

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****[Docket Number FRA-2012-0027]****Petition for Waiver of Compliance**

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated March 2, 2012, the Heber Valley Railroad (HVRP) 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. FRA assigned the petition Docket Number FRA-2012-0027.

Specifically, HVRP seeks a waiver of compliance for 15 freight cars, from 49 CFR 215.303, which requires stenciling on restricted freight cars; and 49 CFR part 224, Reflectorization of Rail Freight Rolling Stock. HVRP also requested a Special Approval to continue in service of the same cars in accordance with 49 CFR Section 215.203(c). The ages of these cars are more than 50 years from their original construction dates, and therefore, are restricted per 49 CFR Section 215.203(a); unless HVRP receives a Special Approval from FRA.

HVRP stated that it is a nonprofit independent agency of the State of Utah doing business as the Heber Valley Railroad. This railroad was a former Denver and Rio Grande Western branch line. The trains operate on 16 miles of Class I and Class II track between Heber City and Vivian Park, UT, at no more than 25 mph. This line is a noninsular tourist railroad that is not connected to the general system. HVRP exercises complete control of the operation and maintenance of the freight cars, which are the subject of this waiver petition.

HVRP attached to the petition letter an Exhibit A, which lists the subject cars' types, reporting marks, construction, designs, type components, and other items causing the restriction of some of the cars.

HVRP stated that the main reason for the maintenance and operation of these historic cars is their status and attraction as operating historic artifacts. There would be few other uses worth the expense and effort that HVRP has put into the maintenance and upkeep of these cars. Each car is lettered and painted according to its appearance on its road of origin approximately 60 years ago, or in a scheme representing one of the railroads that would have originally purchased that type of car. HVRP further stated that stenciling the cars and adding reflectorization in order to meet the requirements of 49 CFR

Section 215.303 and Part 224 would violate the historic impression that the car is maintained to preserve.

The HVRP petition letter also mentioned that these freight cars have been inspected by HVRP shop personnel and have been deemed safe for service. These restricted cars are limited in their service by speed, lading, and territory. HVRP's track is not connected to the general system. The subject cars will be operated at speeds not exceeding 25 mph, with light tonnage loading, if any. These cars will never be subject to regular railroad interchange operations.

HVRP believes that the restricted cars will always be operated in a context that ensures that each car and its sensibilities are readily accessible and known both to HVRP, as operator; and to FRA, as enforcer of 49 CFR part 215. In making this request, HVRP understands that a permanent roster of restricted cars shall be maintained for the benefit of the railroad and FRA at all times.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](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 July 20, 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 May 30, 2012.

**Ron Hynes,**

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

[FR Doc. 2012-13501 Filed 6-4-12; 8:45 am]

**BILLING CODE 4910-06-P**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****[DOT Docket No. NHTSA-2012-0012]****Proposed Collection of Information; Alcohol Impaired Driving Countermeasures**

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

**ACTION:** Request for public comment on proposed collection of information.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), on February 9, 2012 the agency published a 60 day notice in the **Federal Register** soliciting public comment on the proposed information collection abstracted below. In further compliance with the PRA, the agency now publishes this second notice announcing the submission of its proposed collection to the Office of Management and Budget (OMB) for review and notifying the public about how to submit comments in the proposed collection to OMB during the 30-day comment period. The **Federal Register** Notice with a 60-day comment period was published on February 9, 2012 Vol. 77, No. 27, Page 6856.

**DATES:** Comments must be submitted on or before July 5, 2012.

**ADDRESSES:** Comments must refer to the docket notice numbers cited at the beginning of this notice and be

submitted to Docket Management, Room PL-401, 400 Seventh Street SW., Washington, DC 20590. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB clearance Number. It is requested, but not required, that 2 copies of the comment be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** Jackie Schraf at the National Highway Traffic Safety Administration, Office of Regional Operations and Program Delivery (NTI-200), 1200 New Jersey Avenue SE., W46-496, Washington, DC 20590. MS. Schraf's telephone number is (202) 366-3990. Please identify the relevant collection of information by referring to its OMB Control Number.

**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 public 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:

- (i) 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;
- (ii) 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;
- (iii) How to enhance the quality, utility, and clarity of the information to be collected;
- (iv) 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 proposed collections of information:

*Title:* 23 CFR, Part 1313, Alcohol Impaired Driving Countermeasures—Section 410.

*OMB Number:* 2127-0501.

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

*Affected Public:* The 50 States, the District of Columbia, Puerto Rico, Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

*Abstract:* An impaired driving incentive grant is available to States that have an alcohol fatality rate of 0.5 or less per 100 million vehicle miles traveled as determined by using the most recent Fatality Analysis Reporting System (FARS) data or that are one of the ten States that have the highest alcohol related fatality rates as determined by using the most recent FARS data. States designated as a high fatality rate State must submit a grant expenditures plan for conducting a high visibility impaired driving law enforcement program and a report on the previous years activities. States may also qualify through meeting specified program criteria. To demonstrate compliance using program criteria a State must submit an application that shows how they met three of eight criteria in FY2006, four of eight criteria in FY2007 and five of eight criteria in FY2008, FY2009, and beyond.

*Estimated Annual Burden:* 1261 hours annually.

*Estimated Number of respondents:* 49.

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments estimate of the burden of the proposed information collection; and ways to enhance quality and clarity of information.

**Mary D. Gunnels,**

*Associate Administrator, Regional Operations and Program Delivery.*

[FR Doc. 2012-13553 Filed 6-4-12; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35594]

#### **Eric Temple—Control Exemption—Portland Vancouver Junction Railroad, LLC**

**AGENCY:** Surface Transportation Board.

**ACTION:** Correction to Notice of Exemption.

On February 6, 2012, Eric Temple (applicant), a noncarrier individual, filed with the Surface Transportation Board a verified notice of exemption to acquire direct control of Portland Vancouver Junction Railroad, LLC (PVJR), a wholly owned subsidiary of Columbia Basin Railroad Company, Inc. (CBRW), upon his acquiring 100% of the membership interest in PVJR. On February 22, 2012, notice of the exemption was served and published in the **Federal Register** (77 FR 10,618). The exemption became effective on March 7, 2012.

On April 24, 2012, applicant filed a letter with the Board advising that the notice incorrectly states that CBRW, which is an entity controlled by applicant and Nicholas B. Temple, leases and operates its rail lines. This notice corrects that statement. According to applicant, CBRW owns and operates approximately 74 miles of rail line, and has trackage rights over approximately 13 miles of rail line.<sup>1</sup> All other information in the notice is correct.

Board decisions and notices are available on our Web site at “[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).”

Decided: May 25, 2012.

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

**Derrick A. Gardner,**

*Clearance Clerk.*

[FR Doc. 2012-13538 Filed 6-4-12; 8:45 am]

**BILLING CODE 4915-01-P**

<sup>1</sup> See *Columbia Basin R.R.—Acquis. and Operation Exemption—BNSF Ry. & BNSF Acquis.*, FD 35066 (STB served Nov. 16, 2007).