

1990 there have been 58 reported instances of a vessel or its equipment striking a submerged pipeline offshore, and 64 reported instances where a submerged pipeline was either uncovered or presented a hazard to navigation. No incidents were found outside of the Gulf of Mexico.

The study addresses the impact of pipeline depth of burial and vessels in waters less than 15 feet of depth. PHMSA anticipates there will be changes in the offshore environment, such as liquefied natural gas import facilities. PHMSA is working with the Federal Energy Regulatory Commission to ensure adequate protection of LNG lines. PHMSA provides FERC with findings from our safety analysis for consideration of conditional terms for granting permits. Therefore, PHMSA has the ability to get safety concerns addressed through FERC by adding them as conditions of a permit. In addition, climate change may adversely affect offshore pipeline infrastructure by causing shifts in weather patterns, water depth or vessel traffic. PHMSA requests comments on the study to assist in evaluating the need for further analysis due to these anticipated changes in the offshore environment.

**Authority:** 49 U.S.C. 60102, 60115.

Issued in Washington, DC on April 16, 2007.

**Joy Kadnar,**

*Acting Associate Administrator for Pipeline Safety.*

[FR Doc. E7-7482 Filed 4-19-07; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35017]

#### **Mark K. Smith—Continuance in Control Exemption—Rock River Railroad, Inc.**

Mark K. Smith (applicant) has filed a verified notice of exemption to continue in control of Rock River Railroad, Inc. (RRR), upon RRR's becoming a Class III rail carrier.

The earliest this transaction may be consummated is the May 6, 2007 effective date of the exemption (30 days after the exemption was filed).

This transaction is related to the concurrently filed notice of exemption in STB Finance Docket No. 35016, *Rock River Railroad, Inc.—Acquisition and Operation Exemption—Rail Lines of Renew Energy, LLC*. In that proceeding, RRR seeks to acquire and operate approximately 2,100 feet of rail line,

located within the plant site of Renew Energy, LLC (RE), in Jefferson, Jefferson County, WI (the line). RRR will provide common carrier rail operations over the line and interchange with Union Pacific Railroad Company.

Applicant is a noncarrier and currently controls Rail & Transload, Inc. (R&T), a Class III rail carrier.

Applicant states that: (1) The rail properties operated by R&T and those to be operated by RRR do not connect with each other or any railroads in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the rail lines of R&T and RRR with each other or any railroads in their corporate family; and (3) the transaction does not involve a Class I railroad. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2). The purpose of this transaction is to allow applicant to continue in control of RRR after RRR becomes a Class III rail carrier.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under section 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

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. Petitions for stay must be filed no later than April 27, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35017, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Thomas F. McFarland, 208 South LaSalle St., Suite 1890, Chicago, IL 60604-1112.

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

Decided: April 13, 2007.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. E7-7586 Filed 4-19-07; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35016]

#### **Rock River Railroad, Inc.—Acquisition and Operation Exemption—Rail Lines of Renew Energy, LLC**

Rock River Railroad, Inc. (RRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Renew Energy, LLC (RE), and to operate approximately 2,100 feet of rail line, located within the plant site of RE, in Jefferson, Jefferson County, WI (the line).<sup>1</sup>

This transaction is related to the concurrently filed notice of exemption in STB Finance Docket No. 35017, *Mark K. Smith—Continuance in Control Exemption—Rock River Railroad, Inc.*, wherein Mark K. Smith seeks to continue in control of RRR upon its becoming a Class III rail carrier.

RRR states that the line connects with Union Pacific Railroad Company at both of its termini. RRR further states that, although the line has been owned and operated by RE as private track and might otherwise be considered to be spur, industrial, or switching track exempt from the Board's acquisition and operation authority under 49 U.S.C. 10906, it constitutes a line of railroad for which an exemption from the Board is required because it is RRR's initial rail acquisition and operation.<sup>2</sup>

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

The earliest this transaction may be consummated is the May 6, 2007 effective date of the exemption (30 days after the exemption was filed).

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

<sup>1</sup> According to RRR, the line does not have mileposts.

<sup>2</sup> See *Effingham RR Co.—Pet. For Declaratory Order*, 2 S.T.B. 606 (1997), *aff'd sub nom.*, *United Transp. Union v. Surface Transp. Bd.*, 183 F.3d 606 (7 Cir. 1999); see also *Bulkmatic Railroad Corporation—Acquisition & Operation Exemption—Bulkmatic Transport Company*, STB Finance Docket No. 34145 (STB served Nov. 19, 2002).

a petition to revoke will not automatically stay the effectiveness of the transaction. Petitions for stay must be filed no later than April 27, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35016, 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 Thomas F. McFarland, 208 South LaSalle St., Suite 1890, Chicago, IL 60604-1112.

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

Decided: April 13, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7-7590 Filed 4-19-07; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35015]

#### **Kaw River Railroad, Inc.—Lease and Operation Exemption<sup>1</sup>—BNSF Railway Company**

Kaw River Railroad, Inc. (KRR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease from BNSF Railway Company (BNSF) and operate approximately 14.66 miles of rail lines located in BNSF's Bedford Yard and the Bedford Industrial Park, in North Kansas City, MO, as follows: Track Numbers 1601 through 1605, including associated lead Track Numbers 1 through 10 coming off of Track Number 1606, and Track Number 1606 starting on the west end from the clearance point of the switch with Track Number 1502. In conjunction with the lease of these rail lines, KRR will acquire incidental, restricted overhead trackage rights over a 1.52-mile BNSF rail line located between the Bedford Yard and the Kansas City Southern Railway Company (KCS) track leading to KCS's Knoche Yard via the ASB Bridge, in North Kansas City.

KRR certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class

<sup>1</sup> The original notice did not include "operation" in the title. Because it is clear that KRR will also become the operator of the leased lines, the title has been revised accordingly.

II or Class I rail carrier and will not exceed \$5 million.

The earliest this transaction may be consummated is the May 6, 2007 effective date of the exemption (30 days after the exemption was filed).

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 transaction. Petitions for stay must be filed no later than April 27, 2007.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35015, 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 Karl Morell, 1455 F Street, NW., Suite 225, Washington, DC 20005.

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

Decided: April 12, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7-7544 Filed 4-19-07; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-6 (Sub-No. 452X)]

#### **BNSF Railway Company—Abandonment Exemption—in Clinton and Marion Counties, IL**

BNSF Railway Company (BNSF) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 1.05 miles of rail line, extending between milepost 13.97 and milepost 15.02, near Centralia, in Clinton and Marion Counties, IL.<sup>1</sup> The line traverses United States Postal Service Zip Code 62801.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line will be rerouted; (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

<sup>1</sup> In a letter filed on April 5, 2007, BNSF clarifies that its use of MN in the headings of the notice is a clerical error, and that MN should be replaced with IL in the headings, as is consistent with the use of IL or Illinois in the text of the notice and newspaper publication.

such user) regarding cessation of service over the line either is pending with the Surface Transportation 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 reports), 49 CFR 1105.8 (historic reports), 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 (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 May 22, 2007, 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 April 30, 2007. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 10, 2007, with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to BNSF's representative: Sidney L. Strickland, Jr., Sidney Strickland and Associates, PLLC, 3050 K Street, NW., Suite 101, Washington, DC 20007.

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

BNSF has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by April 27, 2007. Interested persons may obtain a copy of the EA by writing to

<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 is currently set at \$1,300. See 49 CFR 1002.2(f)(25).