

functions of the Board, including whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

#### Description of Collection

*Title:* Waybill Sample.

*OMB Control Number:* 2140-00.

*STB Form Number:* None.

*Type of Review:* Approval of existing collection.

*Respondents:* Any regulated railroad that terminated at least 4,500 carloads on its line in any of the three preceding years or that terminated at least 5% of the total revenue carloads that terminated in a particular state.

*Number of Respondents:* 64.

*Estimated Time Per Response:* 75 minutes.

*Frequency:* Five (5) respondents report Monthly; 59 report quarterly.

*Total Burden Hours (annually including all respondents):* 370 hours.

*Total "Non-hour Burden" Cost:* No "non-hour cost" burdens associated with this collection have been identified.

*Needs and Uses:* The Surface Transportation Board is, by statute, responsible for the economic regulation of common carrier rail transportation in the United States. Under 49 CFR part 1244, a railroad is required to file carload waybill sample information (Waybill Sample) for all line-haul revenue waybills terminating on its lines if, in any of the three preceding years, it terminated 4500 or more carloads, or it terminated at least 5% of the total revenue carloads that terminate in a particular state. The information in the Waybill Sample is used by the Board, other Federal and state agencies, and industry stakeholders to monitor traffic flows and rate trends in the industry, and to develop testimony in Board proceedings. The Board has authority to collect this information under 49 U.S.C. 11144 and 11145.

**DATES:** Comments on this information collection should be submitted by July 20, 2007.

**ADDRESSES:** Direct all comments to Marilyn Levitt, Surface Transportation Board, Suite 1260, 395 E Street, SW., Washington, DC 20423-0001, or to [levittm@stb.dot.gov](mailto:levittm@stb.dot.gov). When submitting comments, please refer to "Paperwork Reduction Comments: Waybill Sample."

#### FOR FURTHER INFORMATION OR TO OBTAIN A COPY OF PERTINENT REGULATIONS

**CONTACT:** Mac Frampton at (202) 245-0317 or at [hugh.frampton@stb.dot.gov](mailto:hugh.frampton@stb.dot.gov). [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at

1-800-877-8339.] These regulations are codified at 49 CFR parts 1244.1-1244.9 and are also available on the web through <http://www.gpoaccess.gov/cfr/index.html>.

**SUPPLEMENTARY INFORMATION:** Under the PRA, a Federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under section 3506(c)(2)(A) of the PRA, Federal agencies are required to provide public notice and a 60-day comment period, prior to seeking OMB approval for an information collection.

Dated: May 21, 2007.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7-9689 Filed 5-18-07; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 558 (Sub-No. 10)]

#### Railroad Cost of Capital—2006

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of decision.

**SUMMARY:** The Board is instituting a proceeding to determine the railroad industry's cost of capital for 2006. The decision solicits comments on: (1) The railroads' 2006 current cost of debt capital; (2) the railroads' 2006 current cost of preferred stock equity capital (if any); (3) the railroads' 2006 cost of common stock equity capital; and (4) the 2006 capital structure mix of the railroad industry on a market value basis.

**DATES:** Notices of intent to participate are due no later than May 29, 2007.

Statements of the railroads are due by June 25, 2007. Statements of other interested persons are due by July 25, 2007. Rebuttal statements by the railroads are due by August 9, 2007.

**ADDRESSES:** Railroads and others that intend to participate in this proceeding shall file an original and one copy of a notice of intent to participate with the Secretary by the date specified below. Evidentiary statements are to be filed with the Board on or before the dates set forth above. Comments may be submitted either via the Board's e-filing format or in the traditional paper

format. Any person using e-filing should comply with the instructions at the E-FILING link on the Board's Web site, at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: STB Ex Parte No. 558 (Sub-No. 10), 395 E Street, SW., Washington, DC 20423-0001. In addition, the evidence contained in the statement shall be submitted on a 3.5-inch disk in MS Word 2003 or its equivalent.

**FOR FURTHER INFORMATION CONTACT:** Scott Decker, (202) 245-0330. (Federal Information Relay Service (FIRS) for the hearing impaired: 1 (800) 877-8339.)

**SUPPLEMENTARY INFORMATION:** The Board's decision is posted on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov). In addition, copies of the decision may be purchased from ASAP Document Solutions by calling 202-306-4004 (assistance for the hearing impaired is available through FIRS at 1-800-877-8339), or by e-mail at [asapdc@verizon.net](mailto:asapdc@verizon.net).

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: May 14, 2007.

By the Board, Chairman Nottingham, Vice Chairman Buttrey, and Commissioner Mulvey.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7-9690 Filed 5-18-07; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-31 (Sub-No. 41X)]

#### Grand Trunk Western Railroad Incorporated—Abandonment Exemption—in Oakland County, MI

Grand Trunk Western Railroad Incorporated (GTW) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 0.7-mile portion of its line of railroad known as the Cass City Subdivision from milepost 7.06 to milepost 6.36 in Orion Township, in Oakland County, MI.<sup>1</sup> The line traverses United States Postal Service Zip Code 48359.

<sup>1</sup> Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Surface Transportation Board (Board) at least 50 days before the abandonment or discontinuance is to be consummated. GTW initially indicated in its notice of exemption a proposed consummation date of

GTW has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic to 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 such user) regarding cessation of service over the line either is pending with the 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 June 20, 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 May 31, 2007. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 11, 2007, 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 GTW's representative: Thomas J. Healey, 17641 S. Ashland Avenue, Homewood, IL 60430-1345.

June 11, 2007, but because the verified notice was filed on May 1, 2007, consummation may not take place prior to June 20, 2007. GTW has been informed by a Board staff member that consummation may not take place until June 20, 2007.

<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).

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

GTW has filed a combined environmental report 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 May 25, 2007. 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.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), GTW 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 GTW's filing of a notice of consummation by May 21, 2008, 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 "[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV)."

Decided: May 11, 2007.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7-9584 Filed 5-18-07; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-1009X]

#### Mission Mountain Railroad, Inc.— Discontinuance of Service Exemption—in Flathead County, MT

Mission Mountain Railroad, Inc. (MMT)<sup>1</sup> has filed a verified notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service to*

<sup>1</sup>MMT was authorized to lease and operate the line in *Mission Mountain Railroad, Inc.—Acquisition Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 34634 (STB served Jan. 19, 2005).

discontinue service over a 0.42-mile line of railroad between Engineering Station 189+36 and Engineering Station 167+00, in Flathead County, MT.<sup>2</sup> The line traverses United States Postal Service Zip Code 59901.

MMT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line to 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 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 1105.12 (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 discontinuance of service 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 June 20, 2007, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 CFR 1152.27(c)(2),<sup>3</sup> must be filed by May 31, 2007.<sup>4</sup> Petitions to reopen must be filed by June 11, 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 MMT's representative: Karl Morell, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

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

<sup>2</sup>BNSF Railway Company was authorized to abandon the above-described line in *BNSF Railway Company—Abandonment Exemption—in Flathead County, MT*, STB Docket No. AB-6 (Sub-No. 444X) (STB served Sept. 28, 2006).

<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>Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.