

Despite the termination of the consultant contact, the Virginia Department of Transportation considered other options that might lead to the development of the Western Transportation Corridor. In 2004, the Virginia Department of Transportation put out a request to the private sector soliciting their interest in developing the Western Transportation Corridor. The solicitation did not elicit any interest, so the Virginia Department of Transportation will not continue to pursue the development of the Western Transportation Corridor at this time or the preparation of an Environmental Impact Statement.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this proposed action.)

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: February 8, 2005.

Edward S. Sundra,

Senior Environmental Specialist.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describes the nature of the information collections and their expected burdens. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection of information was published on December 10, 2004 (69 FR 71869).

DATES: Comments must be submitted on or before March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292), or Debra Steward, Office of Information

Technology and Productivity Improvement, RAD-20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6139). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Pub. L. 104-13, 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 December 10, 2004, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. 69 FR 71869. FRA received no comments after issuing this notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

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 requirements (ICRs) and the expected burden. The proposed requirements are being submitted for clearance by OMB as required by the PRA.

Title: Safety Integration Plans.

OMB Control Number: 2130-0557.

Type of Request: Extension of a currently approved collection.

Affected Public: Railroads.

Form(s): N/A.

Abstract: The Federal Railroad Administration (FRA) and the Surface Transportation Board (STB), working in conjunction with each other, issued

joint final rules establishing procedures for the development and implementation of safety integration plans ("SIPs" or "plans") by a Class I railroad proposing to engage in certain specified merger, consolidation, or acquisition of control transactions with another Class I railroad, or a Class II railroad with which it proposes to amalgamate operations. The scope of the transactions covered under the two rules is the same. FRA will use the information collected, notably the required SIPs, to maintain and promote a safe rail environment by ensuring that affected railroads (Class Is and some Class IIs) address critical safety issues unique to the amalgamation of large, complex railroad operations.

Annual Estimated Burden Hours: 528 hours.

ADDRESSES: Send comments regarding these 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 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 February 9, 2005.

Kathy A. Weiner,

Director, Office of Information Technology and Support Systems, Federal Railroad Administration.

[FR Doc. 05-3015 Filed 2-16-05; 8:45 am]

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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 a waiver of compliance with 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.

Uniontown Central Railroad (UTCV) (Waiver Petition Docket Number FRA-2004-19999)

The Uniontown Central Railroad (UTCV) seeks a waiver of compliance from certain provisions of the Safety Glazing Standards, 49 CFR part 223, which requires certified glazing in all windows.

This request is for two (2) cabooses, Car Numbers PC 18086 (built in 1946) and P&LE 504 (built in 1956), and one locomotive, UTCV 5656. The UTCV claims that its operation has low incidence of vandalism, the windows of these cabooses and locomotive are of odd sizes, and the costs of FRA Type I and II glazing are high. In addition, the UTCV stated that the maximum speed of its equipment is 20 miles per hour.

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 2004-19999) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. 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://dms.dot.gov>.

Anyone is able to search the electronic form of all 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). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC, on February 9, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 05-3018 Filed 2-16-05; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2003-14826, Notice 2]

Nissan North America Inc., Notice of Grant of Application for Decision of Inconsequential Noncompliance

Nissan North America (Nissan) has determined that some 2002-2003 Model Year (MY) Altimas are equipped with side marker lamps that fail to comply with certain requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, "Lamps, Reflective Devices and Associated Equipment." Nissan has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports." Nissan has also applied to be exempted from the notification and remedy requirements of 49 U.S.C Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published in the **Federal Register** (68 FR 60147) on October 21, 2003. Opportunity was afforded for public comment until November 20, 2003. Comments were received from lighting manufacturers Koito Manufacturing Co., LTD. (Koito), and North American Lighting (NAL). Nissan submitted a letter September 28, 2004, in support of its petition; this letter referenced a FMVSS No. 108 final rule published in the **Federal Register** (69 FR 48805) on August 11, 2004. Nissan also submitted data in support of its letter on October 22, 2004.

Paragraph S5.1.1 of FMVSS No.108 states that " * * * each vehicle shall be equipped with at least the number of lamps, reflective devices, and associated equipment specified in Tables I and III and S7, as applicable. Required equipment shall be designed to conform to the SAE Standards or Recommended Practices referenced in those tables * * * Table III applies to passenger cars

and motorcycles and to multipurpose passenger vehicles, trucks, trailers, and buses less than 80 inches in overall width." For side marker lamps, Table III lists SAE J592e, July 1972, which in turn requires section J "Photometry Test" of SAE J575 to be met. Section J of SAE J575 states that "when making photometric measurements at specified test points, the candlepower requirements between test points shall not be less than the lower specified value of two closest adjacent test points for minimum values." The specified photometric value required for amber side markers such as those used on the subject Nissan Altimas is 0.62 cd.

Nissan stated that extensive testing has shown that the side marker lamps consistently meet the photometric requirements at the required test points, but that the lamps fail to satisfy the requirement to maintain the lower minimum intensity value of two test points between those test points. However, Nissan stated that the noncompliance does not affect the primary purpose of the lamps to provide proper visibility allowing identification of the front edge of the vehicle at night. Nissan argued that the reported noncompliance is inconsequential as it relates to motor vehicle safety. In its letter received by the agency on September 28, 2004, Nissan discussed the applicability of the cited final rule that amended requirements of FMVSS No. 108. Nissan pointed out that the final rule contained a provision for side marker lamps mounted less than 750 mm above the road surface that allows compliance with photometric requirements at a 5 degree downward visibility angle instead of the previously required 10 degree downward visibility angle. Nissan stated that the Altima side marker lamps would be compliant under the amended Standard because the light output at 5 degrees downward surpasses the minimum requirement of 0.62 cd at, and between, test points.

Both of the public comments received, from Koito and NAL, supported granting Nissan's petition. Both companies stated they believe the noncompliance in question is inconsequential to motor vehicle safety. They supported this conclusion with various comments that indicated a belief that the ability to recognize the presence of the subject Altimas, as well as the overall length of these vehicles, is not adversely impacted by the noncompliance in question.

We have reviewed Nissan's rationale for granting the petition and we agree. The aforementioned final rule published on August 11, 2004, did indeed amend the photometric requirement for low-