

constituted an emergency event as related to railroad operations. Accordingly, the Administrator activated the Emergency Relief Docket. This document provides notice of the Administrator's determination.

**SUPPLEMENTARY INFORMATION:** On June 11, 2008, the Administrator of the FRA determined that the recent flooding around the Midwest region of the United States constituted an emergency event pursuant to 49 CFR 211.45(c) and that public safety would benefit from providing the railroad industry with operational relief directly related to that emergency. Accordingly, the Administrator activated the Emergency Relief Docket (docket number FRA-2008-0009) and in accordance with 49 CFR 211.45(g), petitions received in that docket pursuant to this emergency event will be handled according to the requirements of 49 CFR 211.45(g)-(j).

Interested parties are reminded that the procedures in 49 CFR 211.45 provide for expedited review and processing of emergency waiver petitions. Accordingly, in accordance with 49 CFR 211.45(h), any person wishing to comment on petitions for emergency waivers should submit their comments to the docket within 72 hours from the close of business on the day that the petition is posted in the public docket. Any person desiring a public hearing on any petition being processed in accordance with the emergency waiver procedures must notify FRA of such request in their comments submitted to the docket. 49 CFR 211.45(i).

Interested persons may submit their comments using any of the following methods:

- (1) E-mail to FRA at [RRS.Correspondence@dot.gov](mailto:RRS.Correspondence@dot.gov);
- (2) Fax to FRA at: 202-493-6309; or
- (3) Hand deliver or expedited delivery to the Docket Clerk, Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590 or electronically via the Internet at <http://www.regulations.gov>.

All communications concerning any petition in the Emergency Relief Docket should identify the appropriate docket number (e.g., FRA-2008-0009).

## Privacy

Anyone is able to search 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

665, Number 7, Pages 19477-78). The statement may also be found at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on June 23, 2008.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. E8-14542 Filed 6-26-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 290X)]

#### Norfolk Southern Railway Company— Abandonment Exemption—in Lucas County, OH

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 2.82-mile line of railroad between milepost TW 0.00 and milepost TW 2.82 in Toledo, Lucas County, OH.<sup>1</sup> The line traverses United States Postal Service Zip Codes 43604, 43607, and 43609.

NSR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) overhead traffic on the line, if any, has been rerouted over other lines; (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 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 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 R. Co.—*

*Abandonment—Goshen*, 360 I.C.C. 91

<sup>1</sup> In Docket No. AB-290 (Sub-No. 39X), *Norfolk and Western Railway Company—Discontinuance Exemption—Operations between Toledo and Walbridge Junction, OH*, the Interstate Commerce Commission granted authority for Norfolk and Western Railway Company (NW) to discontinue its service over the line. In its notice here, however, NSR, as successor to NW by merger, indicates that the portion of its line between milepost TW 2.69 and milepost TW 2.82 shares the right-of-way and a bridge with an active rail line, and NSR states that no salvage or other track removal activities will occur on that segment and that the bridge will be unaffected.

(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 July 29, 2008, 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 7, 2008. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 17, 2008,<sup>4</sup> 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 NSR's representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

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

NSR has filed environmental and historic reports that address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by July 3, 2008. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

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

<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 Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service 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 currently is set at \$1,300. See 49 CFR 1002.2(f)(25).

<sup>4</sup> NSR states that it does not have fee title to the entire right-of-way underlying the line and will not have a contiguous corridor available for public use.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NSR 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 NSR's filing of a notice of consummation by June 27, 2009, 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 "<http://www.stb.dot.gov>."

Decided: June 23, 2008.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

**Anne K. Quinlan,**

*Acting Secretary.*

[FR Doc. E8-14577 Filed 6-26-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 677 (Sub-No. 1)]

#### Common Carrier Obligation of Railroads—Transportation of Hazardous Materials

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of Rescheduled Hearing.

**SUMMARY:** The Surface Transportation Board (Board) hereby gives notice of the rescheduling of its hearing regarding the common carrier obligation of railroads with respect to the transportation of hazardous materials.

**DATES:** The public hearing will take place on Tuesday, July 22, 2008 at 9 a.m.. Any person wishing to speak at the hearing should file with the Board a written notice of intent to participate, and should identify the party, the proposed speaker, and the time requested, as soon as possible but no later than July 10, 2008. Each speaker should also file with the Board his/her written testimony in that same document. Written submissions by interested persons who do not wish to appear at the hearing will also be due by July 10, 2008.

#### FOR FURTHER INFORMATION CONTACT:

Timothy Stafford 202-245-0356. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** By a decision served on June 4, 2008, the Board announced that it would hold a hearing at 9 a.m. on Wednesday, July 16, 2008, at its headquarters in Washington, DC, for the purpose of

examining issues related to the common carrier obligation of railroads with respect to the transportation of hazardous materials. Persons wishing to speak at the hearing were directed to notify the Board in writing and submit their written testimony no later than July 2, 2008. Written testimony from other interested parties was also due by July 2, 2008.

In order to address witness availability concerns, the Board served a decision on June 19, 2008, announcing that it would grant a short extension and hold the hearing on Tuesday, July 22, 2008. The hearing will begin at 9 a.m. in the 1st floor hearing room at the Board's headquarters at 395 E Street, SW., in Washington, DC, and will continue, with short breaks if necessary, until every person scheduled to speak has been heard. In light of the Independence Day holiday, the Board announced by decision served June 23, 2008 that it would extend the due date for notices of intent to participate and written testimony by hearing participants, as well as other interested persons who do not wish to appear at the hearing, until July 10, 2008.

*Board Releases and Live Video Streaming Available Via the Internet.* Decisions and notices of the Board are available on the Board's Web site at "<http://www.stb.dot.gov>." This hearing will be available on the Board's Web site by live video streaming. To access the hearing, click on the "Live Video" link under "Information Center" at the left side of the home page beginning at 9 a.m. on July 22, 2008.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Dated: June 23, 2008.

By the Board, Anne K. Quinlan, Acting Secretary.

**Anne K. Quinlan,**

*Acting Secretary.*

[FR Doc. E8-14574 Filed 6-26-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35147<sup>1</sup>]

#### Norfolk Southern Railway Company, Pan Am Railways, Inc., et al.—Joint Control and Operating/Pooling Agreements—Pan Am Southern, LLC

**AGENCY:** Surface Transportation Board.

**ACTION:** Decision No. 2 in STB Finance Docket No. 35147; Notice of Acceptance of Primary Application and Related

Filings; Issuance of Procedural Schedule.

**SUMMARY:** The Surface Transportation Board (Board) is accepting for consideration the primary application and related filings, filed on May 30, 2008, by Norfolk Southern Railway Company (Norfolk Southern), Pan Am Railways, Inc. (PARI) (a noncarrier railroad holding company), and two of PARI's rail carrier subsidiaries, Boston and Maine Corporation (B&M) and Springfield Terminal Railway Company (Springfield Terminal) (collectively, Applicants). The primary application seeks Board approval under 49 U.S.C. 11322 and 11323 of (1) the acquisition by Norfolk Southern and B&M of joint control and ownership of Pan Am Southern, LLC (PAS), a new rail carrier to be formed; and (2) the agreements by which Springfield Terminal would operate the lines of PAS and establish rates for PAS. The agreements for which approval and authorization are being sought by the application and the related filings will be referred to collectively as the Transaction.

If the Transaction is approved, PAS would own or operate over (through trackage rights) approximately 437 miles of track (PAS Lines). The PAS Lines consist of 238.3 miles of rail lines to be owned by PAS, as well as 198.4 miles of track over which PAS would have trackage rights. The west to east main line section of the PAS Line, called the Patriot Corridor, would be comprised of 139.7 miles of track to be owned by PAS extending from Mechanicville, NY to CPF-312, near Ayer, MA, as well as 15.8 miles of trackage rights over Massachusetts Bay Transportation Authority (MBTA) track between Fitchburg, MA and Willows, MA. The north-south section of the PAS Lines extending from White River Junction, VT to New Haven, CT would be comprised of: (1) 72.8 miles of trackage rights over New England Central Railroad (NECR) between White River Junction, VT and East Northfield, MA; (2) 49.7 miles of track to be owned by PAS on the Connecticut River Mainline between East Northfield, MA and Springfield, MA; and (3) 62.0 miles of

<sup>1</sup> This decision also embraces *Pan Am Southern, LLC—Acquisition and Operation Exemption—Lines of Boston and Maine Corporation*, STB Finance Docket No. 35147 (Sub-No. 1); *Norfolk Southern Railway Company—Trackage Rights Exemption—Pan Am Southern, LLC—Between Mechanicville, NY and Ayer, MA*, STB Finance Docket No. 35147 (Sub-No. 2); and *Springfield Terminal Railway Company—Trackage Rights Exemption—Pan Am Southern, LLC—Between CPF 312 Near Willows, MA, and Harvard Station, MA*, STB Finance Docket No. 35147 (Sub-No. 3) (collectively, the related filings).