

opponents must develop their submissions during the summer when many people schedule vacations, an additional 2 weeks for the submission of comments is warranted. The additional 2 weeks will provide sufficient time for interested persons to prepare their comments, while not materially harming the parties to this transaction. We will also extend the remaining due dates under the procedural schedule by 2 weeks.

In a pleading filed on July 31, 2007, the Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference, International Brotherhood of Teamsters (BLET), asked the Board to require MCR and NSR to use the formal application process under 49 U.S.C. 10901 and 49 CFR Part 1150 for considering the proposed transaction, rather than the exemption process of 49 U.S.C. 10502(b) and 49 CFR 1121.1.<sup>2</sup> BLET argues that the exemption process does not give parties “adequate opportunity to examine the transactions and to engage in needed discovery.”

We will not require MCR and NSR to proceed by filing a formal application at this time. BLET and those in support of its position have failed to date to show that the exemption process and the procedural schedule we have adopted are inadequate. Contrary to what BLET maintains, opponents of the transaction will have ample opportunity to develop the record. The parties to this transaction have submitted comprehensive information about the transaction, and we are allowing additional time for opponents to examine the transaction and to file comments. At this time, we conclude that we have established a fair and responsive process.

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

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

*It is ordered:*

1. The schedule for hearing MCR's petition is extended as provided in this decision, and the requests to hear this transaction under the application process are denied.

2. This decision will be published in the **Federal Register** on August 24, 2007.

3. This decision is effective on August 24, 2007.

Decided: August 20, 2007.

<sup>2</sup> In a pleading filed on July 20, 2007, MSR/EWR also seem to support this request.

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

**Vernon Williams,**

*Secretary.*

[FR Doc. E7-16794 Filed 8-23-07; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35074]

#### **BIP Acquisition Sub, Inc.—Acquisition and Operation Exemption—Mittal Steel USA—Railways Inc.**

BIP Acquisition Sub, Inc. (BIP), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Mittal Steel USA—Railways Inc. and operate approximately 183 miles of rail line in and around Sparrows Point, MD.<sup>1</sup>

BIP has certified that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III railroad. Because BIP's projected annual revenues will exceed \$5 million, however, it has certified to the Board, on August 10, 2007, that it sent the required notice of the transaction to the national and local offices of the United Steelworkers Union, which represents employees on the affected lines, and posted a copy of the notice at the workplace of the employees on the affected lines on August 9, 2007. See 49 CFR 1150.32(e). BIP states that it intends to consummate the transaction on or after September 10, 2007, and will seek a waiver of the Board's 60-day labor notice requirement at 49 CFR 1150.32(e) to do so. Unless the Board grants a waiver, BIP may not consummate the transaction prior to the current October 9, 2007 effective date of the exemption.

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 to stay must be filed no later than 7 days before the exemption becomes effective.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35074, must be filed with the Surface Transportation Board, 395 E

<sup>1</sup> See *Mittal Steel Company N.V.—Acquisition of Control Exemption—ISG Railways Inc., ISG South Chicago & Indiana Harbor Railway Co., and ISG Cleveland Works Railway Co.*, STB Finance Docket No. 34650 (STB served May 3, 2005).

Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on: Gavin M. O'Connor, McGuire Woods LLP, 625 Liberty Avenue, 23rd Floor, Pittsburgh, PA 15222.

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

Decided: August 16, 2007.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7-16466 Filed 8-23-07; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35073]

#### **Northwestern Pacific Railroad Company—Change in Operators Exemption—North Coast Railroad Authority, Sonoma-Marín Area Transit District and Northwestern Pacific Railway Co., LLC**

Northwestern Pacific Railroad Company (NWPCO), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to change operators from Northwestern Pacific Railway Co., LLC (NWPY) to NWPCO on a line of railroad owned by North Coast Railroad Authority (NCRA) and Sonoma-Marín Area Rail Transit District (SMART). The line, entirely within California, includes: (1) The Willits Segment extending from NWP milepost 142.5 near Outlet Station to NWP milepost 68.22 near Healdsburg, a distance of approximately 74.3 miles; (2) the Healdsburg Segment extending from NWP milepost 68.2 near Healdsburg to NWP milepost 26.96 near Novato, a distance of approximately 41.2 miles; (3) the Novato Segment extending from milepost 26.96 near Novato to NWP milepost 25.6 near Ignacio, a distance of approximately 1.4 miles; and (4) the Lombard Segment extending from NWP milepost 25.6 near Ignacio to Lombard Station in Napa County, SP milepost 63.4, a distance of approximately 25.3 miles. These segments (“the Line”) total approximately 142 miles.<sup>1</sup> This change

<sup>1</sup> NCRA acquired the authority to operate the Line pursuant to *North Coast Railroad Authority—Lease and Operation Exemption—California Northern Railroad Company, Northwestern Pacific Railroad Authority, and Golden Gate Bridge, Highway and Transportation District*, STB Finance Docket No. 33115 (STB Served Sept. 27, 1996). In turn, NCRA contracted its surface freight easement rights on the

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