

miles long between milepost 403.0, at Southaven, and milepost 703.8, near Canton, and to acquire from Waterloo Railway Company and to operate a connecting rail line approximately 11.42 miles long between milepost 603.0, at Water Valley Junction, and milepost 614.42, at Bruce Junction. All of the rail lines are located in the State of Mississippi.

Pursuant to the purchase agreement, ICR granted Grenada the right to operate on its tracks to Memphis, TN, on the north, and to Canton on the south for the sole purpose of interchanging traffic with ICR. Also, ICR will retain overhead trackage rights on the line of railroad it is selling to Grenada.

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 35249, *Kern W. Schumacher—Continuance in Control Exemption—Grenada Railway, LLC and Natchez Railway, LLC*, wherein Kern W. Schumacher seeks to continue in control of Grenada and Natchez Railway, LLC (Natchez), upon their becoming Class III rail carriers.<sup>1</sup>

The transaction is expected to be consummated on or shortly after June 12, 2009 (30 days after the notice of exemption was filed).

Grenada certifies that its projected annual revenues as a result of the transaction will not result in Grenada becoming a Class II or Class I rail carrier, but a Class III rail carrier. Grenada further certifies that its projected annual revenues upon becoming a Class III rail carrier will not exceed \$5 million.

Pursuant to the Consolidated Appropriations Act, 2008, Public Law 110–161, section 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: Collecting, storing, or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting, and shredding). The term “solid waste” is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

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 effectiveness of the exemption. Petitions for stay must be filed no later than June 5, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35247 must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy must be served on Fritz R. Kahn, Fritz R. Kahn, P.C., 1920 N Street, NW., Eighth Floor, Washington, DC 20036.

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

Decided: May 21, 2009.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Kulunie L. Cannon,**

*Clearance Clerk.*

[FR Doc. E9–12365 Filed 5–28–09; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35251]

#### **Cleveland Commercial Railroad Company, LLC—Lease and Operation Exemption—Norfolk Southern Railway Company**

Cleveland Commercial Railroad Company, LLC (CCR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease and to operate, pursuant to a lease agreement (Agreement) entered into on May 13, 2009, with Norfolk Southern Railway Company (NSR), approximately 25.3 miles of NSR’s rail line between milepost RH 2.2+/- at Cleveland, OH, and milepost RH 27.5+/- at Aurora, OH.

CCR states that it will interchange traffic with NSR at a track in the vicinity of Von Willer Yard in Cleveland. CCR also states that it interchanges traffic with the Wheeling & Lake Erie Railway Company (W&LE) at Falls Junction in Glenwillow, OH, and that CCR’s lease and operation of the subject line, which physically connects with the line that CCR currently leases from W&LE, will not affect the existing CCR and W&LE relationship.<sup>1</sup>

CCR states that it does not believe that the Agreement contains an interchange commitment that would impede CCR’s ability to interchange with third party

carriers. *See* 49 CFR 1150.43(h). According to CCR, the Agreement does contain a standard rental credit provision, which CCR sought in negotiations to afford it greater financial flexibility to, among other things, improve the line’s infrastructure. To ensure adherence to 49 CFR 1150.43(h) for transactions involving interchange commitments, CCR concurrently has filed with its notice a complete version of the Agreement, marked “highly confidential” and submitted under seal pursuant to 49 CFR 1104.14(a).

CCR certifies that its projected annual revenues as a result of the transaction will not result in CCR becoming a Class II or Class I rail carrier and further certifies that its projected annual revenues will not exceed \$5 million.

CCR states that it expects to consummate the transaction on or after June 15, 2009. The earliest this transaction may be consummated is the June 14, 2009 effective date of the exemption (30 days after the exemption was filed).

Pursuant to the Consolidated Appropriations Act, 2008, Public Law 110–161, section 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting and shredding). The term “solid waste” is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

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 effectiveness of the exemption. Petitions for stay must be filed no later than June 5, 2009 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35251, 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 Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Ave., NW., Suite 300, Washington, DC 20037.

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

Decided: May 21, 2009.

<sup>1</sup> STB Finance Docket No. 35249 is also related to STB Finance Docket No. 35248, *Natchez Railway, LLC—Acquisition and Operation Exemption—Illinois Central Railroad Company*, wherein Natchez seeks to acquire from ICR and to operate approximately 65.6 miles of rail line in Natchez, MS.

<sup>1</sup> *See Cleveland Commercial Railroad Company, LLC—Change in Operators Exemption—Wheeling & Lake Erie Railway Company*, STB Finance Docket No. 34521 (STB served Aug. 6, 2004).

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. E9-12336 Filed 5-27-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2008-0143]

#### Port Authority Trans-Hudson Corporation; Notice of Public Hearing

On January 22, 2009, the Federal Railroad Administration (FRA) published a notice in the **Federal Register** announcing the Port Authority Trans-Hudson Corporation's (PATH) request for a waiver of compliance from certain provisions of Title 49 Code of Federal Regulations (CFR) Part 231 (Railroad safety appliance standards) for its newly built PA-5 cars. PATH seeks a waiver of compliance from certain provisions of 49 CFR and/or exemption from certain statutory provisions of Title 49 U.S.C. Chapter 203 (the "Safety Appliance Law," including 49 U.S.C. 20302) as related to hand brakes, sill steps, side and end holds, and uncoupling levers.

PATH indicates that the PA-5 vehicles it plans to utilize are equipped with spring-applied/pneumatically released parking brakes, versus conventional hand brakes as required by Section 20302. PATH further indicates that the parking brakes are capable of holding a loaded vehicle on a 5-percent grade, the steepest grade on the PATH system. Accordingly, PATH asserts that the parking brakes of its PA-5 vehicles serve the same purpose as conventional hand brakes and that such parking brakes comply with the intent of 49 CFR 231.14(a) and 238.231(h).

PATH also indicates that sill steps (required by 49 U.S.C. 20302) and side handholds (required by 49 U.S.C. 20302 to aid in coupling and uncoupling vehicles) are not necessary for safety on its PA-5 vehicles and would not enhance the safety of the vehicles. Noting that traditional sill steps and side handholds are intended to facilitate conventional switching operations requiring vehicles to be coupled manually by individuals from the exterior of the car, PATH explains that the PA-5 vehicles are equipped with fully automatic couplers that allow "all mechanical, pneumatic and electrical end connections to be coupled or uncoupled without requiring personnel to leave the vehicle." Further, PATH notes that its safety rules specifically

prohibit individuals from riding on sill steps, and asserts that given the unique characteristics of its operating environment (e.g., the continuously energized 650-volt third rail and close wayside obstruction clearances), sill steps would pose an unacceptable safety risk if individuals should attempt to ride on the steps in violation of PATH's safety rules. PATH further notes that its PA-5 vehicles are equipped with side door steps and corresponding vertical handholds at each of the six side doorways. PATH contends that these side door steps and handholds can be used to facilitate employee access to and egress from the vehicles should it be necessary.

Although PATH expresses the view that the PA-5 vehicles' automatic couplers eliminate the need for end handholds (required by 49 U.S.C. 20302 to aid in coupling and uncoupling vehicles), PATH acknowledges the concerns expressed by FRA regarding safe access to the manual uncoupling handle located on the top of the automatic coupler. Noting that the manual uncoupling handle is not intended for normal coupling/uncoupling operations and is intended to provide a method of manually uncoupling the vehicles in the event the automatic coupling function is unavailable, PATH proposes to apply two end handholds to each vehicle to "provide an additional grip point to assist a worker when operating" the manual uncoupling lever. In this connection, PATH requests a waiver of the specific number and dimension requirements of 49 CFR 231.14(d).

Again, noting that the vehicles are equipped with fully automatic couplers, along with the fact that normal coupling/uncoupling operations are performed from within the vehicle cab, PATH also seeks a waiver from the requirement of 49 CFR 231.14(g) for uncoupling levers. In support of this request, PATH notes the presence of a manual uncoupling handle "intended for shop use, when a major system malfunction occurs, or on rare occasions during an emergency road rescue."

The Safety Appliance Law mandates that railroad vehicles be equipped with (1) handbrakes, (2) sill steps, and (3) side and end handholds to aid in coupling and uncoupling vehicles. Because these are statutory requirements, FRA cannot waive compliance from these provisions. Instead, in accordance with 49 U.S.C. 20306, FRA may exempt PATH from these statutory requirements based on evidence received and findings developed at a hearing demonstrating that the statutory requirements

"preclude the development or implementation of more efficient railroad transportation equipment or other transportation innovations under existing law." Accordingly, in order to receive evidence and develop findings to determine whether FRA should invoke its discretionary authority under 49 U.S.C. 20306 in this instance, and to receive comment on other aspects of PATH's petition relevant to the arrangement of safety appliances on its PA-5 cars, a public hearing is scheduled to begin at 9 a.m. on Wednesday, June 24, 2009, at the Hilton Gateway Hotel, located at Gateway Center, Raymond Boulevard, Newark, New Jersey (telephone number (973) 622-5000). Interested parties are invited to present oral statements at the hearing. The hearing will be informal and will be conducted by a representative designated by FRA in accordance with FRA's rules of practice (49 CFR 211.25). The hearing will be a non-adversarial proceeding; therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement, outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make a brief rebuttal will be given the opportunity to do so in the same order in which initial statements were made. Additional procedures, as necessary for the conduct of the hearing, will be announced at the hearing.

The petitioners should be present at the hearing and prepared to present evidence that the requirements of 49 U.S.C. Chapter 203, for which exemption is sought, "preclude the development or implementation of more efficient railroad transportation equipment or other transportation innovations under existing law."

Issued in Washington, DC, on May 22, 2009.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. E9-12421 Filed 5-28-09; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

May 20, 2009.

The Department of Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13 on or after the date