

for that year. As noted in the rule, FRA's purpose for establishing the ERD and emergency waiver procedures is to provide an expedited process for FRA to address the needs of the public and the railroad industry during emergency situations or events. This Notice announces that the designated ERD for calendar year 2013 is docket number FRA-2013-0001.

As detailed § 211.45, if the FRA Administrator determines that an emergency event as defined in 49 CFR 211.45(a) has occurred, or that an imminent threat of such an emergency occurring exists, and public safety would benefit from providing the railroad industry with operational relief, the emergency waiver procedures of 49 CFR 211.45 will go into effect. In such an event, the FRA Administrator will issue a statement in the ERD indicating that the emergency waiver procedures are in effect and FRA will make every effort to post the statement on its Web site <http://www.fra.dot.gov/>. Any party desiring relief from FRA regulatory requirements as a result of the emergency situation should submit a petition for emergency waiver in accordance with 49 CFR 211.45(e) and (f). Specific instructions for filing petitions for emergency waivers in accordance with 49 CFR 211.45 are found at 49 CFR 211.45(f). Specific instructions for filing comments in response to petitions for emergency waivers are found at 49 CFR 211.45(h).

### Privacy

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 January 14, 2013.

### Robert C. Lauby,

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

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**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2012-0096]

### 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 letter dated December 12, 2012, DPS Electronics, Inc. (DPS) 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 232—Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices. FRA assigned the petition Docket Number FRA-2012-0096.

DPS seeks relief with respect to the application of certain provisions of 49 CFR Part 232, specifically, Section 232.409(d)—*Inspection and testing of end-of-train devices*. DPS's end-of-train (EOT) devices use a transceiver manufactured by Ritron, Inc. DPS requests clarification that the previous waiver granted to Ritron, Inc. (see Docket Number FRA-2009-0015) for relief from the annual calibration for EOT devices may be considered to apply to DPS's entire EOT product; or alternately, that DPS receive a complete waiver or its equivalent for DPS's entire EOT product, which includes the Ritron, Inc. transceiver.

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.

- *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 19, 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.). 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 January 14, 2013.

### Robert C. Lauby,

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2013-00932 Filed 1-16-13; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### Actions on Special Permit Applications

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

**ACTION:** Notice of Actions on Special Permit Applications.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given of the actions on special permits applications in (December to December 2012). The mode of transportation involved are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying

aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Special Permits. It should be noted that some of the

sections cited were those in effect at the time certain special permits were issued.

Issued in Washington, DC, on January 10, 2013.

**Donald Burger,**  
Chief, Special Permits and Approvals Branch.

S.P. No.	Applicant	Regulation(s)	Nature of special permit thereof
<b>MODIFICATION SPECIAL PERMIT GRANTED</b>			
14227-M .....	Aluminum Tank Industries, Inc. Winter Haven, FL.	49 CFR 177.834(h), 178.700 ..	To modify the special permit to authorize pumps and hoses attached to discharge outlets during transportation if certain requirements are met.
<b>NEW SPECIAL PERMIT GRANTED</b>			
15671-N .....	Formulated Solutions Largo, FL.	49 CFR 173.306(a)(3)(v) .....	To authorize construction of DOT 2P or DOT 2Q non-refillable aerosol container using an alternative leak test in lieu of the hot water bath. (modes 1, 2, 3, 4)
15690-N .....	Duke Energy Corp. Charlotte, NC.	49 CFR 171.8; 172.300; 172.400; 172.500; 173.6; 177.817; Part 178.	To authorize the transportation in commerce of test kits containing minor amounts of alkali metal dispersed in mineral oil. (mode 1)
<b>EMERGENCY SPECIAL PERMIT GRANTED</b>			
15766-N .....	Gateway Pyrotechnic Production, LLC, dba Gateway Fireworks Displays St. Louis, MO.	49 CFR 172.301, 172.320 and 173.56.	To authorizes the one-time, one-way transportation in commerce of approximately 46,000 pounds gross weight of unapproved fireworks from Dayton, OH to an approved storage bunker in Illiopolis, IL by motor vehicle. (mode 1)
<b>NEW SPECIAL PERMIT WITHDRAWN</b>			
15675-N .....	The Boeing Company St. Louis, MO.	49 CFR 172.101 Column (9B)	To authorize the one-time transportation in commerce of certain explosives that are forbidden for transportation by cargo only aircraft. (mode 4)
15684-N .....	Pratt & Whitney Rocketdyne, Inc Canoga Park, CA.	49 CFR 173.185(a)(4) .....	To authorize the transportation in commerce of power systems that consist of lithium ion battery assemblies. (mode 1)
<b>DENIED</b>			
14912-M .....	Request by ITW Sexton Decatur, AL December 20, 2012. To authorize the addition of a Division 2.1 material and require burst pressure of containers to not be below 480 psig.		
15719-N .....	Request by Ameripak Pontiac, MI December 20, 2012. To authorize the manufacture, mark, sale and use of UN5OD plywood box for the transportation in commerce of lithium batteries.		

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**BILLING CODE 4909-60-M**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### Notice of Applications for Modification of Special Permit

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

**ACTION:** List of Applications for Modification of Special Permits.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has

received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modification of special permits (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. These applications have been separated from the new application for special permits to facilitate processing.

**DATES:** Comments must be received on or before February 1, 2013.

*Address Comments to:* Record Center, Pipeline and Hazardous Materials Safety

Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Records Center, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC or at <http://regulations.gov>.

This notice of receipt of applications for modification of special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on January 8, 2013.

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