

Transportation Conformity, it will also satisfy General Conformity. FRA reviewed the analysis in the 2001 EIS and confirmed with MTA that the project remains within the current State Transportation Plan, which, on January 3, 2012, received Federal approval for its conformity with the State Implementation Plan. The East Side Access project has been in continuous progress, is not considered a new action requiring redeterminations, and satisfies General Conformity requirements in accordance with 40 CFR part 51, Subpart W, and Part 93, Subpart B.

FRA finds that the undertaking under Section 106 of the National Historic Preservation Act is substantially the same as the undertaking addressed by FTA, FTA, MTA, and the New York State Historic Preservation Officer (NYSHPO) developed and executed a Programmatic Agreement to address potential effects on historic properties. Because of new project elements and modifications, the Programmatic Agreement was amended in June 2006 to update the Areas of Potential Effect to reflect additional archaeological and historic resources not covered in the FEIS. FRA seeks to join the June 2006 Amended Programmatic Agreement (2006 Amended PA) as a signatory for the project in its entirety. FRA will become a signatory through the execution of Amendment No. 3 to the 2006 Amended PA. By becoming a signatory, FRA will be able to require MTA to comply with the 2006 Amended PA, as a condition of an FRA RRIF loan, and monitor future design decisions regarding historic resources, should FRA decide to approve a loan.

Additionally, in the 2001 EIS, FTA evaluated the use of the historic resources and made a determination pursuant to Section 4(f), 49 U.S.C. 303. Section 4(f) requires that projects undertaken by DOT must avoid using parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless there is no feasible and prudent alternative, and the action includes all possible planning to minimize harm to the Section 4(f) resource. FTA implemented measures to avoid and minimize harm to the historic resources during project development and design phases of the East Side Access project. In addition, the 2006 Amended PA includes additional measures to minimize harm to these resources. FRA is not aware of any adverse effects to historic resources since the construction of the East Side Access project began in 2001. FRA anticipates that FTA's Section 106 process following the 2006 Amended PA will continue the avoidance of

adverse effects from the undertaking to historic resources identified in Exhibits A, B, and C of the 2006 Amended PA.

In accordance with the Environmental Protection Agency's (EPA) requirements regarding the filing of EISs, FRA has provided EPA with electronic copies of FTA's 2001 EIS. EPA will publish a notice of availability of the 2001 EIS in the **Federal Register** consistent with its usual practices. Because of the multivolume size of the FEIS and its continued availability in libraries in the affected community and on the MTA's and FRA's Web sites, FRA is not republishing the document on its own. This would be costly, defeat CEQ's goals of reducing paperwork and duplication of effort, and be of little or no additional value to other agencies or the public. The review period for the adoption of the 2001 EIS shall extend for 30 calendar days following publication of the EPA notice of availability.

The final stage in the environmental review process under NEPA is the issuance of a ROD describing the agency's decision and the basis for it. Under the timelines included in the CEQ regulation, 40 CFR 1506.10, a ROD cannot be issued by an agency earlier than thirty days after EPA publishes its **Federal Register** notice notifying the public of the availability of the final EIS. Any ROD issued by FRA will be consistent with 40 CFR 1505.2 and section 15 of FRA's Procedures for Considering Environmental Impacts.

Accordingly, FRA is adopting and recirculating the 2001 FEIS, seeking to join the 2006 Amended PA, and has concluded that no supplemental or additional environmental review is required to support FRA's proposed action.

Issued in Washington, DC, on July 2, 2012.

**Paul Nissenbaum,**

*Associate Administrator, Office of Railroad Policy & Development.*

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2012-0076]

#### **Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SATISFACTION; 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 August 6, 2012.

**ADDRESSES:** Comments should refer to docket number MARAD-2012-0076. 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 SATISFACTION is:

*Intended Commercial Use of Vessel:* "Sightseeing, whale watching, snorkeling, and cruising Maui, Hawaii and Leeward waters."

*Geographic Region:* "Hawaii."

The complete application is given in DOT docket MARAD-2012-0076 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: June 26, 2012.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2012–16418 Filed 7–5–12; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. AB 32 (Sub-No. 105X)]

#### **Boston and Maine Corporation— Abandonment Exemption—in Worcester County, MA**

Boston and Maine Corporation (B&M) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon a 0.14 mile freight rail operating easement for a line of railroad known as the Heywood Branch, between mileposts 27.29 and 27.43, in Gardner, Worcester County, Mass.<sup>1</sup> The line traverses United States Postal Service Zip Code 01440.

B&M has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR

<sup>1</sup> On June 20, 2012, the Board received a clarification indicating that B&M does not own the subject line, but holds a freight rail operating easement over the line. B&M explains that it sold the right-of-way to New England Power Company in 1963 subject to B&M's retaining an easement to continue to perform the freight rail operations over the line.

1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on August 7, 2012, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 16, 2012. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 26, 2012, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to B&M's representative: Robert B. Burns, Iron Horse Park, North Billerica, MA 01862.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

B&M has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by July 13, 2012. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

<sup>2</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>3</sup> Each OFA must be accompanied by the filing fee, which is currently set at \$1,500. See 49 CFR 1002.2(f)(25).

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), B&M shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by B&M's filing of a notice of consummation by July 6, 2013, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: July 2, 2012.

By the Board.

**Rachel D. Campbell,**

*Director, Office of Proceedings.*

**Derrick A. Gardner,**

*Clearance Clerk.*

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**BILLING CODE 4915–01–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. AB 1098X; Docket No. AB 355 (Sub No. 41X)]

#### **Pan Am Southern, LLC.— Abandonment Exemption—in Worcester County, MA; Springfield Terminal Railway Company— Discontinuance of Service Exemption—in Worcester County, MA**

Pan Am Southern, LLC (PAS) and Springfield Terminal Railway Company (ST) (collectively, applicants) jointly filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuance of Service* for PAS to abandon, and for ST to discontinue service over, approximately 0.31 miles of rail line known as the Heywood Branch, extending from milepost 26.98 to milepost 27.29 in Gardner, Mass. The line traverses United States Postal Service Zip Code 01440.

Applicants have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of a complainant within the 2-year period; and (4) the