

Where, as here, BIR is abandoning all of its rail lines, the Board does not normally impose labor protection under 49 U.S.C. 10502(g), unless the evidence indicates the existence of: (1) A corporate affiliate that will continue substantially similar rail operations; or (2) a corporate parent that will realize substantial financial benefits over and above relief from the burden of deficit operations by its subsidiary railroad. *See Wellsville, Addison & Galeton R. Corp.—Abandonment*, 354 I.C.C. 744 (1978); and *Northampton and Bath R. Co.—Abandonment*, 354 I.C.C. 784 (1978). Because BRI does not appear to have a corporate affiliate or parent that will continue similar operations or that could benefit from the proposed abandonment, employee protective conditions will not be imposed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on February 7, 2009, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>3</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>4</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by January 21, 2009. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 28, 2009,<sup>5</sup> 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 BIR'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*.

BIR has filed environmental and historic reports that address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental

assessment (EA) by January 13, 2009. 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), BIR 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 BIR's filing of a notice of consummation by January 8, 2010, 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: January 2, 2009.

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

**Kulunie L. Cannon,**  
*Clearance Clerk.*

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**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 30-Day Notice and Request for Comments

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** 30-day notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* (PRA), the Surface Transportation Board (Board) gives notice that it is requesting from the Office of Management and Budget (OMB) an extension of approval without change of the seven existing collections described below.

Comments are requested concerning each collection as to (1) whether the particular collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical

utility; (2) the accuracy of the Board's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate.

**DATES:** Written comments are due on February 9, 2009.

**ADDRESSES:** Written comments should be identified as "Paperwork Reduction Act Comments, Surface Transportation Board," and should refer to the title of the specific collection(s) commented upon. These comments should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Chandana Achanta, Surface Transportation Board Desk Officer, by fax at (202) 395-6974; by mail at Room 10235, 725 17th Street, NW., Washington, DC 20503; or at [Chandana\\_L\\_Achanta@omb.eop.gov](mailto:Chandana_L_Achanta@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection(s) contact Scott Decker at (202) 245-0330 or [deckers@stb.dot.gov](mailto:deckers@stb.dot.gov). [Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877-8339.]  
**Subjects:** In this notice the Board is requesting that comments be sent to OMB on the following information collections:

#### Collection Number 1

*Title:* Class I Railroad Annual Report.  
*OMB Control Number:* 2140-0009.  
*Form Number:* R1.

*Type of Review:* Extension without change.

*Respondents:* Class I railroads.  
*Number of Respondents:* Fewer than 10.

*Estimated Time per Response:* As long as 800 hours, based on information provided by the railroad industry during the 1990s. This estimate includes time spent reviewing instructions; searching existing data sources; gathering and maintaining the data needed; completing and reviewing the collection of information; and converting the data from the carrier's individual accounting system to the Board's Uniform System of Accounts (USOA), which ensures that the information will be presented in a consistent format across all reporting railroads, see 49 U.S.C. 11141-43, 11161-64, 49 CFR 1200-1201. It is likely that the estimated time to produce this report is overstated, given the advances made in computerized data collection and processing systems.

*Frequency of Response:* Annual.

<sup>3</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>4</sup> Effective July 18, 2008, the filing fee for an OFA increased to \$1,500. *See Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2008 Update*, STB Ex Parte No. 542 (Sub-No. 15) (STB served June 18, 2008).

<sup>5</sup> BIR states that the property underlying the line's right-of-way may be reversionary, which may affect the transfer of the property for other than rail or rail-banking purposes.

*Total Annual Hour Burden:* Up to 5,600 hours annually.

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

*Needs and Uses:* Annual reports are required to be filed by Class I railroads under 49 U.S.C. 11145. The reports show operating expenses and operating statistics of the carriers. Operating expenses include costs for right-of-way and structures, equipment, train and yard operations, and general and administrative expenses. Operating statistics include such items as car-miles, revenue-ton-miles, and gross ton-miles. The reports are used by the Board, other Federal agencies, and industry groups to monitor and assess railroad industry growth, financial stability, traffic, and operations, and to identify industry changes that may affect national transportation policy. Information from this report is also entered into the Board's Uniform Rail Costing System (URCS), which is a cost measurement methodology. URCS, which was developed by the Board pursuant to 49 U.S.C. 11161, is used as a tool in rail rate proceedings, in accordance with 49 U.S.C. 10707(d), to calculate the variable costs associated with providing a particular service. The Board also uses this information to more effectively carry out other of its regulatory responsibilities, including: Acting on railroad requests for authority to engage in Board-regulated financial transactions such as mergers, acquisitions of control, and consolidations, see 49 U.S.C. 11323–11324; analyzing the information that the Board obtains through the annual railroad industry waybill sample, see 49 CFR 1244; measuring off-branch costs in railroad abandonment proceedings, in accordance with 49 CFR 1152.32(n); developing the "rail cost adjustment factors," in accordance with 49 U.S.C. 10708; and conducting investigations and rulemakings.

Information from certain schedules contained in these reports is compiled and published on the Board's Web site, <http://www.stb.dot.gov>. Information in these reports is not available from any other source.

#### Collection Number 2

*Title:* Quarterly Report of Revenues, Expenses, and Income—Railroads (Form RE&I).

*OMB Control Number:* 2140–0013.

*Form Number:* None.

*Type of Review:* Extension without change.

*Respondents:* Class I railroads.

*Number of Respondents:* Fewer than 10.

*Estimated Time per Response:* 6 hours.

*Frequency of Response:* Quarterly.

*Total Annual Hour Burden:* 168 hours annually

*Total Annual "Non Hour Burden"*

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

*Needs and Uses:* This collection is a report of railroad operating revenues, operating expenses and income items; it is a profit and loss statement, disclosing net railway operating income on a quarterly and year-to-date basis for the current and prior years. See 49 CFR 1243.1. The Board uses the information in this report to ensure competitive, efficient, and safe transportation through general oversight programs that monitor and forecast the financial and operating condition of railroads, and through regulation of railroad rate and service issues and rail restructuring proposals, including railroad mergers, consolidations, acquisitions of control, and abandonments. Information from these reports is used by the Board, other Federal agencies, and industry groups to monitor and assess industry growth and operations, detect changes in carrier financial stability, and identify trends that may affect the national transportation system. Some of the information from these reports is compiled by the Board in our quarterly Selected Earnings Data Report, which is published on the Board's Web site, <http://www.stb.dot.gov>. The information contained in these reports is not available from any other source.

#### Collection Number 3

*Title:* Quarterly Condensed Balance Sheet—Railroads (Form CBS).

*OMB Control Number:* 2140–0014.

*Form Number:* None.

*Type of Review:* Extension without change.

*Respondents:* Class I railroads.

*Number of Respondents:* Fewer than 10.

*Estimated Time per Response:* 6 hours.

*Frequency of Response:* Quarterly.

*Total Annual Hour Burden:* 168 hours annually.

*Total Annual "Non-Hour Burden"*

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

*Needs and Uses:* This collection shows the balance (quarterly and cumulative) for the current and prior year of the carrier's assets and liabilities, gross capital expenditures, and revenue tons carried. See 49 CFR 1243.2. The

Board uses the information in this report to ensure competitive, efficient, and safe transportation through general oversight programs that monitor and forecast the financial and operating condition of railroads, and through specific regulation of railroad rate and service issues and rail restructuring proposals, including railroad mergers, consolidations, acquisitions of control, and abandonments. Information from these reports is used by the Board, other Federal agencies, and industry groups to assess industry growth and operations, detect changes in carrier financial stability, and identify trends that may affect the national transportation system. Revenue ton-miles, which are reported in these reports, are compiled and published by the Board in its quarterly Selected Earnings Data Report, which is published on the Board's Web site, <http://www.stb.dot.gov>. The information contained in these reports is not available from any other source.

#### Collection Number 4

*OMB Control Number:* 2140–0004.

*Title:* Report of Railroad Employees, Service and Compensation (Wage Forms A and B).

*Form Number:* None.

*Type of Review:* Extension without change.

*Respondents:* Class I railroads.

*Number of Respondents:* Fewer than 10.

*Estimated Time per Response:* As long as 30 hours per quarterly report and 40 hours per annual summation, based on information provided by the railroad industry during the 1990s. Again, it is likely that the time required to collect this information is overstated given the advances made in computerized data collection and processing systems.

*Frequency of Response:* Quarterly, with an annual summation.

*Total Annual Hour Burden:* Up to 1120 hours annually.

*Total Annual "Non-Hour Burden"*

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

*Needs and Uses:* This collection shows the number of employees, service hours, and compensation, by employee group (e.g., executive, professional, maintenance-of-way and equipment, and transportation), of the reporting railroads. See 49 CFR 1245. The information is used by the Board to forecast labor costs and measure the efficiency of the reporting railroads. The information is also used by the Board to evaluate proposed regulated transactions that may impact rail employees, including mergers and consolidations, acquisitions of control,

purchases, and abandonments. Other Federal agencies and industry groups, including the Railroad Retirement Board, Bureau of Labor Statistics, and Association of American Railroads, use the information contained in the reports to monitor railroad operations. Certain information from these reports is compiled and published on the Board's Web site, <http://www.stb.dot.gov>. The information contained in these reports is not available from any other source.

#### Collection Number 5

*Title:* Monthly Report of Number of Employees of Class I Railroads (Wage Form C).

*OMB Control Number:* 2140-0007.

*Form Number:* STB Form 350.

*Type of Review:* Extension without change.

*Respondents:* Class I railroads.

*Number of Respondents:* Fewer than 10.

*Estimated Time per Response:* 1.25 hours.

*Frequency of Response:* Monthly.

*Total Annual Hour Burden:* 105 hours annually

*Total Annual "Non-Hour Burden"*

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

*Needs and Uses:* This collection shows, for each reporting carrier, the average number of employees at mid-month in the six job-classification groups that encompass all railroad employees. See 49 CFR 1246. The information is used by the Board to forecast labor costs and measure the efficiency of the reporting railroads. The information is also used by the Board to evaluate the impact on rail employees of proposed regulated transactions, including mergers and consolidations, acquisitions of control, purchases, and abandonments. Other Federal agencies and industry groups, including the Railroad Retirement Board, Bureau of Labor Statistics, and Association of American Railroads, use the information contained in these reports to monitor railroad operations. Certain information from these reports is compiled and published on the Board's Web site, <http://www.stb.dot.gov>. The information contained in these reports is not available from any other source.

#### Collection Number 6

*Title:* Annual Report of Cars Loaded and Cars Terminated.

*OMB Control Number:* 2140-0011.

*Form Number:* Form STB-54.

*Type of Review:* Extension without change.

*Number of Respondents:* Fewer than 10.

*Estimated Time per Response:* 4 hours.

*Frequency of Response:* Annual.

*Total Annual Hour Burden:* 28 hours annually.

*Total Annual "Non Hour Burden"*

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

*Needs and Uses:* This collection reports the number of cars loaded and cars terminated on the reporting carrier's line. See 49 CFR 1247. Information in this report is entered into the Board's URCS, the uses of which are explained under Collection Number 1. There is no other source for the information contained in this report.

#### Collection Number 7

*OMB Control Number:* 2140-0001.

*Title:* Quarterly Report of Freight Commodity Statistics (Form QCS).

*Form Number:* None.

*Type of Review:* Extension without change.

*Respondents:* Class I railroads.

*Number of Respondents:* Fewer than 10.

*Estimated Time per Response:* 217 hours.

*Frequency of Response:* Quarterly, with an annual summation.

*Total Annual Hour Burden:* 6,076 hours annually.

*Total Annual "Non-Hour Burden"*

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

*Needs and Uses:* This collection, which is based on information contained in carload waybills used by railroads in the ordinary course of business, reports car loadings and total revenues by commodity code for each commodity that moved on the railroad during the reporting period. See 49 CFR 1248. Information in this report is entered into the Board's URCS, the uses of which are explained under Collection Number 1. There is no other source for the information contained in this report.

**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 the PRA and 5 CFR 1320.8, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Section 3507(b) of the PRA

requires, concurrent with an agency's submitting a collection to OMB for approval, a 30-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

**Andrea Pope-Matheson,**

*Clearance Clerk.*

[FR Doc. E9-128 Filed 1-7-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35116]

#### R.J. Corman Railroad Company/ Pennsylvania Lines Inc.—Construction and Operation Exemption—in Clearfield County, PA

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement; Notice of Availability of the Draft Scope of Study for the Environmental Impact Statement; Notice of Scoping Meeting; and Request for Comments on Draft Scope.

**SUMMARY:** On May 20, 2008, R.J. Corman Railroad Company/Pennsylvania Lines Inc. (RJCP) filed a petition with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority to construct and operate an abandoned 10.8-mile rail line between Wallacetown Junction and Winburne in Clearfield County, Pennsylvania (the Western Segment) and to rebuild the track on a connecting 9.3-mile line between Winburne and Gorton in Clearfield and Centre Counties, Pennsylvania (the Eastern Segment) that is currently being used for interim trail use, subject to the possible restoration of rail service (rail banking) pursuant to the Trails Act, 16 U.S.C. 1247(d). In total, the proposed project would involve the construction or rebuilding, and operation, of approximately 20 miles of the former Beech Creek Railroad to serve a new quarry, landfill, and industrial park being developed by Resource Recovery, LLC, near Gorton, Pennsylvania.

Because this project has the potential to result in significant environmental impacts, the Board's Section of Environmental Analysis (SEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*). The purpose of this Notice of