

capture the uncertainties due to weather and the inability to perform significant mitigation at the launch site on the day of launch.

#### A. Analysis of the Updated Risk Assessment

The FAA's original waiver analyzed ULA and Lockheed's proposals using the waiver criteria established by our statutory and regulatory framework. Section 50905(b)(3) allows the FAA to waive a license requirement if the waiver (1) will not jeopardize public health and safety, and safety of property; (2) is in the public interest; and (3) will not jeopardize national security and foreign policy interests of the United States. *See also* 49 CFR 404.5(b). We reapply those same criteria here.

##### 1. Public Health and Safety, and Safety of Property

The FAA's initial waiver examined ULA and Lockheed's proposal in comparison with the historically acceptable launch risk levels at other Federal agencies to determine whether the mission would fall within those parameters. The rationale for our approval of ULA and Lockheed's prior waiver requests applies equally to their revised risk assessment. Although the FAA's regulations prohibit debris risk in excess of  $30 \times 10^{-6}$ , a waiver is warranted in this case because the United States Government's experience conducting other space missions with risk in excess of  $100 \times 10^{-6}$  demonstrates that the risks of this mission are consistent with the public health and safety, and the safety of property. As we stated in our March 10, 2014, *Notice of Waiver*, the United States Government has repeatedly accepted risk for government launches in excess of the FAA's  $30 \times 10^{-6}$ , without negative consequences for safety. 79 FR at 13376. The Space Shuttle, for example, used a debris risk criterion of  $200 \times 10^{-6}$  for launch risk to the public. *See* NASA's Implementation Plan for Space Shuttle Return to Flight and Beyond, Vol. 1 Final Edition, at 2–39 (May 15, 2007). In addition, in 2005, the U.S. Air Force accepted risk levels in a government launch ranging from  $145$  to  $317 \times 10^{-6}$ . Dept. of the Air Force Memorandum, Overflight Risk Exceedance Waiver for Titan IV B–30, Mission (Apr. 4, 2005).

ULA's updated launch risk of  $217 \times 10^{-6}$  is still less than the risk levels previously approved for a government launch. Accordingly, granting a waiver of §§ 417.107(b)(1) and 431.35(b)(1)(i) in this case does not jeopardize the public

health and safety, or the safety of property.

##### 2. Public Interest

The FAA looks to its enabling statute to determine how Congress has defined the public interest. The FAA implements the agency's statutory mandate to encourage the development of commercial space capabilities and the continuous improvement of the safety of launch vehicles designed to carry passengers. 51 U.S.C. 50901(b).

As with their initial petition, ULA and Lockheed's petition for an amended waiver are consistent with the public interest because the test flight is necessary to the development of NASA's human-missions capability beyond Earth orbit.

#### D. National Security and Foreign Policy Interests

The FAA has not identified any national security or foreign policy implications associated with amending this waiver.

#### Summary and Conclusion

The FAA determines that amending the waivers associated with this mission will not jeopardize public health and safety or safety of property. In addition, amending the waivers is in the public interest because it accomplishes the goals of Chapter 509 and does not unduly increase risk to the public. Finally, amending the waivers will not jeopardize national security and foreign policy interests of the United States. The FAA therefore amends its prior waivers of the requirements of 14 CFR 417.107(b)(1) and 431.35(b)(1)(i) for launch and mission risk, respectively, to allow launch risk of an  $E_c$  of  $217 \times 10^{-6}$  and total mission risk of  $218 \times 10^{-6}$ .

Issued in Washington, DC, on November 26, 2014.

**Kenneth Wong,**

*Licensing and Evaluation Division Manager.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA–2014–0011–N–22]

#### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this notice announces that the renewal Information Collection Requests (ICR) abstracted below are being forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection of information was published on September 5, 2014 (79 FR 56616).

**DATES:** Comments must be submitted on or before January 5, 2015.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 25, Washington, DC 20590 (Telephone: (202) 493–6292), or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (Telephone: (202) 493–6132). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, sec. 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On September 5, 2014, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICR that the agency is seeking OMB approval. *See* 79 FR 56616. FRA received no comments in response to this notice.

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507 (b)-(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5

CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summary below describes the nature of the information collection request (ICR) and the expected burden. The revised request is being submitted for clearance by OMB as required by the PRA.

*Title:* Identification of Cars Moved in Accordance with Order 13528.

*OMB Control Number:* 2130-0506.

*Abstract:* This collection of information identifies a freight car being moved within the scope of Order 13528 (now codified at under 49 CFR 232.3). Otherwise, an exception will be taken, and the car will be set out of the train and not delivered. The information that must be recorded is specified at 49 CFR 232.3(d)(3), which requires that a car be properly identified by a card attached to each side of the car and signed stating that such movement is being made under authority of the Order. Section 232.2(d)(3) does not require retaining cards or tags. When a car bearing a tag for movement under this provision arrives at its destination, the tags are simply removed. This requirement/record comes into play only when a railroad finds it necessary to move equipment as specified above. FRA estimates that approximately 400 cars per year are moved under this Order.

*Request:* Extension without change of a currently approved information collection.

*Affected Public:* Businesses (Railroads).

*Form(s):* N/A.

*Annual Estimated Burden:* 67 hours.

*Title:* U.S. Locational Requirement for Dispatching U.S. Rail Operations.

*OMB Control Number:* 2130-0556.

*Abstract:* Part 241 requires, in the absence of a waiver, that all dispatching of railroad operations that occurs in the United States be performed in this country, with a minor exception. A railroad is allowed to conduct extraterritorial dispatching from Mexico or Canada in emergency situations, but only for the duration of the emergency. A railroad relying on the exception must provide written notification of its action to the FRA Regional Administrator of each FRA region in which the railroad operation occurs; such notification is not required before addressing the emergency situation. The information collected under this rule will be used as part of FRA's oversight function to ensure that extraterritorial dispatchers comply with applicable safety regulations.

*Request:* Extension without change of a currently approved information collection.

*Affected Public:* Businesses (Railroads).

*Form(s):* N/A.

*Annual Estimated Burden:* 8 hours.

*Addressee:* Send comments regarding this information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street NW., Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: [oir\\_a\\_submissions@omb.eop.gov](mailto:oir_a_submissions@omb.eop.gov).

*Comments are invited on the following:* Whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

*Authority:* 44 U.S.C. 3501-3520.

Issued in Washington, DC, on December 1, 2014.

**Rebecca Pennington,**  
*Chief Financial Officer.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2009-0074]

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations, this document provides the public notice that by a document dated October 14, 2014, the Canadian National Railway Company (CN), Brotherhood of Locomotive Engineers and Trainmen (BLET), and International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART), have jointly petitioned the Federal Railroad Administration (FRA) for an extension of their waiver of compliance from certain provisions of the Federal hours of service laws contained at 49 U.S.C. 21103(a)(4). FRA assigned the petition Docket Number FRA-2009-0074.

In their petition, CN, BLET, and SMART seek relief from 49 U.S.C.

21103(a)(4), which, in part, requires a train employee to receive 48 hours off duty after initiating an on-duty period for 6 consecutive days. Specifically, CN, BLET, and SMART seek a waiver to allow a train employee to initiate an on-duty period, each day, for 6 consecutive days followed by 24 hours off duty. In support of the request, CN, BLET, and SMART explained that CN has operated these schedules of 6 consecutive on-duty periods followed by 24 hours off duty successfully since 2002. CN, BLET, and SMART indicate that these schedules have not had an adverse impact on safety.

CN provided work schedules for the employees covered by the waiver, which shows them reporting for work within pre-set 4-hour calling spreads with a regular rest day. CN also provided an analysis of the most current 12-month period of train-employee on-duty human factor-related accidents and injuries. CN indicates that its analyses revealed that of the 22 human factor-related accidents involving CN employees in the preceding 12 months, none involved employees covered under the waiver working 6 consecutive days followed by 24 hours off duty. Finally, CN said that all employees covered by the waiver were provided information about the waiver extension petition, and that there were no objections to the waiver extension by these employees.

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.