

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****[Docket Number FRA-2012-0054]****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 June 15, 2012, the National Railroad Passenger Corporation (Amtrak) 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 242.403-(b), (c)(1)-(3), (d), (e)(1)-(4), (e)(6)-(11), (e)(13) and f(1)-(2). FRA assigned the petition Docket Number FRA-2012-0054.

The Confidential Close Call Reporting System (C3RS) pilot project for Amtrak was initially approved by FRA on May 11, 2010. In Docket Number FRA-2010-27678, Amtrak requested and was granted a waiver of certain provisions of 49 CFR Part 240, which governs the certification of locomotive engineers, to support the pilot project. On May 11, 2010, FRA granted the waiver for a period of 5 years. The railroad now requests a similar waiver from the conductor certification regulations for purposes of participating in the C3RS pilot project. Amtrak, the Brotherhood of Locomotive Engineers and Trainmen, and the United Transportation Union desire to shield the reporting employee and the railroad from punitive sanctions that would otherwise arise, as provided in selected sections of 49 CFR Part 242, to encourage conductor reporting of close calls and protect conductors and Amtrak from discipline or sanctions arising from the incidents reported pursuant to the Memorandum of Understanding for the C3RS, dated May 11, 2010.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at 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. If you do not have access to the Internet, please contact FRA's Docket Clerk at (202) 493-6030, who will provide necessary information concerning the contents of the petition.

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 within November 26, 2012 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.

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 October 2, 2012.

Ron Hynes,

Director, Office of Safety Assurance and Compliance.

[FR Doc. 2012-24920 Filed 10-9-12; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****[Docket No. AB 1102X]****Indiana Northeastern Railroad Company—Abandonment Exemption—In Branch and St. Joseph Counties, MI**

Indiana Northeastern Railroad Company (IN) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon 19.37 miles of rail line located

between milepost 81.32 near Coldwater in Branch County, Mich., and milepost 100.69 near Sturgis in St. Joseph County, Mich. (the Line). The Line traverses United States Postal Service Zip Codes 49036, 49028, 49030 and 49091.

IN has certified that: (1) No local traffic has moved over the Line for at least two years; (2) overhead traffic on the Line, if any, can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on November 8, 2012, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 19, 2012. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 29, 2012, with the Surface Transportation Board, 395 E

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See *Regulations Governing Fees for Servs. Performed in Connection with Licensing and Related Servs.—2012 Update*, EP 542 (Sub-No. 20) (STB served July 27, 2012).