

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at <http://www.regulations.gov> by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment Closing Date:* January 2, 2013.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.95 and 501.8.

Issued on: November 28, 2012.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 2012–29135 Filed 11–30–12; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35698]

#### **Buckeye East Chicago Railroad, LLC—Acquisition and Operation Exemption—Buckeye Partners, L.P.**

Buckeye East Chicago Railroad, LLC (BERR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Buckeye Partners, L.P., a noncarrier, and to operate approximately 7,065 feet (1.34 miles) of track,<sup>1</sup> existing railroad right-of-way, and bulk liquid transloading

<sup>1</sup> Applicant states that the track does not have designated mileposts.

facilities in East Chicago, Ind. BERR will interchange traffic with the Indiana Harbor Belt Railroad Company.

The transaction may be consummated on or after December 16, 2012 (30 days after the notice of exemption was filed).

BERR certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed \$5 million.

If the verified 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.<sup>2</sup> Petitions to stay must be filed no later than December 7, 2012 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35698, 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 David C. Dillon, 111 West Washington Street, Suite 1023, Chicago, IL 60602.

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

Decided: November 27, 2012.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Jeffrey Herzig,**  
*Clearance Unit.*

[FR Doc. 2012–29051 Filed 11–30–12; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35676 (Sub-No. 1)]

#### **BNSF Railway Company—Temporary Trackage Rights Exemption—Union Pacific Railroad Company**

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Partial Revocation of Exemption.

**SUMMARY:** Under 49 U.S.C. 10502, the Board revokes the class exemption as it

<sup>2</sup> Upon effectiveness of this exemption, only BERR will be authorized to operate the subject track and transloading facilities. In its filing, BERR states that it has reached an agreement, attached to the filing, with Landisville Railroad, LLC (Landisville), a Class III rail carrier, to operate the track and facilities. However, Landisville does not have Board authority to conduct those operations and may not do so until it seeks and obtains appropriate Board authority.

pertains to the trackage rights described in Docket No. FD 35676<sup>1</sup> to permit the trackage rights to expire at midnight on December 31, 2012, in accordance with the agreement of the parties, subject to the employee protective conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

**DATES:** This exemption will be effective on January 3, 2013. Petitions to stay must be filed by December 13, 2012. Petitions for reconsideration must be filed by December 24, 2012.

**ADDRESSES:** An original and ten copies of all pleadings, referring to Docket No. FD 35676 (Sub-No. 1), 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 BNSF's representative: Karl Morell, Of Counsel, Ball Janik LLP, 655 Fifteenth Street NW., Suite 225, 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 1–800–877–8339.]

#### **SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision. Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: November 26, 2012.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Begeman.

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. 2012–29053 Filed 11–30–12; 8:45 am]

**BILLING CODE 4915–01–P**

<sup>1</sup> On September 18, 2012, BNSF filed a verified notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the agreement by Union Pacific Railroad Company (UP) to grant local trackage rights to BNSF Railway Company over UP's lines between: (1) UP milepost 93.2 at Stockton, Cal., on UP's Oakland Subdivision, and UP milepost 219.4 at Elsey, Cal., on UP's Canyon Subdivision, a distance of 126.2 miles; and (2) UP milepost 219.4 at Elsey, and UP milepost 280.7 at Keddle, Cal., on UP's Canyon Subdivision, a distance of 61.3 miles. See *BNSF Ry.—Temp. Trackage Rights Exemption—Union Pac. R.R.*, FD 35676 (STB served Oct. 4, 2012). In its petition for partial revocation, BNSF states that the trackage rights are only temporary rights, but, because they are “local” rather than “overhead” rights, they do not qualify for the Board's class exemption for temporary trackage rights at 49 CFR 1180.2(d)(8).