

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.

DATES: Submit comments on or before November 19, 2012.

ADDRESSES: Comments should refer to docket number MARAD-2012-0097. 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: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23-453, Washington, DC 20590. Telephone 202-366-0903, Email Linda.Williams@dot.gov.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel FIRE BELLE is: 6 pack sightseeing charters.

Intended Commercial Use of Vessel: Geographic Region: Washington; Alaska (excluding waters in Southeastern Alaska and waters north of a line between Gore Point to Cape Suckling [including the North Gulf Coast and Prince William Sound]).

The complete application is given in DOT docket MARAD-2012-0097 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, 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.

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: October 11, 2012.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2012-25625 Filed 10-17-12; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35644]

BNSF Railway Company—Acquisition and Operation Exemption—Nebraska Northeastern Railway Company

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: The Board is granting an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 11323-25 for BNSF Railway Company (BNSF), a Class I rail carrier, to acquire and operate a 120.4-mile rail line owned by Nebraska Northeastern Railway Company (NENE), a Class III rail carrier, between milepost 4.0, near Ferry Station, Neb., and milepost 124.4, at O'Neill, Neb. Upon consummation of the authorized transaction, BNSF would replace NENE as the only rail carrier providing freight service on the line. The acquisition and operation exemption is subject to standard labor protective conditions.

DATES: This exemption will be effective on November 17, 2012. Petitions to stay must be filed by November 2, 2012. Petitions to reopen must be filed by November 13, 2012.

ADDRESSES: Send an original and 10 copies of all pleadings referring to Docket No. FD 35644 to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, send one copy of pleadings to: Karl Morell, Ball Janik LLP, Suite 225,

655 Fifteenth Street NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Scott M. Zimmerman, (202) 245-0386. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877-8339.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision served October 18, 2012, which is available on our Web site at www.stb.dot.gov.

Decided: October 9, 2012.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Begeman.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2012-25650 Filed 10-17-12; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. EP 552 (Sub-No. 16)]

Railroad Revenue Adequacy—2011 Determination

AGENCY: Surface Transportation Board.

ACTION: Notice of decision.

SUMMARY: On October 16, 2012, the Board served a decision announcing the 2011 revenue adequacy determinations for the Nation's Class I railroads. Two carriers, Norfolk Southern Combined Railroad Subsidiaries and Union Pacific Railroad Company, were found to be revenue adequate.

DATES: *Effective Date:* This decision is effective on October 16, 2012.

FOR FURTHER INFORMATION CONTACT: Paul Aguiar, (202) 245-0323. Assistance for the hearing impaired is available through Federal Information Relay Service (FIRS) at (800) 877-8339.

SUPPLEMENTARY INFORMATION: The Board is required to make an annual determination of railroad revenue adequacy. A railroad is considered revenue adequate under 49 U.S.C. 10704(a) if it achieves a rate of return on net investment equal to at least the current cost of capital for the railroad industry for 2011, determined to be 11.57% in *Railroad Cost of Capital—2011*, Docket No. EP 558 (Sub-No. 15) (STB served Sept. 13, 2012). This revenue adequacy standard was applied to each Class I railroad. Two carriers, Norfolk Southern Combined Railroad Subsidiaries and Union Pacific Railroad Company, were found to be revenue adequate for 2011.