

**ADDRESSES:** The EA is available for review at the FRA Office of Railroad Policy and Development at the address listed above and locally at the New York Public Library, Fifth Avenue at 42nd Street, New York, NY 10018-2788; Phone (212) 275-6975. The EA is also available for review on the FRA Web site at <http://www.fra.dot.gov/Page/P0214>.

**SUPPLEMENTARY INFORMATION:** Amtrak proposes to construct an underground concrete casing to preserve a ROW underneath Hudson Yards for the future expansion of rail service between New Jersey and New York and to support Amtrak's efforts to improve the resiliency of the rail system to address future disasters in the NEC.

Construction of the Project is proposed at this time because a real estate development corporation (Developer), through an agreement with the Metropolitan Transportation Authority (MTA) and the Long Island Railroad (LIRR), has begun constructing a development in the area above Hudson Yards (referred to as the Overbuild Project). The Developer has all necessary local and state approvals for the Overbuild Project and started construction in the southern portion of Hudson Yards, south of the proposed Project site, in December 2012. Amtrak proposes to construct the underground concrete casing in conjunction with the Overbuild Project in order to preserve an underground ROW as a viable location for a future tunnel into New York's Penn Station. If the Developer builds the immense foundations and platform for the Overbuild Project, the ROW underneath the Overbuild Project would be permanently lost as an alignment for a new tunnel entering Penn Station from the west.

In accordance with the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*, (NEPA), the Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500-1508), and FRA's "Procedures for Considering Environmental Impacts," 64 FR 28545 (May 26, 1999) and 78 FR 2713 (Jan. 14, 2013), (FRA's Environmental Procedures), Amtrak prepared the EA in coordination with FRA, MTA and LIRR and analyzed the potential environmental impacts of the two alternatives for the proposed Project: "No Action" and "Construct a Concrete Casing."

FRA is publishing this notice to solicit public comments prior to making a final NEPA determination on the proposed Project. The review period for the EA shall extend to May 1, 2013. FRA will review the comments in accordance

with NEPA, CEQ regulations, and FRA's Environmental Procedures. If FRA determines the proposed Project will not have any foreseeable significant environmental impacts, FRA will issue a Finding of No Significant Impact (FONSI) describing the agency's decision and the basis for it. Any FONSI issued by FRA will be consistent with 40 CFR 1508.13 and section 11 of FRA's Environmental Procedures (64 FR at 28551).

Issued in Washington, DC, on March 28, 2013.

**Corey Hill,**

*Director, Office of Passenger and Freight Programs.*

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2013 0040]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel LIEBESTRAUM; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**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.

**DATES:** Submit comments on or before May 3, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD-2013-0040. 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](mailto:Linda.Williams@dot.gov).

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

*Intended Commercial Use of Vessel:* Coastwise charters, 6 passengers or fewer

*Geographic Region:* "New York".

The complete application is given in DOT docket MARAD-2013-0040 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: March 28, 2013.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

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