

emergency braking. BNSF preliminarily determined the cause of the derailment to be buckled track.

4. On June 23, 2012, at approximately 6:40 p.m., an eastbound UP coal train derailed 22 cars in the Powder River coal fields in Bill, WY. UP preliminarily determined the cause of the derailment to be buckled track.

*Recommended Action:* In light of the above discussion, FRA recommends that track owners and railroads:

1. Review with their employees the circumstances of the four track-buckling-related derailments identified above.

2. Discuss the requirements of CWR plans with employees responsible for inspecting CWR track to identify buckling-prone conditions, and conditions that can lead to buckled track, such as recently-disturbed track, locations where rail was repaired or replaced, and locations that experience excessive load dynamics.

3. Evaluate and ensure that employees responsible for the inspection and repair of CWR track have been adequately trained and are capable of performing proper inspection and repair procedures.

4. Reinforce with employees responsible for inspecting track the importance of maintaining sufficient anchoring and ballast to maintain track lateral resistance, especially around fixed track structures (such as grade crossings, turnouts, and bridges), where the rail conditions are considerably tighter and are therefore more susceptible to the development of track buckles.

5. Review recent track maintenance records to identify previous buckling incidents, and their locations, for future inspection focus.

6. Apply heat-restriction slow orders at necessary locations, with consideration of populated areas, in order to significantly decrease the likelihood of a derailment and reduce the severity and consequences of any derailments that may occur.

7. Apply appropriate slow orders at speeds that will permit the passage of sufficient time and tonnage to restore track stabilization at disturbed track locations.

8. Review current internal engineering instructions to ensure that the instructions properly identify the necessary track maintenance instructions to prevent track buckling during extreme heat conditions.

FRA encourages railroad industry members to take actions that are consistent with the preceding recommendations and to take other

actions to help ensure the safety of the Nation's railroad employees and the public. FRA may modify this Safety Advisory 2012-03, issue additional safety advisories, or take other appropriate actions it deems necessary to ensure the highest level of safety on the Nation's railroads, including pursuing other corrective measures under its rail safety authority.

Issued in Washington, DC, on July 11, 2012.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD 2012 0078]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel STARDUST; Invitation for Public Comments

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

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before August 15, 2012.

**ADDRESSES:** Comments should refer to docket number MARAD-2012-0078. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-453, Washington, DC 20590. Telephone 202-366-0903, Email [Linda.Williams@dot.gov](mailto:Linda.Williams@dot.gov).

#### SUPPLEMENTARY INFORMATION:

As described by the applicant the intended service of the vessel STARDUST is:

*Intended Commercial Use of Vessel:* "Carry passengers only, not more than 6 passengers."

*Geographic Region:* "Massachusetts."

The complete application is given in DOT docket MARAD-2012-0078 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

#### Privacy Act

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).

By Order of the Maritime Administrator.

Dated: July 5, 2012.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

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