

VI. Social and Economic: Civil Rights Act of 1964 (Civil Rights) [42 U.S.C. 2000(d)–2000(d)(1)].

VII. Wetlands and Water Resources: Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 402, Section 319); Rivers and Harbors Act of 1899 (RHA), 33 U.S.C. 401–406.

VIII. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11514 Protection and Enhancement of Environmental Quality.

The projects subject to this notice are:

1. Project Location: Interstate Highway 635 (I–635) from Luna Road to U.S. Highway 75 (US 75) in Dallas County. Project Reference Number: TxDOT CSJ: 2374–01–032, 2374–01–068, and 2374–07–046.

Project Type: The project will: (1) Reconstruct and widen the existing I–635 main lanes; (2) replace the existing I–635 high occupancy vehicle (HOV) lane in both directions with two managed (toll) lanes in each direction from east of Luna Road to between Josey Lane and Webb Chapel Road; (3) add three subsurface managed HOV lanes in both directions from between Josey Lane and Webb Chapel Road to west of U.S. 75; and (4) construct two- and three-lane frontage roads to link the existing discontinuous frontage roads in each direction. Project Length: Approximately 8.89 miles. General Purpose: The project will improve system linkage and mobility in the area in response to current and future traffic demand needs and development along I–635. Final agency actions taken under: NEPA, FAHA, CAA, Section 106, ESA, MBTA, ARPA, AHPA, Civil Rights Act, Section 404, Section 401, E.O. 11990, and E.O. 11514. NEPA Document: EA approved on May 1, 2003, FONSI issued on April 29, 2004, and was reaffirmed on June 20, 2008.

2. Project Location: I–635 at U.S. 75 in Dallas County. Project Reference Number: TxDOT CSJ: 5800–00–915. Project Type: The project will provide interim eastbound and westbound entrance and exit ramps, and toll gantries on the I–635 interim HOV/managed (toll) lanes. Project Length: Approximately two miles. General Purpose: The project will improve system linkage and mobility in the area in response to current and future traffic demand needs and development along I–635. Final agency actions taken under: NEPA, FAHA, CAA, ESA, MBTA, ARPA, AHPA, Civil Rights Act, Section 401, E.O. 11990, and E.O. 11514. NEPA Document: CE approved on June 19, 2008.

3. Project Location: Loop 12/I–35E from Spur 408 to I–635 in Dallas County. Project Reference Number: TxDOT CSJ: 0196–03–137; 0581–02–077, 121, 124, 128; 0094–03–060. Project Type: The project will: (1) Reconstruct and widen the existing six main lanes to eight main lanes; (2) reconstruct and widen the existing two-lane discontinuous frontage roads to four to six lanes; (3) add new frontage roads to link the discontinuous frontage roads; (4) construct a two-to three-lane reversible managed (toll) HOV facility; and (5) construct two three-lane elevated direct connections between the Loop 12/I–35E interchange and the I–635 interchange. Project Length: Approximately 12.9 miles. General Purpose: The project will improve system linkage and mobility in the area in response to current and future traffic demand needs and development along Loop 12 and I–35E. Final agency actions taken under: NEPA, FAHA, CAA, Section 4(f), Section 106, ESA, MBTA, ARPA, AHPA, Civil Rights Act, Section 404, Section 401, E.O. 11990, and E.O. 11514. NEPA Document: EA approved on July 3, 2002, FONSI issued on December 11, 2002, and was reaffirmed on June 24, 2008.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139(l)(1).

Issued on: November 20, 2008.

**Salvador Deocampo,**

*District Engineer.*

[FR Doc. E8–28344 Filed 11–26–08; 8:45 am]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35168]

#### **Progressive Rail Inc.—Intra-Corporate Family Transaction Exemption—Airlake Terminal Railway Company, LLC**

Progressive Rail Inc. (PGR), a Class III rail common carrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(3) for a transaction within a corporate family. The transaction allows PGR to remain in control of Airlake Terminal Railway Company, LLC (ATRC), also a Class III rail carrier.<sup>1</sup> PGR

<sup>1</sup> See Airlake Terminal Railway Company—Acquisition and Operation Exemption—Rail Line of

acknowledges that its authority to remain in control of ATRC should have been sought at the time ATRC obtained acquisition authority from the Board. PGR also controls Central Midland Railway Company, a Class III rail carrier, and has Board authority to control Montgomery Short Line LLC upon its becoming a Class III rail carrier.<sup>2</sup>

The transaction is expected to be consummated on December 12, 2008, the effective date of this exemption (30 days after the exemption was filed).

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). According to PGR, the transaction will not result in adverse changes in service levels, significant operational changes, or changes in the competitive balance with carriers outside the corporate family.

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 sections 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 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 December 5, 2008 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35168, 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 Michael J. Barron, Jr., Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

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

Empire Builder Investments Incorporated and Progressive Rail, Incorporated, STB Finance Docket No. 34295 (STB served Dec. 27, 2002).

<sup>2</sup> See Progressive Rail Inc.—Acquisition of Control Exemption—Central Midland Railway Company, STB Finance Docket No. 35051 (STB served July 5, 2007), and Progressive Rail Inc.—Continuance in Control Exemption—Montgomery Short Line LLC, STB Finance Docket No. 35092 (STB served Nov. 9, 2007).

Decided: November 20, 2008.  
By the Board, David M. Koonschnik,  
Director, Office of Proceedings.  
**Kulunie L. Cannon,**  
*Clearance Clerk.*  
[FR Doc. E8-28000 Filed 11-26-08; 8:45 am]  
**BILLING CODE 4915-01-P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**Publication of the Tier 2 Tax Rates**

**AGENCY:** Internal Revenue Service (IRS),  
Treasury.

**ACTION:** Notice.

**SUMMARY:** Publication of the tier 2 tax rates for calendar year 2009 as required by section 3241(d) of the Internal Revenue Code (26 U.S.C. section 3241). Tier 2 taxes on railroad employees, employers, and employee representatives are one source of funding for benefits under the Railroad Retirement Act.

**DATES:** The tier 2 tax rates for calendar year 2009 apply to compensation paid in calendar year 2009.

**FOR FURTHER INFORMATION CONTACT:** David G. Mills, CC:TEGE:EOEG:ET1, Internal Revenue Service, 1111

Constitution Avenue, NW., Washington, DC 20224, Telephone Number (202) 622-0047 (not a toll-free number).

*Tier 2 Tax Rates:* The tier 2 tax rate for 2009 under section 3201(b) on employees is 3.9 percent of compensation. The tier 2 tax rate for 2009 under section 3221(b) on employers is 12.1 percent of compensation. The tier 2 tax rate for 2009 under section 3211(b) on employee representatives is 12.1 percent of compensation.

Dated: November 14, 2008.

**Nancy Marks,**  
*Division Counsel/Associate Chief Counsel  
(Tax Exempt and Government Entities).*  
[FR Doc. E8-28213 Filed 11-26-08; 8:45 am]  
**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY**

**United States Mint**

**Notification of Van Buren First Spouse Gold Coin Prices**

**ACTION:** Notification of Van Buren First Spouse Gold Coin Prices.

**SUMMARY:** The United States Mint is setting prices for the Martin Van Buren First Spouse Gold Proof and Uncirculated Coins.

Pursuant to 31 U.S.C. 5112(o), and in accordance with 31 U.S.C. 9701(b)(2)(B), the United States Mint is setting the price of these coins to reflect the market price of gold. These prices are consistent with recently re-priced, previously introduced 2008 First Spouse Gold Coins.

Effective November 25, 2008, the United States Mint will commence selling Van Buren First Spouse Gold Proof and Uncirculated Gold Coins according to the following price schedule:

Description	Price (\$)
Van Buren First Spouse Gold Proof Coin .....	549.95
Van Buren First Spouse Gold Uncirculated Coin .....	524.95

**FOR FURTHER INFORMATION CONTACT:** B. B. Craig, Associate Director for Sales and Marketing; United States Mint; 801 Ninth Street, NW., Washington, DC 20220; or call 202-354-7500.

Dated: November 21, 2008.

**Edmund C. Moy,**  
*Director, United States Mint.*  
[FR Doc. E8-28331 Filed 11-26-08; 8:45 am]  
**BILLING CODE 4810-37-P**