

petitioned the Federal Railroad Administration (FRA) for a modification to its waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 232 and 215. FRA assigned the petition Docket Number FRA-2010-0100.

BRG seeks a modification to its waiver of compliance with certain requirements of 49 CFR part 232, *Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices* and 49 CFR part 215, *Railroad Freight Car Safety Standards*. Presently, BRG's relief permits trains transferred by Union Pacific Railroad (UP) (under Waiver Petition Docket Number FRA-2007-28340 from the U.S./Mexico border interchange with the Kansas City Southern De Mexico Railway (KCSM) at Brownsville, Texas) to move from BRG's interchange point with UP at Milepost (MP) 4.48 to the BRG inspection point between MP 8.0 and MP 9.0, where required FRA inspections are performed. Occasionally, trains destined for interchange to BRG are delayed at UP's Olmito Yard by additional Federal agency inspection activities. BRG petitions for a modification to its present relief to allow the railroad to pick up trains at Olmito Yard (in lieu of the interchange point at MP 4.48). On those occasions, BRG would continue to perform the required FRA inspections between MP 8.0 and MP 9.0 in accordance with its present relief under FRA-2010-0100.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at <http://www.regulations.gov> and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave., SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.

- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by October 31, 2011 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and 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), or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on September 13, 2011.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2011-23829 Filed 9-15-11; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2011 0111]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel JUBILEE; 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 October 17, 2011.

ADDRESSES: Comments should refer to docket number MARAD-2011-0111. 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.

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

Intended Commercial use of Vessel: "Vessel will be used in sailing school program to teach basic sailing, bareboat charter, coastal and offshore navigation, basic cruising and basic racing."

Geographic Region: "South Carolina, North Carolina, Georgia, Florida, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts."

The complete application is given in DOT docket MARAD-2011-0111 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: August 25, 2011.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2011–22671 Filed 9–15–11; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35549]

Canadian Pacific Railway Company— Trackage Rights Exemption— Consolidated Rail Corporation

Pursuant to a written trackage rights agreement,¹ Consolidated Rail Corporation (CRC) will agree to grant overhead trackage rights to Canadian Pacific Railway Company (CP) over CRC's Foreman Wye between the connection with Norfolk Southern Railway Company's (NS) Detroit District Subdivision at or near NS milepost 5.2± and a connection with CSX Transportation, Inc.'s (CSXT) Detroit Subdivision at or near CSXT milepost CH 5.0± in the vicinity of Fort Street, a distance of approximately 1,980 feet, in Wayne County, Mich. (the Line).

The earliest this transaction may be consummated is October 1, 2011, the effective date of the exemption (30 days after the exemption was filed).

According to CP, the purpose of the transaction is to allow for a more efficient routing of CP's trains into CP's intermodal facility at Oak Yard in Detroit, Mich. To improve operational efficiency, CP wishes to move in its own trains the Port of Vancouver intermodal freight (POV freight) currently handled by CSXT under a switching support agreement from NS's Oakwood Yard to CP's intermodal facility. To handle the POV freight from Oakwood Yard to its intermodal facility at Oak Yard in its own trains, CP asserts that it will need to acquire trackage rights over the Line to connect with its trackage rights over CSXT's Detroit Subdivision between

milepost CH 5.0± and milepost CH 13.5± at Oak Yard.²

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by September 23, 2011 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35549, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on W. Karl Hansen, Leonard, Street and Deinard, Professional Association, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402 (Counsel for CP).

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

Decided: September 13, 2011.

By the Board.

Rachel D. Campbell,

Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2011–23812 Filed 9–15–11; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35548]

Canadian Pacific Railway Company— Trackage Rights Exemption—CSX Transportation, Inc.

Pursuant to a written trackage rights agreement,¹ CSX Transportation, Inc. (CSXT) has agreed to grant overhead trackage rights to Canadian Pacific Railway Company (CP) between milepost CH 5.0±, in the vicinity of Fort Street at a connection between CSXT and Consolidated Rail Corporation's (CRC) Foreman Wye, and milepost CH 7.5±, at or near Michigan Avenue on CSXT's Detroit Subdivision, a distance of approximately 2.5 miles in Wayne County, Mich. (the Line).²

The earliest this transaction may be consummated is October 1, 2011, the effective date of the exemption (30 days after the exemption was filed).

According to CP, the purpose of the transaction is to increase the operating efficiency of CP and CSXT in Detroit, Michigan and allow for a more efficient routing of CP's trains into CP's intermodal facility at Oak Yard in Detroit. CP and CSXT wish to cancel a switching support agreement under which CSXT handles CP's Port of Vancouver intermodal freight (POV freight) moving via Norfolk Southern Railway Company's Oakwood Yard to CP's intermodal facility. To handle the POV freight from Oakwood Yard to its intermodal facility at Oak Yard in its own trains following termination of the switching support agreement, CP asserts that it will need to acquire trackage rights over the Line to connect with its previously granted trackage rights over CSXT's Detroit Subdivision between milepost CH 7.5± and milepost CH 13.5± at Oak Yard.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway Co.—Trackage Rights—Burlington Northern, Inc.*, 354

¹ A redacted version of the trackage rights agreement between CSXT and CP was filed with the notice of exemption. The unredacted version, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for protective order. The motion is being addressed in a separate decision.

² This transaction is related to a concurrently filed verified notice of exemption in FD 35549, *Canadian Pacific Railway Company—Trackage Rights Exemption—Consolidated Rail Corporation*, in which CP seeks to obtain overhead trackage rights over CRC's Foreman Wye, between Norfolk Southern Railway Company milepost 5.2± and CSXT milepost CH 5.0±, a total distance of approximately 1,980 feet, in Wayne County, Mich.

¹ A redacted version of the draft trackage rights agreement between CRC and CP was filed with the notice of exemption. The unredacted version, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for protective order. The motion is being addressed in a separate decision.

² In a related concurrent filing in *Canadian Pacific Railway—Trackage Rights Exemption—CSX Transportation, Inc.*, FD 35548, CP seeks authority to acquire trackage rights over approximately 2.5 miles of CSXT's Detroit Subdivision between milepost CH 5.0± and milepost CH 7.5±. In *Canadian Pacific Railway—Trackage Rights Exemption—CSX Transportation, Inc.*, FD 34033 (STB served May 31, 2001), CP acquired trackage rights over CSXT's Detroit Subdivision between milepost CH 7.5± and milepost 13.5±.