

requirements for production track-laying machines, as defined in the regulation, is in the best interest of its roadway workers and consistent with railroad safety objectives.

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 16, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

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 the U.S. Department of Transportation's complete Privacy Act Statement in the

**Federal Register** published on April 11, 2000 (65 FR 19477).

**Robert C. Lauby,**

*Associate Administrator for Railroad Safety,  
Chief Safety Officer.*

[FR Doc. 2014-11348 Filed 5-15-14; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2014-0010]

#### 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 January 9, 2014, Wabtec Railway Electronics (Wabtec) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at Title 49 Code of Federal Regulations (CFR) Part 229, Railroad Locomotive Safety Standards, and 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-2014-0010.

Specifically, Wabtec seeks relief from 49 CFR 229.29, *Air brake system calibration, maintenance, and testing*, and 49 CFR 232.205, *Class I brake test-initial terminal inspection*. These sections list the required periods for the calibration of the air flow method (AFM) indicator and the process to be used to calibrate the AFM. The present requirement is for AFM calibration to occur at intervals not to exceed 92 days. Wabtec, in conjunction with Union Pacific Railroad (UP), requests a 2-year test waiver period to monitor and analyze AFM readings taken after the requested 368-day test interval for all UP locomotives equipped with Wabtec EPIC 3102D2, EPIC II, and FastBrake electronic air brake systems. On April 9, 2012, FRA modified 49 CFR 229.27, *Annual tests*, to allow that “[a]ll testing under this section shall be performed at intervals that do not exceed 368 calendar days” and “[e]ach device used by the engineer to aid in the control or braking of the train or locomotive that provides an indication or air pressure electronically shall be tested by comparison with a test gauge or self-test designed for this purpose.” Wabtec seeks to gather and compare this data with the 92-day readings it has previously collected to confirm that proper AFM calibration can be

maintained over a 368-day time period. Positive conclusions realized from the test may then be used to extend the waiver beyond the initial 2-year period, or as the basis for future regulatory review of the 92-day requirement to match the requirements of 49 CFR 229.27.

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 June 30, 2014 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 May 12, 2014.

**Robert C. Lauby,**

*Associate Administrator for Railroad Safety,  
Chief Safety Officer.*

[FR Doc. 2014-11349 Filed 5-15-14; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2006-26555]

#### Consumer Information; New Car Assessment Program

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Correction to final agency decision notice.

**SUMMARY:** This document contains a correction to the final agency decision notice published in the **Federal Register** on Friday, July 11, 2008 (73 FR 40016). This document clarifies that the agency has used and will continue to use traditional rounding in the New Car Assessment Program (NCAP), not the round-to-even approach reflected in ASTM E29 "Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications" (ASTM E29).

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues, you may contact Ms. Jennifer N. Dang, Office of Crashworthiness Standards (Telephone: 202-366-1740) (Fax: 202-493-2739). For legal issues, you may call Mr. William Shakely, Office of the Chief Counsel (Telephone: 202-366-2992) (Fax: 202-366-3820). You may send mail to both of these officials at the National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., West Building, Washington, DC 20590-0001.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 11, 2008, NHTSA published a final agency decision notice (73 FR 40016) announcing enhancements to the National Highway Traffic Safety Administration's New Car Assessment Program (NCAP), which provides consumers with comparative information on the safety of new vehicles to assist them with vehicle purchasing decisions and to encourage motor vehicle manufacturers to make safety improvements. In the area of crashworthiness safety (how well the vehicle protects occupants in the event of a crash), NCAP uses the 5-Star Safety

Rating system to communicate the relative performance of vehicles to consumers. In the 2008 final agency decision notice, the agency discussed how the star ratings are determined based on the relative risk of injury to occupants, quantified as Relative Risk Scores (RRS). The notice discussed the determination of the RRS and the use of ASTM E29 "Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications" (ASTM E29) to round values. In actuality, since current NCAP requirements were instituted beginning with the 2011 model year, NHTSA has been using the traditional rounding method, in which the following rounding logic is used:

- When the digit after the last digit to be retained is less than 5, keep the last digit unchanged (for example, in rounding to the hundredths place: 0.453 = 0.45).

- When the digit after the last digit to be retained is greater than or equal to 5, increase the last retained digit by 1 (for example, in rounding to the hundredths place: 0.455 = 0.46 and 0.465 = 0.47).

The ASTM E29 method and the traditional rounding method only differ in instances when the digit after the last place to be retained is equal to 5 and there are no digits beyond 5 (for example, when rounding a number such as 0.455 to the hundredths place). The following rounding logic is used in ASTM E29 and is known as the round-to-even method:

- When the digit after the last digit to be retained is equal to 5, increase the last retained digit by 1 if it is odd, or leave the last retained digit unchanged if it is even (for example, in rounding to the hundredths place: 0.455 = 0.46 and 0.465 = 0.46).

#### Need for Correction

While the agency referred in the final agency decision notice to the ASTM E29 method, the traditional rounding method has been and is the method used in NCAP. The traditional rounding method is also used in the publicly-available ratings calculator that the agency releases each year, which includes injury measures collected from NCAP's vehicle tests.<sup>1</sup>

Following publication of the final agency decision notice, the agency was asked about its method of rounding injury values obtained from its vehicle tests. This notice reiterates the agency's

<sup>1</sup> The ratings calculator is placed in the public docket each year and can be accessed online by visiting [www.regulations.gov](http://www.regulations.gov). The most recent ratings calculator for model year 2014 vehicles is in docket NHTSA-2013-0053 at [www.regulations.gov](http://www.regulations.gov).

longstanding rounding method, which is the traditional rounding method (not the ASTM E29 method), used in all NCAP-related calculations to generate vehicle safety ratings.

**Claude H. Harris,**

*Acting Associate Administrator for Rulemaking.*

[FR Doc. 2014-11327 Filed 5-15-14; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35822]

#### Oakland Global Rail Enterprise, LLC—Operation Exemption—Rail Line of Union Pacific Railroad Company and BNSF Railway Company

Oakland Global Rail Enterprise, LLC (OGRE), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate over approximately 1.8 miles of track consisting of: (1) Approximately 3,800 feet of track owned by Union Pacific Railroad Company (UP) that runs between 2001 Engineers Road and the end of the UP interchange track; and (2) approximately 5,622 feet of track owned by BNSF Railway Company that runs between a point at or near the Bay Bridge Freeway and the Gary Steel facilities on 20th Street in Oakland, Alameda County, Cal.

According to OGRE, the transaction does not involve any provision or agreement that would limit future interchange of traffic with any third-party carrier. OGRE states that it will hold itself out to provide all common carrier rail freight service over the tracks.

OGRE intends to consummate the proposed transaction on or before January 1, 2015, which is after the effective date of this exemption (30 days after the exemption was filed).

OGRE certifies that their projected annual revenues as a result of this transaction will not result in its becoming a Class III rail carrier and will not exceed \$5 million.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than May 23, 2014 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD