

to 5 p.m., Monday through Friday, except Federal Holidays.

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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 October 21, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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Issued in Washington, DC.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2013-21695 Filed 9-5-13; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2013-0080]

#### 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 July 19, 2013, the Association of American Railroads (AAR), on behalf of itself and its member railroads, 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-2013-0080.

In its petition, AAR seeks a waiver of compliance from 49 CFR 232.207, *Class 1A brake tests—1,000-mile inspection*. Excluding 49 CFR 232.213, the current rule states that each train shall receive a Class 1A brake test performed by a qualified person, as defined in § 232.5, at a location that is not more than 1,000 miles from the point where any car in the train last received a Class 1 or 1A brake test. AAR petitioned FRA for a 1-year limited waiver for the purpose of demonstrating that a subsequent permanent waiver will improve safety and eliminate unnecessary costs to the industry.

Through a limited pilot effort AAR intends to demonstrate the effectiveness of using wayside wheel temperature detector (WTD) data to ensure safe braking performance. The focus of this pilot will be the normal revenue service coal trains running on the Union Pacific Railroad between Wyoming's Powder River Basin and an unloading facility at White Bluff, AR, which is a round trip of approximately 2,600 miles. The WTD that monitors the system is located at Sheep Creek, WY. Each test train will receive a Class 1 brake test in accordance with § 232.205 and a pre-departure inspection in accordance with § 215.13 at North Platte, NE. The trains will leave North Platte and travel to a coal loading facility in the Powder River Basin. On the return trip, the trains will pass the WTD monitors at Sheep Creek for a braking performance recording. They will continue through Van Buren, AR, and then to an unloading facility in White Bluff, AR. The train cars will return to the terminus at North Platte via Van Buren.

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 Ave. 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.

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Issued in Washington, DC.

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2013-21691 Filed 9-5-13; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2003-16265]

#### 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 August

1, 2013, the Long Island Rail Road (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 229.81, *Emergency Pole; shoe insulation*. FRA assigned the petition Docket Number FRA-2003-16265.

Title 49 CFR 229.81(b) requires that each locomotive equipped with third rail shoes shall have a device for insulating the current collecting apparatus from the third rail. LIRR previously had in place a waiver related to third rail insulating devices called for in 49 CFR 229.81. This waiver was renewed on March 30, 2004. Due to an oversight on the part of LIRR, renewal of this waiver was not requested in a timely manner and is now being sought. The rationale for this waiver, originally granted in 1981, and subsequently extended and expanded to newer fleets of equipment, is that LIRR's existing procedures and infrastructure provide a greater degree of safety than the devices required in this rule. Removing third rail power from rolling stock equipped with contact shoes by means of such devices would require placement of at least two devices per DMU locomotive, four devices per pair of multiple-unit (MU) cars, and 24 devices for a 12-car MU train. Each of these would be placed separately in proximity to the 750-volt third rail under whatever lighting and weather conditions prevailed. This would be both a time consuming and potentially hazardous means to remove power from the equipment.

LIRR requests instead to continue to use the guidance of LIRR-290 (formerly known as CT-290) wherein requests for removal of power are made by radio or telephone to the Engineering System Operator (ESO). Detailed third-rail plans are maintained by the ESO, train dispatchers, and block operators, along with records of requests for removal of third-rail power, which include name, title, location, and reason for removal of power. Only the person who requested the removal of power, or someone to whom they have transferred that authority, can request restoration of power. This process provides safeguards against accidental restoration of power that could occur with the slippage or inadvertent removal of any of the insulating devices that the rule calls for; the process also allows for the safe and remote removal of power, away from the affected equipment. LIRR requests that FRA considers this waiver as having been in continuous effect since September 1, 1981.

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.

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Issued in Washington, DC

**Robert C. Lauby,**

*Deputy Associate Administrator for Regulatory and Legislative Operations.*

[FR Doc. 2013-21697 Filed 9-5-13; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2013-0089]

#### 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 August 4, 2013, 1003 Operations LLP 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 224, ReflectORIZATION of Rail Freight Rolling Stock. FRA assigned the petition Docket Number FRA-2013-0089.

The 1003 Operations LLP partnership located in Long Grove, IL, owns Steam Locomotive SOO Line 1003, as well as historic freight cars and cabooses. The partnership leases its equipment to the Steam Locomotive Heritage Association (SLHA) based in Hartford, WI. The three cars that 1003 Operations LLP owns are: LLTX 10559 (insulated boxcar); LLTX 2012 (caboose); and LLTX 268 (caboose), which are not equipped with reflectORIZATION per 49 CFR Part 224. The 1003 Operations LLP partnership requests that it be granted a waiver of compliance from 49 CFR Part 224, because the retroreflective sheeting applied would detract from the equipment's historic preservation and appearance.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at <http://www.regulations.gov> and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave. 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.

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