

**Docket:** For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The DMS is available 24 hours each day, 365 days each year. If you want acknowledgement that we received your comments, please include a self-addressed, stamped envelope or post card or print the acknowledgement page that appears after submitting on-line.

**Privacy Act:** Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** on April 11, 2000 (65 FR 19477-78; Apr. 11, 2000). This information is also available at <http://Docketinfo.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Peter Chandler, Federal Motor Carrier Safety Administration, Office of Enforcement and Compliance, Commercial Passenger Carrier Safety Division, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: (202) 366-5763, or e-mail [peter.chandler@dot.gov](mailto:peter.chandler@dot.gov).

#### **SUPPLEMENTARY INFORMATION:**

**Background:** On September 28, 1998, DOT issued final regulations, in response to the ADA, which required operators of over-the-road buses to provide service accessible (OTRBs) to persons with disabilities and to ensure that all new OTRBs were accessible to such persons, including those who use wheelchairs. DOT is required by 49 CFR 37.215 to review the various requirements within the ADA regulations for OTRB companies. As part of this review, DOT is required to consider certain factors, including the percentage of accessible OTRBs in the fleets of OTRB companies, the success of such companies at meeting the requests of passengers with disabilities for accessible OTRBs in a timely manner, ridership of OTRBs by passengers with disabilities, volume of complaints by passengers with disabilities, and the cost and service impacts of these requirements. After the review, DOT is required to decide whether it is appropriate to revise the ADA regulations for OTRB companies (i.e. whether certain provisions of the ADA regulations should be removed,

modified, or made more stringent). DOT has a currently approved information collection under control number 2100-0019 to provide the Agency with data for use in its review of the ADA-related requirements and to monitor compliance by OTRB companies. Such data are reported to FMCSA. For the section 37.215 review, FMCSA is providing data and analytical support to the DOT's Office of the Secretary. Additional data collection from OTRB companies is necessary in order for DOT to conduct an effective review and make an informed regulatory policy decision. Specifically, data about bus fleet accessibility, fulfillment of accessible bus requests, and ridership and volume of complaints by passengers with disabilities, are needed from OTRB companies. FMCSA would send letters to approximately 3,800 registered OTRB companies that will be requested to complete and submit an enclosed form.

**Title:** Survey of Over-the-Road Bus Companies about Accessible Transportation for Individuals with Disabilities.

#### **Type of Information Collection**

**Request:** New information collection.

**Respondents:** Private entities that operate OTRBs, are primarily in the business of transporting people, and whose operations affect commerce.

**Estimated Number of Respondents:** 3,800.

**Estimated Time per Response:** The estimated average burden per response is 15 minutes.

**Estimated Total Annual Burden:** 950 hours [3,800 responses × 15 minutes/60 minutes per response = 950 hours].

**Frequency of Response:** This proposed information collection is planned to be conducted only once in a year. FMCSA may request the information be reported a second time 12 months after the initial request for a second 12-month period of data. A decision to request the information for a second time will be based upon the number of responses and the content of such responses to the initial request.

**Public Comments Invited:** Interested parties are invited to send comments regarding any aspect of this information collection, including but not limited to: (1) Whether the proposed collection is necessary for the performance of DOT's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the

request for OMB's clearance for this information collection.

Issued on: April 14, 2008.

**Michael S. Griffith,**

*Acting Associate Administrator, Research and Information Technology.*

[FR Doc. E8-8670 Filed 4-21-08; 8:45 am]

**BILLING CODE 4910-EX-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) received a request for waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the parties seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### **BNSF Railway Company**

(Docket Number FRA-2008-0034)

BNSF Railway Company (BNSF) has submitted a waiver petition to extend the deadline established by 49 CFR 236.18(b) for the complete implementation of their Software Management Control Plan (SMCP), pursuant to 49 CFR 211.7.

BNSF's development and implementation of software tools to handle the gathering of office and field information has taken significantly longer than anticipated. Once those systems were built, the metadata (data used to define hardware and software configurations) to describe the types of units, modules, software, and other parameters has also taken much longer than anticipated. While BNSF is continuing to develop software, gather metadata on processor-based software and modules, gather field software information, and resolve differences in office and field data, much of the needed information has required suppliers to perform extensive searches through their archives, reformat the data, and populate the metadata.

Since many processor-based units actually need to be powered down to verify the software, BNSF is gathering additional hardware information at the same time to minimize the impact of operations. Gathering hardware modification level information on cabinets and modules goes beyond the requirements of 49 CFR 236.18 (unless software related); but BNSF asserts that this safety improvement is required.

With this information, BNSF should be able to uniformly address any necessary manufacturer bulletins and updates at the same time while gathering software and hardware information.

The software development time, the time it has taken to gather manufacturer information, the training time, the time for field personnel to gather information, the time for resolution of differences, and the time needed for verification of modification levels, all place BNSF's timeline to comply with 49 CFR 236.18(b) significantly beyond the required date of June 6, 2008. To that extent, BNSF requests a waiver for relief from the June 6, 2008, deadline established by 49 CFR 236.18(b), and asserts that it will need a 12-month extension to allow for the complete implementation of their SMCP no later than June 5, 2009. BNSF does identify specific milestones of an intended percentage of completion during the 12-month extension period.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. All communications concerning these proceedings should identify the appropriate Docket Number (Docket Number FRA-2008-0034) and may be submitted by one 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.

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.

Communications received within 30 days of the date of this notice will be considered by FRA before final action being taken. Comments received after this period 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 DOT Docket Management Facility, 1200 New Jersey Avenue, SE., Room W12-140, in Washington, DC. All documents in the public docket are also available for inspection and copying on the Internet 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 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 the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

Issued in Washington, DC on April 16, 2008.

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

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

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### Office of Hazardous Materials Safety; Notice of Applications for Modification of Special Permit

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of Applications for Modification of Special Permit.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special

permits from the Department of Transportation's Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Request of modifications of special permits (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. Their applications have been separated from the new application for special permits to facilitate processing.

**DATES:** Comments must be received on or before May 7, 2008.

*Address Comments to:* Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

#### FOR FURTHER INFORMATION CONTACT:

Copies of the applications are available for inspection in the Records Center, East Building, PHH-30, 1200 New Jersey Avenue SE., Washington DC or at <http://dms.dot.gov>.

This notice of receipt of applications for modification of special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 14, 2008.

**Delmer F. Billings,**

*Director, Office of Hazardous Materials, Special Permits and Approvals.*

## MODIFICATION SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
8495-M .....	.....	Kidde Aerospace, Wilson, NC.	49 CFR 173.304(a)(1); 178.47; 175.3.	To modify the special permit to authorize the use of stainless steel in the manufacture of pressure vessels
12412-M .....	RSPA006827	Maumee Valley Bottlers, Inc., Napoleon, OH.	49 CFR 177.834(h); 172.203(a); 172.302(c).	To modify the special permit to authorize the transportation in commerce of IBCs equipped with pressure hoses without draining those hoses
13583-M .....	RSPA0418507	Structural Composites Industries, Pomona, CA.	49 CFR 178.35 .....	To modify the special permit to authorize an alternative pressure test