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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 8, 2015 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](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy). See also <http://www.regulations.gov/#!privacyNotice> for the privacy notice of regulations.gov.

Issued in Washington, DC, on April 14, 2015.

**Ron Hynes,**

*Director, Office of Technical Oversight.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[FRA Safety Advisory 2015-02]

#### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2015-0118, Notice No. 15-11]

#### Hazardous Materials: Information Requirements Related to the Transportation of Trains Carrying Specified Volumes of Flammable Liquids

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

**ACTION:** Notice of safety advisory.

**SUMMARY:** FRA and PHMSA are issuing this notice to remind railroads operating a “high hazard flammable train” (HHFT)—defined as a train comprised of 20 or more loaded tank cars of a Class 3 flammable liquid in a continuous block, or a train with 35 or more loaded tank cars of a Class 3 flammable liquid across the entire train—as well as the offerors of Class 3 flammable liquids transported on such trains, that certain information may be required by PHMSA and/or FRA personnel during the course of an investigation immediately following an accident.

**FOR FURTHER INFORMATION CONTACT:** Karl Alexy, Staff Director, Hazardous Materials Division, Office of Technical Oversight, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590; (202) 493-6245, or via email: [karl.alex@dot.gov](mailto:karl.alex@dot.gov); and Richard Raksnis, Director Field Services, Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590. Telephone (202) 366-4455 or, via-email: [Richard.raksnis@dot.gov](mailto:Richard.raksnis@dot.gov).

**SUPPLEMENTARY INFORMATION:** Due to recent derailments involving HHFTs, FRA and PHMSA have conducted several post-accident investigations and wish to ensure that stakeholders are fully aware of each agency's investigative authority and cooperate with agency personnel conducting such

investigations, where time is of the essence in gathering evidence. Therefore, PHMSA and FRA are issuing this Safety Advisory notice to remind railroads operating HHFTs, and offerors of Class 3 flammable liquids being transported aboard those trains, of their obligation to provide PHMSA and FRA, as expeditiously as possible, with information agency personnel need to conduct investigations immediately following an accident or incident.

Federal law authorizes the Secretary of Transportation (Secretary) to investigate rail accidents. Among other things, related to railroad safety generally, the Department can subpoena witness testimony, inspect track, cars, and other equipment, and require (including by subpoena) the production of records and other evidence. 49 U.S.C. 20107, 20902<sup>1</sup> FRA's regulations set forth its general accident investigation procedures at 49 CFR 225.31.

Federal law also authorizes the Secretary to investigate accidents involving hazardous materials, 49 U.S.C. 5121, and in so doing require (including by subpoena) the production of records, inspect packages, and gather other evidence. Where Federal law requires the maintenance of records related to hazardous materials transportation, Section 5121 obligates those responsible for maintaining such records to provide them to DOT personnel during the course of such investigations. PHMSA has promulgated rules at 49 CFR part 109 establishing investigative procedures for that agency under this authority.<sup>2</sup> The Secretary has also delegated FRA the authority to investigate rail accidents and incidents involving the transportation of hazardous material for compliance with the Federal hazardous materials transportation law (49 U.S.C. 5101 *et seq.*) and its implementing regulations. See 49 CFR 1.89(j). Stakeholder cooperation with a PHMSA or FRA investigation following an accident is critically important to transportation safety. Thus, PHMSA and FRA issue this joint Safety Advisory to remind stakeholders of their obligations to maintain and make available records concerning hazardous materials transportation in accordance with law and DOT regulations, and to explain that the following information is likely to prove important to PHMSA and FRA personnel during the course of an investigation—and thus should be

<sup>1</sup> The FRA Administrator may exercise this investigative authority pursuant to a delegation from the Secretary. 49 CFR 1.88(c), 1.89(a).

<sup>2</sup> The PHMSA Administrator may exercise this investigative authority pursuant to a delegation of the Secretary. 49 CFR 1.96 and 1.97.

provided as expeditiously as possible, upon request:

- Information on the train consist, including the train number, locomotive(s), locomotives as distributed power, end-of-train device information, number and position of tank cars in the train, tank car reporting marks, and the tank car specifications and relevant attributes<sup>3</sup> of the tank cars in the train.
- Waybill (origin and destination) information.
- The Safety Data Sheet(s) (SDS), or any other document used to provide comprehensive emergency response and incident mitigation information.
- Results of any product testing undertaken prior to transportation that was used to properly characterize the Class 3 flammable liquids for transportation (initial testing).
- Results from any analysis of product samples (taken prior to being offered into transportation) from tank car(s) involved in the derailment.
- Date of acceptance as required to be noted on shipping papers under 49 CFR 174.24.
- If a flammable liquid is involved, the type of liquid and the name and location of the company extracting the material.<sup>4</sup>
- The identification of the company having initial testing performed (sampling and analysis of material) and information on the lab (if external) conducting the analysis.
- Name and location of the company transporting the material from well head to loading facility or terminal.
- Name and location of the company that owns and that operates the terminal or loading facility that loaded the product for rail transportation.

- Name of the Railroad(s) handling the tank car(s) at any time from point of origin to destination and a timeline of handling changes between railroads.

FRA and PHMSA encourage railroad industry members to take actions that are consistent with the preceding discussion and to take other complementary actions to help ensure the safety of the Nation's railroads. FRA and PHMSA may modify this Safety Advisory, issue additional safety advisories, or take other appropriate actions necessary to ensure the highest level of safety on the Nation's railroads, including pursuing other corrective measures under their safety authority.

Issued in Washington, DC on April 17, 2015.

**Timothy P. Butters,**  
*Acting Administrator, Pipeline and Hazardous Materials Safety Administration.*

**Sarah E. Feinberg,**  
*Acting Administrator, Federal Railroad Administration.*

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**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**Hazardous Materials: Delayed Applications**

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

**ACTION:** List of application delayed more than 180 days.

**SUMMARY:** In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

**FOR FURTHER INFORMATION CONTACT:** Ryan Paquet, Director, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

**Key to "Reason for Delay"**

1. Awaiting additional information from applicant
2. Extensive public comment under review
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis
4. Staff review delayed by other priority issues or volume of special permit applications

**Meaning of Application Number Suffixes**

- N—New application
- M—Modification request R—Renewal Request
- P—Party To Exemption Request

Issued in Washington, DC, on April 8, 2015.

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

Application No.	Applicant	Reason for delay	Estimated date of completion
<b>Modification to Special Permits</b>			
15642-M	Praxair Distribution, Inc., Danbury, CT	4	04-13-2015
11903-M	Comptank Corporation, Bothwell, ON	4	04-10-2015
13961-M	3AL Testing Corp., Centennial, CO	4	05-10-2015
11914-M	Cascade Designs, Inc., Seattle, WA	4	4-21-2015
15393-M	Savannah Acid Plant LLC, Savannah, GA	3	04-30-2015
8451-M	Special Devices, Inc., Mesa, AR	4	04-30-2015
15767-N	Union Pacific Railroad Company, Omaha, NE	1	05-20-2015
16001-N	VELTEK ASSOCIATES, INC., Malvern, PA	4	05-31-2015
16190-N	Digital Wave Corporation, Centennial, CO	4	05-20-2015
16198-N	Fleischmann's Vinegar Company, Inc., CERRITOS, CA	4	04-15-2015
16181-N	Arc Process, Inc., Pflugerville, TX	4	05-13-2015
16212-N	Entegris, Inc., Billerica, MA	4	04-30-2015
16220-N	Americase, Waxahache, TX	4	04-30-2015
16193-N	CH&I Technologies, Inc., Santa Paula, CA	4	05-20-2015
16261-N	Dexsil Corporation, Hamden, CT	4	05-31-2015
16238-N	Entegris, Inc., Billerica, MA	4	05-20-2015
16241-N	Linde Gas North America LLC, Murray Hill, NJ	4	04-15-2015
16274-N	Matheson Tri-Gas, Inc., Longmont, CO	4	05-31-2015

<sup>3</sup> Relevant attributes include information related to thermal protection, shell and head thickness,

steel specification and grade, head shield, and pressure relief valve setting.

<sup>4</sup> For a manufactured flammable liquid, the manufacturer will be identified on the SDS.