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**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**List of Special Permit Applications Delayed**

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

**ACTION:** List of Applications Delayed more than 180 days.

**SUMMARY:** In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list

of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

**FOR FURTHER INFORMATION CONTACT:** Ryan Paquet, Director, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

**Key to "Reason for Delay"**

- 1. Awaiting additional information from applicant

- 2. Extensive public comment under review
- 3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.
- 4. Staff review delayed by other priority issues or volume of special permit applications.

**Meaning of Application Number Suffixes**

- N—New application
- M—Modification request
- R—Renewal Request
- P—Party to Exemption Request

Issued in Washington, DC, on April 9, 2013.

**Donald Burger,**  
*Chief, General Approvals and Permits.*

Application No.	Applicant	Reason for delay	Estimated date of completion
<b>New Special Permit Applications</b>			
15650-N .....	JL Shepherd & Associates, San Fernando, CA .....	3	05-31-2013
15720-N .....	Digital Wave Corporation, Centennial, CO .....	3,1	05-31-2013
15725-N .....	Toray Composites (America), Tacoma, WA .....	4	05-31-2013
15727-N .....	Blackhawk Helicopters, El Cajon, CA .....	4	05-31-2013
<b>Renewal Special Permits Applications</b>			
14455-R .....	EnergySolutions, LLC, Columbia, SC .....	3	04-30-2013
14832-R .....	Trinity Industries, Inc., Dallas, TX .....	3	05-31-2013
15228-R .....	FedEx Express, Memphis, TN .....	3	05-31-2013

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**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[Docket No. FD 35724]

**California High-Speed Rail Authority—Construction Exemption—in Merced, Madera and Fresno Counties, Cal**

On March 27, 2013, California High-Speed Rail Authority (Authority), a noncarrier state agency, filed a petition for exemption (Petition) under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct an approximately 65-mile dedicated high-speed passenger rail line between Merced and Fresno, California (the Project). Concurrently, the Authority filed a motion to dismiss the Petition for lack of jurisdiction (Motion to Dismiss), asserting that the Project does not require Board approval under 49 U.S.C. 10901 because it will be located entirely within California, will provide only intrastate passenger rail service, and will not be constructed or operated "as part of the interstate rail

network" under 49 U.S.C. 10501(a)(2)(A).

The Project is one section of the planned California High-Speed Train System (HST). Also referred to as the Merced to Fresno HST Section,<sup>1</sup> the Project would be the first of nine sections of the HST, which, when complete, would provide intercity passenger rail service at speeds up to 220 miles per hour over more than 800 miles of rail line, primarily between San Diego and San Francisco.<sup>2</sup> The Authority intends to construct the Project in segments and plans to award contracts for the final design and construction of the first 29-mile portion of the approximately 65-mile line in the Project in the spring or summer of 2013.<sup>3</sup> For that reason, the Authority requests expedited consideration of the Petition and Motion to Dismiss and a decision effective by June 17, 2013.

To date, the Board has received comments from Federal, state and local

elected officials, residents, landowners, water districts, school districts, grassroots organizations, and other interested parties. Several of those parties have requested an extension of the 20-day period for replies under 49 CFR 1104.13(a). On April 11, 2013, the Authority responded that it would have no objection to a 15-day extension of the deadline for filing replies to the Motion to Dismiss and Petition (to May 1) but would object to a longer extension.<sup>4</sup> By decision served April 15, 2013, the Board instituted a proceeding and tolled the period for filing responses to the Petition and the Motion to Dismiss pending further Board order.

*Motion to Dismiss.* The record currently before the Board, along with other publicly available materials, provides sufficient information for the Board to conclude that it has jurisdiction over construction of the California HST system, including the Project. Therefore, replies to the Motion to Dismiss are unnecessary, and the Motion to Dismiss will be denied. The Board will set forth its reasons for

<sup>1</sup> Pet. 2.

<sup>2</sup> Pet. 3. The entire HST system will connect the major population centers of Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego. *Id.*

<sup>3</sup> Pet. 4, 13-14.

<sup>4</sup> Authority Reply 3-4.

denying the Motion to Dismiss in its subsequent decision on the merits.

*Replies to the Petition for Exemption.* Given the significant interest in public participation in this proceeding, the period for replies to the Petition will be extended to May 8, 2013, to permit sufficient time for interested persons to prepare and file responses. The Board will determine whether the exemption criteria under 49 U.S.C. 10502(a) are satisfied after reviewing the public comments.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

*It is ordered:*

1. The Authority's Motion to Dismiss is denied.

2. Replies to the Petition are due by May 8, 2013.

3. This decision will be published in the **Federal Register**.

4. This decision is effective on its service date.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Mulvey. Vice Chairman Begeman concurred in part and dissented in part.

*Vice Chairman Begeman*, concurring in part and dissenting in part:

I agree that sufficient information exists about the proposed California High-Speed Train System (HST) to conclude that the Board has jurisdiction over it, based largely on the publicly available information that I have been reviewing since the Petition and Motion to Dismiss were filed last month. But that is where my agreement with this decision ends.

The Board's finding of jurisdiction should be accompanied by a rationale to support that finding, instead of waiting to disclose it in a subsequent decision, which could be weeks, if not months, from today. Such an approach is rare by this agency and is one that I cannot support here, not only because it is important for the California High-Speed Rail Authority to know the reasons we reached this finding, but also to inform other States that are planning high-speed rail projects so they can ensure full compliance with our regulations, as appropriate.

Further, I believe that if we have enough information to conclude that we have jurisdiction over this matter, we also have enough information to determine whether it falls within the statutory exemption criteria under 49 U.S.C. 10502. In my view, continued regulation by the Board is necessary here to carry out the rail transportation policy of 49 U.S.C. 10101, and a project of this size and magnitude in terms of cost and miles—estimated at over \$68

billion and 800 miles of rail line—is not one of “limited scope.” We should direct the Authority to file an application so that the Board can fully review and analyze the proposal. The scope of the project and significant interest in public participation, which this decision itself recognizes, mandates it.

I can appreciate the Board's desire to meet the Authority's request for expedited consideration, and it is unfortunate that the Authority didn't come to the Board in a more timely manner than it did. But the Authority's own deadline should not come at the expense of a full and thorough review by the Board.

**Derrick A. Gardner,**  
*Clearance Clerk.*

[FR Doc. 2013–09682 Filed 4–23–13; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF THE TREASURY

### Study and Report to Congress on Natural Catastrophes and Insurance

**AGENCY:** Federal Insurance Office, Department of the Treasury.

**ACTION:** Notice; request for comment; call for papers.

**SUMMARY:** Section 100247 of the Biggert-Waters Flood Insurance Reform Act of 2012 (the “Biggert-Waters Act” or “Act”) requires the Director of the Federal Insurance Office (“FIO”), an office within the Department of the Treasury (“Treasury”), to conduct a study and submit a report to Congress on the current state of the market for natural catastrophe insurance in the United States.<sup>1</sup>

In conducting the study and issuing the report, the Director shall consult with the National Academy of Sciences, State insurance regulators, consumer organizations, representatives of the insurance and reinsurance industry, policyholders, and other organizations and experts, as appropriate. Treasury issues this notice to elicit comment from these persons, groups, and the public, to assist FIO with the study and the report.

**DATES:** Comments must be received on or before June 24, 2013.

Papers submitted for consideration in the study must be received by June 24, 2013.

**ADDRESSES:** Please submit comments and papers electronically through the Federal eRulemaking Portal: <http://www.regulations.gov>, or by mail (if hard

copy, preferably an original and two copies) to the Federal Insurance Office, Attention: Study on Natural Catastrophes and Insurance, Room 1319 MT, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220. As postal mail may be subject to processing delay, it is recommended that comments and papers be submitted electronically. All comments should be captioned with “Study on Natural Catastrophes and Insurance.” Please include your name, group affiliation, if any, address, email address, and telephone number(s) in your comment.

In general, comments received will be posted on <http://www.regulations.gov> without change, including any business or personal information provided. Comments received, including attachments and other supporting materials, will be part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

All comments and papers received will be available for public inspection by appointment only at the Reading Room of the Treasury Library. To make an appointment, please call the Treasury Library at 202–622–0990.

**FOR FURTHER INFORMATION CONTACT:** Matthew A. McKenney, Federal Insurance Office, 202–622–5330 (not a toll free number).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The National Flood Insurance Program (NFIP) was created in 1968. On July 6, 2012, President Obama signed into law the Biggert-Waters Act, which modified certain aspects of the NFIP and extended that program through September 30, 2017.<sup>2</sup> The Act requires the Director of the FIO to conduct a study and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report (the Report) “providing an assessment of the current state of the market for natural catastrophe insurance in the United States.”<sup>3</sup>

In addition, the FIO Director must consult with the National Academy of Sciences, State insurance regulators, consumer organizations, representatives of the insurance and reinsurance industry, policyholders, and other organizations and experts, as appropriate.<sup>4</sup> This Notice seeks

<sup>2</sup> 42 U.S.C. 4026.

<sup>3</sup> 126 Stat. 916, 967 (2012).

<sup>4</sup> 126 Stat. 916, 968 (2012).

<sup>1</sup> Public Law 112–141, § 100247, 126 Stat. 916, 967–68 (2012).