

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.

Beaver Lawrence Railway Historical Society

[Waiver Petition Docket Number FRA-2010-0121]

The Beaver Lawrence Railway Historical Society (Society) seeks a waiver of compliance from certain provisions of 49 CFR part 215, *Railroad Freight Car Safety Standards*, specifically 49 CFR 215.303 (Stenciling of restricted cars), which requires that restricted railroad freight cars shall be stenciled or marked in clearly legible letters with the letter "R" and a series of designated terms to completely indicate the basis for the restricted operation of the car. In addition, the Society seeks a waiver of compliance from certain provisions of 49 CFR part 223, *Safety Glazing Standards*, specifically 49 CFR 223.13 (Requirements for existing cabooses), and all of 49 CFR part 224, *Reflectorization of Rail Freight Rolling Stock*.

Specifically, the Society's petition concerns four caboose cars: former PRR 477974, built in 1942; former NKP 479, built in 1962; former PC 18216, built in 1968; and former KKRR 604, built in 1902, and rebuilt in 1986. Two of the Society's caboose cars in the present petition are more than 50 years old, measured from the date of original construction, and these caboose cars are the subject of a parallel petition for special approval for continued operation under § 215.203(c). Therefore, in the first portion of its petition, the Society seeks a waiver of the requirement for stenciling found in § 215.303, as the Society states that the stenciling would detract from both the aesthetic and historical nature of the vintage rail car equipment. Secondly, the Society petitions for relief from the glazing requirements of § 223.13 for caboose NKP 479 due to the financial hardship to the Society. Finally, the Society petitions for relief from all of the requirements of 49 CFR Part 224, as

the railroad states that reflectorization would detract from both the aesthetic and historical nature of their vintage equipment.

The Society states that the regulations for which relief are requested are inherently in conflict with the Society's educational mission and not relevant to daylight only, non-interchange operation. The Society also states that the costs of compliance are disproportionate to the value of the equipment and detract from the historical accuracy of the cars.

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-2010-0121) 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 (Volume 65, Number 70; Page 19477) or at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC on September 7, 2010.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

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Kansas City Southern Railroad Company

[Waiver Petition Docket Number FRA-2010-0127]

The Kansas City Southern Railroad Company (KCS) has petitioned for a waiver of compliance from the requirements of 49 CFR part 229, *Railroad Locomotive Safety Standards*, specifically § 229.49(a)(1), which states that main reservoir system of each locomotives shall have a safety valve to prevent accumulation of pressure more than 15 psi above the maximum working air pressure. The specific petition requests relief for 235 locomotives numbered KCS 4575-4624, KCSM 4500-4574, KCS 4680-4709, KCSM 4650-4679, and KCSM 4710-4759. KCS seeks authority to continue to operate with the main reservoir safety valve set at 150 psi with a maximum air pressure of 130 psi. KCS believes that there have been no adverse effects on the safety of operations and that safety is in no way compromised.

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.