

**DEPARTMENT OF TRANSPORTATION****Maritime Administration****[Docket No. MARAD-2011-0079]****Requested Administrative Waiver of the Coastwise Trade Laws****AGENCY:** Maritime Administration, Department of Transportation.**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel LIL LIZ.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD-2011-00709 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388 (68 FR 23084, April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**DATES:** Submit comments on or before July 20, 2011.

**ADDRESSES:** Comments should refer to docket number MARAD-2011-0079. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version

of this document and all documents entered into this docket is available on the World Wide Web at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21-203, Washington, DC 20590. Telephone 202-366-5979, E-mail [Joann.Spittle@dot.gov](mailto:Joann.Spittle@dot.gov).

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel LIL LIZ is:

*Intended Commercial Use of Vessel:* "At beginning of work shift to ferry employees from shore to dredge and at end of work shift to ferry employees from dredge to shore."

*Geographic Region:* "Louisiana only."

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

By Order of the Maritime Administrator.

Dated: June 7, 2011.

**Christine Gurland,**

*Secretary, Maritime Administration.*

[FR Doc. 2011-15145 Filed 6-17-11; 8:45 am]

**BILLING CODE 4910-81-P**

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****[Docket No. AB 6; Sub-No. 477X]****BNSF Railway Company—  
Abandonment Exemption—in Los Angeles County, CA.**

On May 31, 2011, BNSF Railway Company (BNSF) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon its rail freight service easement over 4.85 miles of rail line owned by Los Angeles County Metropolitan Transportation Authority (LACMTA) extending between milepost 119.35, just east of the San Gabriel River, in Irwindale, and milepost 124.20, just east of the Santa Anita Blvd. grade crossing, in Arcadia, in Los Angeles County, CA (the Line). The Line traverses United States Postal Service Zip Codes 91006, 91007, 91010, 91016,

91702, and 91706. There are no rail stations on the Line.

In addition to an exemption from the provisions of 49 U.S.C. 10903, NSR seeks exemption from 49 U.S.C. 10904 (offer of financial assistance (OFA) procedures) and 49 U.S.C. 10905 (public use conditions). In support, BNSF contends that an exemption from these provisions is necessary to permit LACMTA to extend light rail passenger service over the Line. These requests will be addressed in the final decision.

BNSF states that, based on information in its possession, the Line does contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by September 16, 2011.

Any OFA under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,500 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the Line, the Line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than July 11, 2011. Each trail use request must be accompanied by a \$250 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to Docket No. AB 6 (Sub-No. 477X), and must be sent to: (1) Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001; and (2) Karl Morell, Of Counsel, Ball Janik LLP, 655 Fifteenth Street, NW., Suite 225, Washington, DC 20005. Replies to the BNSF petition are due on or before July 11, 2011.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238 or refer to the full abandonment or discontinuance regulations at 49 CFR pt. 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental

Analysis (OEA) at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by OEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact OEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA generally will be within 30 days of its service.

Board decisions and notices are available on our Web site at "<http://www.stb.dot.gov>."

Decided: June 14, 2011.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2011-15187 Filed 6-17-11; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35521]

#### Maine Northern Railway Company— Modified Rail Certificate—in Aroostook and Penobscot Counties, ME

On June 7, 2011, Maine Northern Railway Company (MNRC) filed a notice for a modified certificate of public convenience and necessity, pursuant to 49 CFR 1150 subpart C—*Modified Certificate of Public Convenience and Necessity*, to lease and operate approximately 233 miles of rail line (the Line) in Aroostook and Penobscot Counties, Me.

The Line was the subject of an abandonment application granted by the Board in *Montreal, Maine & Atlantic Railway, Ltd.—Discontinuance of Service and Abandonment—in Aroostook and Penobscot Counties, Me.*, AB 1043 (Sub-No. 1)(STB served Dec. 27, 2010).<sup>1</sup> Although authorized for

<sup>1</sup> Specifically, the application, as amended, identified the Line to be abandoned as comprising: (1) The Madawaska Subdivision, consisting of approximately 151 miles of line between milepost 109 near Millinocket and milepost 260 near Madawaska in Penobscot and Aroostook Counties; (2) the Presque Isle Subdivision, consisting of approximately 25.3 miles of line between milepost 0.0 near Squa Pan and milepost 25.3 near Presque Isle in Aroostook County; (3) the Fort Fairfield Subdivision, consisting of approximately 10 miles

abandonment, the State of Maine, by and through its Department of Transportation (State), sought to preserve service on the Line and purchased the Line pursuant to the class exemption found in *Common Carrier Status of States, State Agencies and Instrumentalities, and Political Subdivisions*, 363 I.C.C. 132 (1980) (*Common Carrier*), *aff'd sub nom Simmons v. ICC*, 697 F.2d 326 (D.C. Cir. 1982), codified at 49 CFR 1150.22. Montreal, Maine & Atlantic Railway, Ltd. (MMA), the abandoning carrier, was authorized to provide service on the Line on an interim basis while the State conducted a search for a new operator.<sup>2</sup> In April 2011, the State selected MNRC as the new operator, and on April 14, 2011, MMA filed its 60-day notice to terminate its interim service.<sup>3</sup>

Pursuant to a lease and operating agreement (Agreement) dated June 1, 2011, between MNRC and the State, MNRC will provide operations on the Line for an initial term of 10 years, which MNRC may extend for 1 or 2 additional 10-year terms. The Agreement may be terminated, and operations may cease, in whole or in part, during any term upon the occurrence of certain events described in the Agreement. MNRC points out that, as stated in the Agreement, the portion of the Limestone Subdivision between Caribou and the end of the line in Limestone is not operational and will not be operated, as of the date of the Agreement. If future circumstances warrant, MNRC can begin operations on this segment under the Agreement.

The transaction in Docket No. FD 35521 is related to the following transactions.

(1) In *Montreal, Maine & Atlantic Railway, Ltd.—Trackage Rights Exemption—Maine Northern Railway Company*, FD 35505 (STB served May 27, 2011), MMA invoked Board authority for overhead trackage rights being granted to it by MNRC over approximately 151 miles of rail line extending between milepost 109 near Millinocket, Me. and milepost 260 near

of line between milepost 0.0 near Presque Isle and milepost 10.0 near Easton in Aroostook County; (4) the Limestone Subdivision, consisting of approximately 29.85 miles of line between milepost 0.0 near Presque Isle and milepost 29.85 near Limestone in Aroostook County and; (5) the Houlton Subdivision, running between milepost 0.0 near Oakfield and milepost 17.27 near Houlton in Aroostook County, and including the B Spur.

<sup>2</sup> See *Montreal, Me. & Atl. Ry.—Modified Rail Certificate—in Aroostook and Penobscot Cntys., Me.*, FD 35463 (STB served Jan. 26, 2011).

<sup>3</sup> Under 49 CFR 1150.23, rail operations of a carrier under a modified certificate may commence immediately upon the filing of a modified certificate notice with the Board. MNRC, however, will not begin its rail operations until June 15, 2011.

Madawaska, Me., to access MMA lines south of Millinocket and the MMA line beyond Madawaska.

(2) In *Maine Northern Railway Company—Trackage Rights Exemption—Montreal, Maine & Atlantic Railway, Ltd.*, FD 35518 (STB served June 3, 2011), MNRC invoked Board authority for overhead trackage rights being granted to it by MMA over MMA's line extending between Madawaska, Me. (at or about milepost 260 on MMA's Madawaska Subdivision) and the connection to the Canadian National Railway (CN) in St. Leonard, N.B. (at or about milepost 194.1 on CN's Nappadoggin Subdivision), plus additional trackage as described in that notice, so that MNRC can directly access CN to the north once MNRC begins its operations.

(3) In *Maine Northern Railway Company—Trackage Rights Exemption—Montreal, Maine & Atlantic Railway, Ltd.*, FD 35519 (STB served June 3, 2011), MNRC invoked Board authority for overhead trackage rights being granted to it by MMA over MMA's line extending between Millinocket, Me. (at or about milepost 109 on MMA's Millinocket Subdivision) and Brownville Junction, Me. (at or about milepost 104.84 on the Mattawamkeag Subdivision of the Eastern Maine Railway (EMR)), including MMA's Brownville Junction Yard, so that MNRC can directly access EMR to the south once MNRC begins its operations.

(4) In *The New Brunswick Railway Company—Continuance in Control Exemption—Maine Northern Railway Company*, FD 35520 (STB served June 3, 2011), The New Brunswick Railway Company (NBRC), the parent company of both EMR and MNRC, was authorized to continue in control of EMR and MNRC once MNRC becomes a Class III carrier after filing the modified certificate notice in Docket No. FD 35521.

The Line qualifies for a modified certificate of public convenience and necessity. See *Common Carrier* and 49 CFR 1150.22. MNRC states that it will receive no subsidies in connection with its operations and that there will be no preconditions that shippers must meet to receive service.

This notice will be served on the Association of American Railroads (Car Service Division) as agent for all railroads subscribing to the car-service and car-hire agreement at 425 Third Street, SW., Suite 1000, Washington, DC 20024; and on the American Short Line and Regional Railroad Association at 50 F Street, NW., Suite 7020, Washington, DC 20001.