

Grote provided test data to demonstrate that the reflex reflectors satisfy the reflectivity requirements specified in SAE J594f, which are also incorporated by reference in FMVSS No. 108. Based on these factors, we believe the subject noncompliance would not cause a significant safety risk to motorists.

NHTSA agrees with Grote that the noncompliance is inconsequential to motor vehicle safety because the nonconforming yellow reflex reflectors are easily distinguished from conforming red reflex reflectors thereby allowing recognition of the vehicle direction of travel.

In consideration of the foregoing, NHTSA has decided that Grote has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Grote's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: August 6, 2007.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

[FR Doc. E7-15613 Filed 8-9-07; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35055]

#### **Dakota, Missouri Valley & Western Railroad, Inc.—Lease and Operation Exemption—Soo Line Railroad Company d/b/a Canadian Pacific Railway**

Dakota, Missouri Valley & Western Railroad, Inc. (DMVW), a Class III carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease and operate, pursuant to an agreement with Soo Line Railroad Company d/b/a Canadian Pacific Railway (CPR), approximately 45 miles of rail line, known as the Crosby Lines and the Lignite Line.<sup>1</sup> The Crosby Lines

<sup>1</sup> In a related proceeding, STB Finance Docket No. 35068, *Soo Line Railroad Company d/b/a Canadian Pacific Railway—Acquisition and Operation Exemption—BNSF Railway Company*, CPR will be acquiring BNSF Railway Company's (BNSF) interests in the Crosby Line and is the sole owner of the Lignite Line. CPR holds the remaining undivided one-half interest in the Crosby Lines. DMVW previously has operated over the Crosby Lines pursuant to lease agreements with CPR. Upon the consummation of the related proceeding, CPR and DMVW will enter into a new lease allowing DMVW to operate over both lines, which will be under the sole ownership of CPR.

consist of a 32.54-mile line of rail from Crosby, ND, at CPR milepost 582.35 (BNSF milepost 89.5), to Lignite Junction, ND, at CPR milepost 550.80 (BNSF milepost 56.96), and three connecting lines that include: (i) A 1.16-mile line from Lignite Junction to Rival, ND, at CPR milepost 549.64; (ii) a 1.07-mile line from Kincaid, ND (BNSF milepost 64.5), to Columbus, ND, at CPR milepost 558.28; and (iii) a 0.49-mile line from Crosby to the original CPR line extending west to Whitetail, MT. The Lignite Line extends from BNSF milepost 47.0 east of Lignite to BNSF milepost 56.96 at Lignite Junction.

DMVW certifies that its projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier. Because the projected annual revenues of the line, together with DMVW's projected annual revenue, will exceed \$5 million, DMVW certified on July 12, 2007, that it has served the national offices of the labor unions with employees on the line with a copy of a notice of its intent to undertake this transaction and posted such notice at the workplace of the employees on the affected line on June 28, 2007, and July 3, 2007.

The earliest date this transaction can be consummated is September 10, 2007, the effective date of the exemption (60 days after DMVW certified its compliance with the labor notice requirements of 49 CFR 1150.42(e)).

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 August 31, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35055, 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: Edward J. Fishman, Kirkpatrick & Lockhart Preston Gates Ellis LLP, 1601 K. Street, NW., Washington, DC 20006-1600.

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

Decided: August 3, 2007.

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

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

[FR Doc. E7-15461 Filed 8-9-07; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 249X)]

#### **Union Pacific Railroad Company—Abandonment and Discontinuance Exemption—in Plumas and Sierra Counties, CA (Loyalton Industrial Lead)**

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments and Discontinuances* to: (1) Discontinue service over 11.07 miles of rail line in Plumas and Sierra Counties, CA, from milepost 0.55 near Hawley to milepost 11.62 near Loyalton; and (2) abandon 0.72 miles of rail line in Sierra County, CA, from milepost 11.62 to milepost 12.34 near Loyalton. The entire line is 11.79 miles and is referred to as the Loyalton Industrial Lead (LIL). The LIL traverses United States Postal Service Zip Codes 96118 and 96122.

UP has certified that: (1) No 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 filed by a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U.S. District Court or has been decided in favor or 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 September 11, 2007, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to

<sup>1</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

file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by August 20, 2007. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by August 30, 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 UP's representative: Gabriel S. Meyer, Assistant General Attorney, Union Pacific Railroad Company, 1400 Douglas Street, STOP 1580, Omaha, NE 68179.

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>2</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*.

UP has filed a combined environmental and historic report addressing the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by August 17, 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), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the portion of the line between mileposts 11.62 and 12.34. If consummation has not been effected by UP's filing of a notice of consummation by August 10, 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 <http://www.stb.dot.gov>.

Decided: August 2, 2007.

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

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

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