

Finally, the amendment proposes amending Article 6.4 of the Amtrak IMOU pertaining to special additional criteria for close call event reporting to allow coverage for events involving damage or derailment below the FRA monetary reporting threshold.

Amtrak's C3RS pilot project was initially approved by FRA on May 11, 2010. In Docket Number FRA-2010-0152, Amtrak requested and was granted a waiver of compliance from certain provisions of 49 CFR Part 240, Qualification and Certification of Locomotive Engineers, to support its C3RS pilot project.

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. 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 May 20, 2013 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 document, if submitted on behalf of an association, business, labor union, etc.). See <http://www.regulations.gov/#!privacyNotice> for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on April 24, 2013.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2013-10075 Filed 4-29-13; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2013-0032]

#### 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 March 21, 2013, New York, Susquehanna and Western Railway (NYSW) 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 Part 231, Railroad Safety Appliance Standards. FRA assigned the petition Docket Number FRA-2013-0032.

NYSW has petitioned FRA for a waiver to operate RailRunner equipment in its service between Syracuse, NY, and North Bergen, NJ. Specifically, NYSSW seeks a waiver of compliance from certain provisions of 49 CFR Part 231, which stipulates the number, location, and dimensions for handholds, ladders, sill steps, uncoupling levers, and hand brakes. NYSSW also seeks relief from 49 CFR 231.1, which sets forth the standard height for drawbars.

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 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.
- *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 by June 14, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as is 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 document, if submitted on behalf of an association, business, labor union, etc.). See <http://www.regulations.gov/#!privacyNotice> for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 10, 2013 (65 FR 19477).

Issued in Washington, DC, on April 24, 2013.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2013-0035]

#### 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 March 11, 2013, the Lapeer Industrial Railroad Company (LIRR) 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 Part 223, Safety Glazing Standards—Locomotives, Passenger Cars and Caboose. FRA assigned the petition Docket Number FRA–2013–0035.

LIRR has petitioned FRA for a waiver of compliance from the glazing requirements set forth in 49 CFR 223.11 for its locomotive LIRR 5, which was constructed by General Electric in 1950.

LIRR operates on approximately 1.5 miles of track, and the majority of its operations are through rural or lightly populated areas. In its petition, LIRR states that the existing glazing in its locomotive is in good condition, and it has no history of glazing-related accidents or injuries.

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 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.

- *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 by June 14, 2013 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 document, if submitted on behalf of an association, business, labor union, etc.). See <http://www.regulations.gov/#/privacyNotice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov) or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on April 24, 2013.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2013–10074 Filed 4–29–13; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Policy Clarification Concerning Designation of Adjacent Coastal States for Deepwater Port License Applications

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice of policy clarification.

**SUMMARY:** The Maritime Administration (“MarAd”) is providing this notice to clarify its policy on the unit of distance measurement to apply when designating Adjacent Coastal States (“ACS”) under the agency’s Deepwater Ports licensing program.

**FOR FURTHER INFORMATION CONTACT:** Ms. Yvette Fields, Director of the Office of Deepwater Ports and Offshore Activity, Maritime Administration, Room W21–309, 1200 New Jersey Ave. SE., Washington, DC 20590; [Yvette.Fields@dot.gov](mailto:Yvette.Fields@dot.gov); phone (202) 366–0926.

**SUPPLEMENTARY INFORMATION:** MarAd has reviewed policies and practices with regard to the designation of ACS in the deepwater port application licensing process. In past applications and public notices, MarAd found inconsistency in the use of units of distance to describe the distance between proposed deepwater ports and ACS.

Under 33 U.S.C. 1508(a)(1), when issuing a Notice of Application, MarAd, as delegated by the Secretary of Transportation, shall designate as an ACS “any coastal State which (A) would be directly connected by pipeline to a deepwater port as proposed in an application, or (B) would be located within 15 miles of any such proposed deepwater port.” In general, in its publications, MarAd adopted the units

of measurement provided by the deepwater port license applicants in their descriptions of proposed deepwater ports. At different times, MarAd used statute miles (approximately 0.87 nautical miles) or nautical miles (approximately 1.15 statute miles) to describe the location of deepwater ports in its publications.

Due to the configuration and physical location of proposed deepwater port projects in prior applications, the use of either statute or nautical miles did not impact the designation of ACS, since those projects were either connected to the ACS directly by pipeline, or were within both 15 statute and 15 nautical miles from those states. As a result, MarAd was not required to clarify which unit of measurement is the appropriate distance standard to apply when designating an ACS in Notices of Application. However, for proposed port locations where the chosen distance standard is significant to the designation of ACS (applications where the port location falls beyond 15 statute miles but within 15 nautical miles of a potential ACS), clarification of the distance standard is necessary. For the sake of clarity in such instances, MarAd is issuing this Final Notice of Policy Clarification that nautical miles shall be applied when designating ACS under 33 U.S.C. 1508(a)(1).

The Deepwater Port Act (“DWPA” or the “Act”) (33 U.S.C. 1501 *et seq.*) authorizes the Secretary of Transportation to issue licenses for the construction and operation of deepwater ports.<sup>1</sup> A deepwater port is defined in Section 1502 of the Act as “any fixed or floating manmade structure other than a vessel, or any group of such structures, that are located beyond State seaward boundaries and that are used or intended for use as a port or terminal for the transportation, storage, or further handling of oil or natural gas for transportation to any State \* \* \*.”<sup>2</sup> Deepwater ports include “all components and equipment, including pipelines...to the extent they are located seaward of the high water mark.”<sup>3</sup> The DWPA provides for a mandatory designation of State(s) as “Adjacent Coastal State(s)” (“ACS”) if certain criteria are met. Those criteria are: (1) If the ACS would be “directly connected by pipeline to a deepwater port,” or (2) “would be located within 15 miles of

<sup>1</sup> The Secretary of Transportation delegated to the Maritime Administrator the authority to “issue, transfer, amend, or reinstate a license for the construction and operation of a deepwater port.” 49 CFR 1.93(h)(1).

<sup>2</sup> 33 U.S.C. 1502(9)(A).

<sup>3</sup> *Id.* Sec. 1502(9)(B).