

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 February 4, 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 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 December 17, 2012.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2011-0105]

#### 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 December 19, 2011, Railservice Inc. (RSSX) of Atlanta, GA, 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 Cabooses). FRA assigned the

petition Docket Number FRA-2011-0105.

RSSX has petitioned for a permanent waiver of compliance for one locomotive, RSSX 1, from the requirements contained at 49 CFR 223.11—*Requirements for existing locomotives*; specifically, the requirements for FRA Type I material in the forward and rearward end-facing glazing locations of the locomotive cab windshield as well as FRA Type II material in all side-facing windows of the locomotive cab. RSSX states that it is a small switching operation inside the premises of the agribusiness company Cargill Inc. in Memphis, TN, and that it interchanges with Norfolk Southern Railway for cars inbound and outbound for the Cargill facility only, over a track that is less than a quarter of a mile. These switching operations occur at restricted speed that is 5 mph or less. RSSX further states that it does not have a history of vandalism inside the grounds of the Cargill facility. RSSX is requesting this relief on account of the prohibitive cost involved in retrofitting the locomotive with FRA-certified glazing. RSSX intends to install hurricane and/or safety glass if approved, which will maintain safety.

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.

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.
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Issued in Washington, DC, on December 17, 2012.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2012-0308]

#### Pipeline Safety: Reporting of Exceedances of Maximum Allowable Operating Pressure

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

**ACTION:** Notice; Issuance of Advisory Bulletin.

**SUMMARY:** PHMSA is issuing this Advisory Bulletin to inform owners and operators of gas transmission pipelines that if the pipeline pressure exceeds maximum allowable operating pressure (MAOP) plus the build-up allowed for operation of pressure-limiting or control devices, the owner or operator must report the exceedance to PHMSA on or before the fifth day following the date on which the exceedance occurs. If the pipeline is subject to the regulatory authority of one of PHMSA's State Pipeline Safety Partners, the exceedance must also be reported to the applicable state agency.

**FOR FURTHER INFORMATION CONTACT:** Cameron Satterthwaite by phone at 202-366-1319 or by email at

cameron.satterthwaite@dot.gov.  
Information about PHMSA may be  
found at <http://www.phmsa.dot.gov>.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On January 3, 2012, President Obama signed the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011. Section 23 (a) of the Act amended 49 U.S.C. Chapter 601 to add “§ 60139. Maximum allowable operating pressure.” Specifically, § 60139 (b) (2) states:

If there is an exceedance of the maximum allowable operating pressure with respect to a gas transmission pipeline of an owner or operator of a pipeline facility that exceeds the build-up allowed for operation of pressure-limiting or control devices, the owner or operator shall report the exceedance to the Secretary and appropriate State authorities on or before the 5th day following the date on which the exceedance occurs.

This reporting requirement is applicable to all gas transmission pipeline facility owners and operators. In order to comply with this self-executing provision, PHMSA advises owners and operators to submit this information in the same manner as safety-related condition reports (SRCR). The information submitted by owners and operators should comport with the information listed in § 191.25(b), and the reporting methods listed in § 191.25(a) should be employed.

The reporting exemptions for SRCR listed in § 191.23(b) do not apply to the reporting requirement for exceedance of MAOP plus build-up. Specifically, § 191.23(b)(4), which allows for non-reporting if the safety-related condition is corrected by repair or replacement in accordance with applicable safety standards before the deadline for filing the SRCR, does not apply. Gas transmission owners and operators must report the exceedance of MAOP plus build-up regardless of whether the exceedance was corrected before five days have passed.

Finally, owners and operators have five days after occurrence to report exceedance of MAOP plus build-up.

**II. Advisory Bulletin (ADB-2012-11)**

*To:* Owners and Operators of Gas Transmission Pipeline Facilities.

*Subject:* Reporting of Exceedances of Maximum Allowable Operating Pressure.

*Advisory:* Section 23 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 requires owners and operators of gas transmission pipeline facilities to report any exceedance of the maximum allowable

operating pressure (MAOP) plus the build-up allowed for operation of pressure-limiting or control devices. This requirement further specifies that such exceedances must be reported within five calendar days of the exceedance. PHMSA is issuing this Advisory Bulletin to notify operators to submit information comparable to that required for Safety-Related Condition reports as outlined in § 191.25(b) for reports of exceedance. The report should be titled “Gas Transmission MAOP Exceedance” and provide the following information:

- The name and principal address of the operator, date of the report, name, job title, and business telephone number of the person submitting the report.
- The name, job title, and business telephone number of the person who determined the condition exists.
- The date the condition was discovered and the date the condition was first determined to exist.
- The location of the condition, with reference to the town/city/county and state or offshore site, and as appropriate, nearest street address, offshore platform, survey station number, milepost, landmark, and the name of the commodity transported or stored.
- The corrective action taken before the report was submitted and the planned follow-up or future corrective action, including the anticipated schedule for starting and concluding such action.

These reports must be submitted within five days of the occurrence using one of the reporting methods described in § 191.25(a). PHMSA is poised to issue a final rule modifying this regulation to include electronic mail (email) as an acceptable reporting method for SRCR.

PHMSA encourages gas transmission owners and operators to report MAOP plus build-up exceedances by emailing information to [InformationResourcesManager@dot.gov](mailto:InformationResourcesManager@dot.gov). Reports may also be submitted by fax to (202) 366-7128.

Issued in Washington, DC, on December 18, 2012.

**Alan K. Mayberry,**

*Deputy Associate Administrator Field Operations.*

[FR Doc. 2012-30770 Filed 12-20-12; 8:45 am]

**BILLING CODE 4910-60-P**

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[Docket No. FD 35590]

**Illinois Railway, L.L.C., Chicago, Central & Pacific Railroad Company and Dakota, Minnesota & Eastern Railroad Corporation d/b/a Canadian Pacific—Joint Relocation Project Exemption—in Rockford, IL**

On December 5, 2012, Illinois Railway, L.L.C. (IR), Chicago, Central & Pacific Railroad Company (CC&P),<sup>1</sup> and Dakota, Minnesota & Eastern Railroad Corporation d/b/a Canadian Pacific (CP) (collectively, applicants) jointly filed a verified notice of exemption under 49 CFR 1180.2(d)(5) to participate in a joint project involving the relocation of certain tracks by IR and CC&P over which they currently operate, or have authority to operate, in the City of Rockford, Winnebago County, Ill. (the City).<sup>2</sup>

The purpose of the joint relocation project is to facilitate the City's removal and replacement of the Morgan Street Bridge (the Bridge), an old highway bridge that crosses over the Rock River in the City. To allow for the City's bridge replacement project to proceed, IR and CC&P have agreed to realign their trackage and interchange points within the project area, including the removal of IR's tracks located beneath the Bridge.

According to applicants, the relocation project involves seven components. First, IR will acquire limited overhead trackage rights from CC&P over CC&P's trackage between CCP milepost 85.75 and the connection with CP's trackage at or near CCP milepost 86.85, a distance of approximately 1.1 miles. In addition to overhead trackage rights, IR explains that it will have the right to enter and exit its main line west of the diamond at CCP milepost 85.75. IR will also have the right to enter and exit its former main line track east of the diamond at CCP milepost 85.65 (including between CCP milepost 85.65 and CCP milepost 85.00 for headroom) to enable IR to continue serving the shipper, Joseph Behr & Sons, Inc. (Behr). These trackage rights will allow IR to use the CC&P route across the Rock River and existing rights over CP's line to access IR's yard

<sup>1</sup> IR is a subsidiary of OmniTRAX, Inc. CC&P is an indirect subsidiary of Canadian National Railway Company (CN) and is operated as part of the CN rail system.

<sup>2</sup> Two redacted trackage rights agreements between IR and CC&P, were filed with the notice of exemption. The unredacted versions were filed under seal along with a motion for protective order, which will be addressed in a separate decision.