-4967 Filed 2-29-12; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

February 27, 2012.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, on or after the date of publication of this notice.

**DATES:** Comments should be received on or before April 2, 2012 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV) and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 11020, Washington, DC 20220, or online at [www.PRAComment.gov](http://www.PRAComment.gov).

### FOR FURTHER INFORMATION CONTACT:

Copies of the submission(s) may be obtained by calling (202) 927-5331, email at [PRA@treasury.gov](mailto:PRA@treasury.gov), or the entire information collection request maybe found at [www.reginfo.gov](http://www.reginfo.gov).

### Internal Revenue Service (IRS)

OMB Number: 1545-NEW.