

Determination pursuant to 40 CFR part 93, subpart B, which establishes the process for complying with the general conformity requirements of the Clean Air Act. Consistent with those regulations, FRA published a notice in the **Federal Register** on April 20, 2012 advising the public of the availability of the Draft Conformity Determination for a 30-day review and comment period. Copies of the Draft Conformity Determination were made available with the Final EIR/EIS at various locations in the Project area and were also posted to the Authority and FRA's Web sites. The comment period on the Draft Conformity Determination closed on May 29, 2012. FRA received one comment from the U.S. Environmental Protection Agency (USEPA), a response to which was included in the Final General Conformity Determination published on September 18, 2012.

The Final General Conformity Determination was developed after extensive consultation with the San Joaquin Valley Air Pollution Control District (SJVAPCD), the Authority, and the U.S. Environmental Protection Agency. The analysis found that the Project's potential emissions during the Project construction period would exceed the General Conformity *de minimis* threshold for two precursor criteria pollutants, nitrogen oxides (NOx) and volatile organic compounds (VOC), a precursor for ozone. However, operation of the Project (*i.e.*, operation of the high-speed train, once the infrastructure was constructed) would result in an overall reduction of regional emissions of all applicable air pollutants and would not cause a localized exceedence of an air quality standard. Since the Project will result in the exceedence of the *de minimis* thresholds for the precursor criteria pollutants listed above during the construction phase, Project conformity with the applicable emission standards will be accomplished through a combination of efforts to use cleaner-than-average construction equipment and a Voluntary Emissions Reduction Agreement (VERA) between the Authority and the SJVAPCD. The VERA will offset the NOx and VOC emissions, consistent with applicable regulatory requirements, by funding (by the Project) local emissions reductions projects such as replacement and/or retrofit of existing diesel agricultural pumps, farm tractors, heavy trucks, etc. The Final General Conformity Determination is available for public review on FRA's Web site at [http://www.fra.dot.gov/rpd/freight/fp\\_](http://www.fra.dot.gov/rpd/freight/fp_)

[California\\_HST\\_%20Merced\\_to\\_Fresno.shtml](#).

Issued in Washington, DC, on October 15, 2012.

**Karen J. Hedlund,**  
*Deputy Administrator.*

[FR Doc. 2012-25763 Filed 10-17-12; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD 2012 0096]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel **FINALLY ENOUGH**; 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 November 19, 2012.

**ADDRESSES:** Comments should refer to docket number MARAD-2012 0096. 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 **FINALLY ENOUGH** is:

**Intended Commercial Use of Vessel:** Charter operations for sightseeing, wildlife viewing, entertainment and sport fishing.

**Geographic Region:** "California, Oregon and Washington." The complete application is given in DOT docket MARAD-2012-0096 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 9, 2012.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2012-25626 Filed 10-17-12; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD 2012 0097]

#### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel **FIRE BELLE**; 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 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](mailto: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]

**BILLING CODE 4910-81-P**

## 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](http://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]

**BILLING CODE 4915-01-P**

## 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.