

applicants until the proposal review process has been completed.

VIII. Other Information

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: April 17, 2009.

C. Miller Crouch,

Acting Assistant Secretary, for Educational and Cultural Affairs, Department of State.

[FR Doc. E9-9350 Filed 4-23-09; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE

[Public Notice 6590]

Inclusion of Expiration Dates in Presidential Permits for International Border Crossings

SUMMARY: The Department of State announces, in consultation with relevant Federal agencies, that it will include an expiration date among the conditions it establishes in Presidential permits that it issues for the construction, operation, and maintenance of border crossing facilities. Based on the Department's experience and on interagency consultations, the Department intends to provide for the expiration of permits for vehicular border crossings (*i.e.*, crossings for cars, trucks, buses, and trains) ten (10) years after issuance unless the permittee notifies the Department within that timeframe that construction has begun, and for the expiration of permits for all other border crossing facilities (*e.g.*, pipelines, conveyor belts, pedestrian crossings, etc.) five (5) years after issuance unless the permittee notifies the Department within that timeframe that construction has begun. The Department believes that this provision provides sufficient time for viable projects to move forward while preventing unexecuted permits from creating needless uncertainty and/or hindering the development of worthy projects that would better serve the national interest.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Darrach, U.S.-Mexico Border Affairs Coordinator, via e-mail at WHA-BorderAffairs@state.gov; by phone at 202-647-9894; or by mail at Office of Mexican Affairs—Room 3909, Department of State, 2201 C St., NW., Washington, DC 20520. Information about Presidential permits is available at <http://www.state.gov/p/wha/rt/permit/>.

SUPPLEMENTARY INFORMATION: Executive Order (EO) 11423 of August 16, 1968, as amended, authorizes the Secretary of State to issue Presidential permits for the construction, connection, operation, and maintenance of facilities crossing the international borders of the United States, including, but not limited to, bridges and pipelines connecting the United States with Canada or Mexico. EO 13337, dated April 30, 2004, amended EO 11423, *inter alia*, by expanding the Presidential permit program to include at-grade land border crossings. In order to issue a Presidential permit, the Secretary or her delegate must find that a border crossing is in the U.S. national interest. Within the context of appropriate border security, safety, health, and environmental requirements, it is in the U.S. national interest to facilitate the efficient movement of legitimate goods and travelers across U.S. borders.

Since 1968, the Department has issued 21 Presidential permits for non-pipeline border crossings on the U.S.-Mexico border and one for the U.S.-Canada border. Of the 21 U.S.-Mexican border projects that have received permits, most began construction within two to five years. One permitted project took 16 years to be built, one is under construction nearly 30 years after receiving a permit, and three are not likely to be built although they have had permits more than 10 years (one of these permits is more than 30 years old). These permits were issued to the City of Mission, Texas (1978), the Union Pacific Railroad Company (1995), and the Brownsville Navigation District (1997). The Department is currently evaluating whether it should revoke these permits, given the change of circumstances in each of the project areas, development of nearby projects, inaction by the permittees on the proposed projects, and lack of interest in pursuing the corresponding projects in Mexico.

The Presidential permit process, which emphasizes interagency and binational coordination, is designed to ensure that border crossings are built if and only if there is clear local, binational, and interagency support for the project and construction is in the U.S. national interest. It is not in the

U.S. national interest to commit scarce government resources (*e.g.*, Customs and Border Protection inspectors, highway improvement funds, etc.) as well as private resources (*e.g.*, land, capital, etc.) for border crossing projects that cannot be successfully implemented within a reasonable time period. The lapse of time may have an impact on the Department's national interest determination. While the Department may find a project to be in the U.S. national interest under a certain set of circumstances in one period, those circumstances may change over time so that five or ten years later, the Department may conclude that the project is no longer in the U.S. national interest or that the relevant agencies should reconsider their recommendations on the Department's initial grant of the permit. Border regions are dynamic and fast-changing and it is important that an outdated permit not be used to build a border crossing on a site that is no longer appropriate for a crossing due to the lapse of time (*e.g.*, due to changes in transportation patterns, development patterns, etc.).

At the same time, the Department recognizes that, by their nature, border crossing projects are complex, time consuming, and subject to political, financial, regulatory, and logistical setbacks. It is unrealistic to expect permits to be implemented instantly and it would be inefficient to set permit expiration dates on such a short timeframe that the relevant agencies are required to review them repeatedly while waiting for construction to begin.

The Department has determined, after consulting with relevant Federal agencies, including the Border Facilitation Working Group, and giving the matter careful consideration, that Presidential permits for vehicular border crossings (for cars, trucks, buses, and trains) will be valid for a period of ten (10) years, while permits for all other border crossing facilities (*e.g.*, pipelines, conveyor belts, pedestrian crossings, etc.) will be valid for a period of five (5) years. In the Department's experience, vehicular border crossings typically involve intricate coordination among numerous agencies and often use Federal financing that is not immediately available, whereas other border crossing projects are generally smaller in scale, less expensive, and dependent on private financing that is more readily available. The Department intends to tie the expiration condition in the permit to the date the permit is signed and expects that this expiration condition will be satisfied by the permittee's notice to the Department

that the construction authorized by the permit has begun.

If, after a permit has expired, a permittee continues to believe that the project should be built, the Department would welcome the submission of a revised Presidential permit application that demonstrates current local support, shows that the project is financially feasible, and explains based on updated traffic and other studies why the project continues to be in the U.S. national interest. This new application would generally need to be accompanied by updated environmental review documents, in keeping with the Council on Environmental Quality's guidance that environmental documents more than five years old are considered out of date.

In December 2008, the Department issued to the General Services Administration a Presidential permit containing an expiration clause for the new border crossing to be built at Otay Mesa East, near San Diego, California.

Dated: April 17, 2009.

Alex Lee,

*Director, Office of Mexican Affairs,
Department of State.*

[FR Doc. E9-9352 Filed 4-23-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35144]

Wisconsin & Southern Railroad Company—Acquisition and Operation Exemption—Union Pacific Railroad Company

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10502, the Board is granting a petition for exemption from the prior approval requirements of 49 U.S.C. 10902 for the Wisconsin & Southern Railroad Company (WSOR), a Class II rail carrier, to acquire and operate a permanent exclusive freight rail operating easement over approximately 10.95 miles of railroad known as the Kohler Industrial Lead that is currently owned by Union Pacific Railroad Company (UP) and to acquire and operate approximately 1,000 feet of UP spur track, subject to labor protective conditions. The easement extends from a connection with WSOR's north-south Kiel-to-Saukville line at milepost 14.95 at Plymouth, WI, to milepost 4.0 near Kohler, WI. The UP spur track

constitutes the lead to the site of the former Cargill Malt Plant at Kohler. This transaction is related to a concurrently filed verified notice of exemption in *Wisconsin & Southern Railroad Co.—Trackage Rights Exemption—Union Pacific Railroad Company*, STB Finance Docket No. 35191. In that proceeding, WSOR seeks to acquire from UP and operate 2.8 miles of overhead trackage rights over a line of railroad extending between UP milepost 4.0 in Kohler and UP milepost 1.2 at Kohler Junction near Sheboygan, WI.¹ This transaction is also related to a concurrently filed petition for declaratory order filed in *Wisconsin Department of Transportation—Petition for Declaratory Order—Rail Line in Sheboygan County, WI*, STB Finance Docket No. 35195. In that proceeding, the Wisconsin Department of Transportation seeks a finding that its acquisition of the right-of-way and railroad assets of the 10.95-mile rail line will not render it a rail common carrier. WSOR has requested expedited action in this proceeding.

DATES: This exemption will be effective on May 8, 2009. Petitions to stay must be filed by May 4, 2009. Petitions for reconsideration must be filed by May 14, 2009.

ADDRESSES: An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35144, 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 WSOR's representative: John D. Heffner, John D. Heffner, PLLC, 1750 K Street, NW., Suite 200, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 245-0395. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: April 20, 2009.

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

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E9-9449 Filed 4-23-09; 8:45 am]

BILLING CODE 4915-01-P

¹ Notice of the filing was served on February 27, 2009, and published in the *Federal Register* on the same day at 74 FR 9019. WSOR concurrently filed a motion for protective order, which was granted by decision served on March 20, 2009.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA 2009-0001-N-9]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking approval of the following information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than June 23, 2009.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 17, Washington, DC 20590, or Ms. Nakia Jackson, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number 2130-New." Alternatively, comments may be transmitted via facsimile to (202) 493-6216 or (202) 493-6497, or via e-mail to Mr. Brogan at robert.brogan@dot.gov, or to Ms. Jackson at nakia.jackson@dot.gov. Please refer to the assigned OMB control number and the title of the information collection in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Nakia Jackson, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200