

Federal Communications Commission.

Bulah P. Wheeler,

*Deputy Manager, Office of the Secretary,
Office of Managing Director.*

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 214

[Docket No. FRA-2008-0059, Notice No. 6]

RIN 2130-AC37

Railroad Workplace Safety; Adjacent-Track On-Track Safety for Roadway Workers

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

ACTION: Petitions for reconsideration; response status.

SUMMARY: This document provides notice that, due to the complex issues raised in both the petitions for reconsideration of the final rule published November 30, 2011, and the comments received on the petitions, FRA continues to formulate an appropriate response to the petitions and comments. FRA's response will be published as soon as practicable and will be filed in the same docket.

FOR FURTHER INFORMATION CONTACT: Kenneth Rusk, Staff Director, Track Division, Office of Safety Assurance and Compliance, FRA, 1200 New Jersey Avenue SE., RRS-15, Mail Stop 25, Washington, DC 20590 (telephone 202-493-6236); or Anna Winkle, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., RCC-12, Mail Stop 10, Washington, DC 20590 (telephone 202-493-6166 or 202-493-6052).

SUPPLEMENTARY INFORMATION: On November 30, 2011, FRA published a final rule concerning adjacent-track on-track safety for roadway workers. *See* Docket No. FRA-2008-0059, Notice No. 4 at 76 FR 74586. In response, FRA received two petitions for reconsideration (Petitions) that raised substantive issues. One of the Petitions included a request for a delay in the effective date of the final rule until July 1, 2013.

On March 8, 2012, FRA published a final rule delaying the effective date of the November 30, 2011, final rule until July 1, 2013, and establishing a 60-day comment period in order to permit interested parties an opportunity to

respond to the Petitions. *See* 77 FR 13978. FRA received five comments on the Petitions, some of which raise additional substantive issues or provide further detailed information on the issues already raised. The Petitions and comments on the Petitions are available for review in the docket for this rulemaking, and have been assigned identification numbers of FRA-2008-0059-0031 and FRA-2008-0059-0032, for the Petitions, and identification numbers of FRA-2008-0059-0034, FRA-2008-0059-0035, FRA-2008-0059-0036, FRA-2008-0059-0037, and FRA-2008-0059-0038, for the comments on the Petitions.

Due to the complex issues raised and extensive estimates provided in the Petitions and comments, FRA continues to formulate an appropriate response. FRA's response to the Petitions and comments will be published as soon as practicable and will be filed in the same docket.

Issued in Washington, DC, on August 27, 2012.

Jo Strang,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 120604138-2289-01]

RIN 0648-BC21

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to re-open a portion of the Georges Bank Closed Area to the harvest of Atlantic surfclams and ocean quahogs. The area has been closed since 1990 due to the presence of toxins known to cause paralytic shellfish poisoning. The proposed re-opening is based on a request from the Mid-Atlantic Fishery Management Council and the recent adoption of a testing protocol into the National Shellfish Sanitation Program.

DATES: Written comments must be received no later than 5 p.m. eastern standard time, on October 1, 2012.

ADDRESSES: You may submit comments, identified by NOAA-NMFS-2012-0121, by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking portal <http://www.regulations.gov>.

- *Fax:* (978) 281-9177, Attn: Jason Berthiaume.

- *Mail:* Daniel S. Morris, Acting Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: "Comments on Proposed Opening of GB PSP Closed Area."

Instructions: All comments received are part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted via Microsoft Word, Microsoft Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Jason Berthiaume, Fishery Management Specialist, phone (978) 281-9177, fax (978) 281-9135.

SUPPLEMENTARY INFORMATION:

Background

The Georges Bank (GB) Closed Area, located in the Exclusive Economic Zone east of 69°00' W. long. and south of 42°20' N. lat., has been closed to the harvest of surfclams and ocean quahogs since 1990 due to red tide blooms that cause paralytic shellfish poisoning (PSP). The closure was implemented based on advice from the U.S. Food and Drug Administration (FDA) after samples tested positive for toxins (saxitoxins) that cause PSP. These toxins are produced by the alga *Alexandrium fundyense*, which can form blooms commonly referred to as red tides, or harmful algal blooms, and can produce toxins that accumulate in water column filter-feeding shellfish. Shellfish contaminated with the toxin, if eaten in large enough quantity, can cause illness or death in humans.

Due to inadequate testing or monitoring of this area for the presence of PSP-causing toxins, the closure was made permanent in 1999, under