

1990 there have been 58 reported instances of a vessel or its equipment striking a submerged pipeline offshore, and 64 reported instances where a submerged pipeline was either uncovered or presented a hazard to navigation. No incidents were found outside of the Gulf of Mexico.

The study addresses the impact of pipeline depth of burial and vessels in waters less than 15 feet of depth. PHMSA anticipates there will be changes in the offshore environment, such as liquefied natural gas import facilities. PHMSA is working with the Federal Energy Regulatory Commission to ensure adequate protection of LNG lines. PHMSA provides FERC with findings from our safety analysis for consideration of conditional terms for granting permits. Therefore, PHMSA has the ability to get safety concerns addressed through FERC by adding them as conditions of a permit. In addition, climate change may adversely affect offshore pipeline infrastructure by causing shifts in weather patterns, water depth or vessel traffic. PHMSA requests comments on the study to assist in evaluating the need for further analysis due to these anticipated changes in the offshore environment.

**Authority:** 49 U.S.C. 60102, 60115.

Issued in Washington, DC on April 16, 2007.

**Joy Kadnar,**

*Acting Associate Administrator for Pipeline Safety.*

[FR Doc. E7-7482 Filed 4-19-07; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35017]

#### **Mark K. Smith—Continuance in Control Exemption—Rock River Railroad, Inc.**

Mark K. Smith (applicant) has filed a verified notice of exemption to continue in control of Rock River Railroad, Inc. (RRR), upon RRR's becoming a Class III rail carrier.

The earliest this transaction may be consummated is the May 6, 2007 effective date of the exemption (30 days after the exemption was filed).

This transaction is related to the concurrently filed notice of exemption in STB Finance Docket No. 35016, *Rock River Railroad, Inc.—Acquisition and Operation Exemption—Rail Lines of Renew Energy, LLC*. In that proceeding, RRR seeks to acquire and operate approximately 2,100 feet of rail line,

located within the plant site of Renew Energy, LLC (RE), in Jefferson, Jefferson County, WI (the line). RRR will provide common carrier rail operations over the line and interchange with Union Pacific Railroad Company.

Applicant is a noncarrier and currently controls Rail & Transload, Inc. (R&T), a Class III rail carrier.

Applicant states that: (1) The rail properties operated by R&T and those to be operated by RRR do not connect with each other or any railroads in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the rail lines of R&T and RRR with each other or any railroads in their corporate family; and (3) the transaction does not involve a Class I railroad. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2). The purpose of this transaction is to allow applicant to continue in control of RRR after RRR becomes a Class III rail carrier.

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 section 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 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 April 27, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35017, 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 Thomas F. McFarland, 208 South LaSalle St., Suite 1890, Chicago, IL 60604-1112.

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

Decided: April 13, 2007.

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

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. E7-7586 Filed 4-19-07; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35016]

#### **Rock River Railroad, Inc.—Acquisition and Operation Exemption—Rail Lines of Renew Energy, LLC**

Rock River Railroad, Inc. (RRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Renew Energy, LLC (RE), and to operate approximately 2,100 feet of rail line, located within the plant site of RE, in Jefferson, Jefferson County, WI (the line).<sup>1</sup>

This transaction is related to the concurrently filed notice of exemption in STB Finance Docket No. 35017, *Mark K. Smith—Continuance in Control Exemption—Rock River Railroad, Inc.*, wherein Mark K. Smith seeks to continue in control of RRR upon its becoming a Class III rail carrier.

RRR states that the line connects with Union Pacific Railroad Company at both of its termini. RRR further states that, although the line has been owned and operated by RE as private track and might otherwise be considered to be spur, industrial, or switching track exempt from the Board's acquisition and operation authority under 49 U.S.C. 10906, it constitutes a line of railroad for which an exemption from the Board is required because it is RRR's initial rail acquisition and operation.<sup>2</sup>

RRR certifies that its projected annual revenues as a result of the transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed \$5 million.

The earliest this transaction may be consummated is the May 6, 2007 effective date of the exemption (30 days after the exemption was filed).

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

<sup>1</sup> According to RRR, the line does not have mileposts.

<sup>2</sup> See *Effingham RR Co.—Pet. For Declaratory Order*, 2 S.T.B. 606 (1997), *aff'd sub nom.*, *United Transp. Union v. Surface Transp. Bd.*, 183 F.3d 606 (7 Cir. 1999); see also *Bulkmatic Railroad Corporation—Acquisition & Operation Exemption—Bulkmatic Transport Company*, STB Finance Docket No. 34145 (STB served Nov. 19, 2002).