

**DEPARTMENT OF TRANSPORTATION****Maritime Administration****[Docket Number: MARAD-2000-8537]****Requested Administrative Waiver of the Coastwise Trade Laws****AGENCY:** Maritime Administration, Department of Transportation.**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel OLD TIMER.

**SUMMARY:** As authorized by Public Law 105-383, 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 description of the proposed service, is listed below. 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 that in accordance with Public Law 105-383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) 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, a waiver will not be granted.

**DATES:** Submit comments on or before January 17, 2001.

**ADDRESSES:** Comments should refer to docket number MARAD-2000-8537. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. 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://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Gordon Angell, U.S. Department of Transportation, Maritime Administration, MAR-832 Room 7201, 400 Seventh Street, S.W., Washington, DC 20590. Telephone 202-366-5129.

**SUPPLEMENTARY INFORMATION:** Title V of Public Law 105-383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build

requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. 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.

**Vessel Proposed for Waiver of the U.S.-Build Requirement**

(1) Name of vessel and owner for which waiver is requested. *Name of vessel: Old Timer.* Owner: Robert E. Smith.

(2) Size, capacity and tonnage of vessel. According to the applicant: "39' 11", Tonnage, gross 28, net 22, USCG simplified formula."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: Dolphin watching cruises in local waters. Boat & Breakfast. Southeast U.S."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1973. Place of construction: Hong Kong.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "There are numerous dolphin charters in the area, which carry 30 or more passengers. Since I would be limited to the number of passengers, there should be no impact on these vessels. Also there are no Boat & Breakfast vessels in the area."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "No negative impact on U.S. shipyards. The only effect will be positive-ship repair."

Dated: December 13, 2000.

By Order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

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**BILLING CODE 4910-81-P**

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****[STB Ex Parte No. 558 (Sub-No. 4)]****Railroad Cost of Capital—2000****AGENCY:** Surface Transportation Board, DOT.**ACTION:** Notice of decision instituting a proceeding to determine the railroads' 2000 cost of capital.

**SUMMARY:** The Board is instituting a proceeding to determine the railroad industry's cost of capital for 2000. The decision solicits comments on: (1) The Railroads' 2000 cost of debt capital; (2) the railroads' 2000 current cost of preferred stock equity capital; (3) the railroads' 2000 cost of common stock equity capital; and (4) the 2000 capital structure mix of the railroad industry on a market value basis.

**DATES:** Notices of intent to participate are due no later than January 12, 2001. A service list will then be prepared and issued by January 26, 2001. Statements of the railroads are due by March 30, 2001. Statements of other interested persons are due by April 20, 2001. Rebuttal statements by the railroads are due by May 11, 2001.

**ADDRESSES:** Send an original and 10 copies of statements and a copy of the statement on a 3.5 inch disk in WordPerfect 6.1, and an original and 1 copy of the notice of intent to participate to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, NW., Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:** Leonard J. Blistein, (202) 565-1529. [TDD for the hearing impaired: (202) 565-1695.]

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Da-to-Da Office Solutions, Room 405, 1925 K Street, NW., Washington, DC 20423. Telephone: (202) 466-5530. [Assistance for the hearing impaired is available through TDD services 1-800-877-8339] A copy of the decision can also be obtained from the Board's Internet site ([www.stb.dot.gov](http://www.stb.dot.gov)).

We preliminarily conclude that the proposed action will not significantly affect either the quality of the human environment or the conservation of energy resources.

**Authority:** 49 U.S.C. 10704(a).

Decided: December 12, 2000.