

7. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377]; Coastal Barrier Resources Act [16 U.S.C. 3501–3510]; Coastal Zone Management Act [16 U.S.C. 1451–1465]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA; 42 U.S.C. 11011 *et seq.*); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

9. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species; and E.O. 13186—Responsibilities of Federal Agencies to Protect Migratory Birds.

This notice does not apply to those pending environmental permitting decisions. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: December 22, 2016.

Clarence W. Coleman,

Director of Preconstruction and Environment, Raleigh, North Carolina.

[FR Doc. 2017–00554 Filed 1–12–17; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2017–0001]

Establishment of an Emergency Relief Docket for Calendar Year 2017

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of establishment of public docket.

SUMMARY: This Notice announces the establishment of FRA's emergency relief docket (ERD) for calendar year 2017. The designated ERD for calendar year 2017 is Docket Number FRA–2017–0001.

SUPPLEMENTARY INFORMATION: On May 19, 2009, FRA published a direct final rule establishing ERDs and the procedures for handling petitions for emergency waivers of safety rules, regulations, or standards during an emergency situation or event. 74 FR 23329. The direct final rule became effective on July 20, 2009, and made minor modifications to 49 CFR 211.45 in FRA's Rules of Practice in 49 CFR part 211. Section 211.45(b) provides that each calendar year FRA will establish an ERD in the publicly accessible DOT docket system (available at <http://www.regulations.gov>). Section 211.45(b) further provides that FRA will publish a notice in the **Federal Register** identifying by docket number the ERD for that year. FRA established the ERD and emergency waiver procedures 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 the designated ERD for calendar year 2017 is Docket Number FRA–2017–0001.

As detailed in Section 211.45, if the FRA Administrator determines 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 the emergency waiver procedures are in effect and FRA will make every effort to post the statement on its Web site at <http://www.fra.dot.gov>. Any party desiring relief from FRA regulatory requirements as a result of the emergency should submit a petition for emergency waiver under 49 CFR

211.45(e) and (f). Specific instructions for filing petitions for emergency waivers under 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 at 49 CFR 211.45(h).

Anyone can search the electronic form of any written communications and comments received regarding 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.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy> Notice for the privacy notice of www.regulations.gov.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2017–00691 Filed 1–12–17; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2002–11896]

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that by a document dated December 5, 2016, Norfolk Southern Corporation (NS) 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 231. FRA assigned the petition Docket Number FRA–2002–11896.

In its petition, NS requested that the FRA extend its existing waiver of compliance from certain provisions of 49 CFR part 231 for an additional 5 years, permitting NS's Triple Crown Service to continue to operate RoadRailer® trains.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at 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.

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 parties desire an opportunity for oral comment and a public hearing, 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 27, 2017 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.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of www.regulations.gov.

Robert C. Lauby,
Associate Administrator for Railroad Safety,
Chief Safety Officer.

[FR Doc. 2017-00692 Filed 1-12-17; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2016-0121]

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 of the Code of Federal Regulations (CFR), this provides the public notice that by a document dated December 6, 2016, the Long Island Railroad Company (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 part 214.353(a). FRA assigned the petition Docket Number FRA-2016-0121. LIRR submitted this petition for a partial waiver of a new regulation, which will be set forth in 49 CFR 214.353(a) and will go into effect on April 1, 2017, requiring that conductors who act as roadway workers in charge (RWICs) receive annual training as set forth in that section. See 81 FR 37840.

LIRR is not requesting a waiver from the portion of the new rule requiring that it provide conductors who act as RWICs the specified training set forth in the rule. LIRR already includes all of those items in its training of assistant conductors prior to their promotion to conductors. In fact, the level of Qualifications/Certifications for LIRR assistant conductors and conductors far exceeds the RWIC requirements, and LIRR conductors are fully qualified on all operating rules and physical characteristics for LIRR's entire system. LIRR also is revising its syllabus to make sure that, as of April 1, 2017, the refresher training given to conductors includes all of the specified topics, as well as any additional topics recommended in FRA Safety Advisory 2016-02 (See 81 FR 85676). Nor is it requesting a waiver from the portion of the new rule requiring that these individuals be qualified every 3 years and, in fact, will require that they be qualified every 2 years. Finally, LIRR is not requesting that the annual training requirement be waived for LIRR's roadway workers or any employees (such as non-roadway worker Engineering Department employees) other than conductors who act as RWICs. It is simply requesting that LIRR be permitted to provide the specified training to its conductors who act as RWICs every 2 years.

LIRR is making this request because of the difficulty of training all of its 1,200 conductors each year. LIRR currently conducts bi-annual block training, with half of its conductors (600 out of 1,200) trained in 1 year and the other half

trained the following year. LIRR also notes that it provides all of them each spring with a "Roadway Worker Refresher Guide" that includes specific RWIC responsibilities. In running its program in this manner, LIRR is able to maintain its 24 hour a day/7 day a week operation of the largest commuter railroad in the United States and carry over 87 million passengers per year. Requiring that all 1,200 conductors receive training each year would force LIRR to hire additional conductors (an expensive and lengthy process) and/or increase overtime (also expensive) to cover the assignments that conductors cannot cover due to the increased training. LIRR also may need to hire additional training personnel and/or limit the amount of time such training personnel can devote to teaching LIRR employees other non-mandated but useful subjects. As a public benefit corporation that receives much of its funding from tax revenues, these added personnel and training costs then would be passed on to the public.

LIRR has spoken with officials from The International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) Division, the union representing LIRR's conductors. SMART provided a letter in support, and it is available for review in the public docket for this waiver petition.

Permitting LIRR to instruct and qualify its conductors who act as RWICs on the items set forth in 49 CFR 214.353, *Training and qualification of roadway workers who provide on-track safety for roadway work groups*, every 2 years, rather than instruct them every year and qualify them every 3 years, would allow LIRR to maintain the safety of its passengers and employees and also allow it to maintain its operations without the need to: (i) Hire additional conductors and/or training personnel, (ii) increase overtime, or (iii) reduce training in non-mandated areas. As the waiver would be in the public interest and consistent with public safety, LIRR requests that it be granted.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at 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