

incorporate the EIS into their permitting processes.

Construction of the deepwater port is expected to take approximately 11 months with startup of commercial operations following construction, should a license be issued. The deepwater port would be designed, constructed and operated in accordance with applicable codes and standards.

#### Privacy Act

The electronic form of all comments received by the Federal Docket Management System can be searched by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). The DOT Privacy Act Statement can be viewed in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, pages 19477–78) or you may visit <http://regulations.gov>.

(Authority: 49 CFR 1.66)

By Order of the Maritime Administrator.

Dated: April 11, 2008.

**Christine Gurland,**

*Acting Secretary, Maritime Administration.*

[FR Doc. E8–8343 Filed 4–16–08; 8:45 am]

BILLING CODE 4910–81–P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35129]

#### SSP Railroad Holding LLC— Acquisition and Operation Exemption—Mittal Steel USA— Railways Inc

SSP Railroad Holding LLC (SSP), a newly formed noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Mittal Steel USA—Railways Inc. (Mittal Railways) and to operate approximately 183 miles of rail lines in and around Sparrows Point, MD.<sup>1</sup> Previously, BIP

<sup>1</sup> SSP is a wholly owned subsidiary of Severstal U.S. Holdings, LLC, which in turn is a wholly owned subsidiary of OAO Severstal, a publicly owned Russian steel company. ArcelorMittal USA Inc. (ArcelorMittal USA) is the U.S. subsidiary of ArcelorMittal, an international steel company. ArcelorMittal USA and its subsidiaries, including Mittal Railways, own various properties in the United States, including a steel plant at Sparrows Point and an extensive rail network serving the plant.

SSP states that, pursuant to a 2007 consent decree resulting from an action brought by the U.S. Department of Justice, ArcelorMittal USA has agreed to divest its properties at Sparrows Point, including the rail lines that are the subject of this notice. As provided in the sale agreement, OAO Severstal has agreed to purchase the non-rail properties at Sparrows Point and SSP has agreed to

Acquisition Sub, Inc. obtained Board authority to acquire and operate the subject lines as part of a proposed sale of the Sparrows Point properties; however, that proposed sale of the properties was terminated and the line sale transaction was never consummated.<sup>2</sup>

SSP has certified that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III railroad. SSP states that it intends to consummate the transaction as soon as possible after May 1, 2008.<sup>3</sup>

Pursuant to the Consolidated Appropriations Act, 2008, Pub. L. 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. Stay petitions must be filed by April 24, 2008 (at least 7 days before the exemption may become effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35129, 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 Richard A. Allen, Zuckert, Scouff & Rasenberger L.L.P., 888 Seventeenth Street, NW., Suite 700, Washington, DC 20006.

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

Decided: April 9, 2008.

acquire the rail properties, which SSP intends to operate as a common carrier.

<sup>2</sup> See *BIP Acquisition Sub, Inc.—Acquisition and Operation Exemption—Mittal Steel USA—Railways Inc.*, STB Finance Docket No. 35074 (STB served Aug. 24, 2007).

<sup>3</sup> SSP states that its projected annual revenues following the transaction will exceed \$5 million. On April 1, 2008, SSP concurrently filed a certification of labor notice compliance and a petition for partial waiver of the 60-day advance labor notice requirements at 49 CFR 1150.32(e). That request is being addressed by the Board in a separate decision. Unless the Board grants the waiver request, the earliest this transaction may be consummated will be May 31, 2008.

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

**Anne K. Quinlan,**

*Acting Secretary.*

[FR Doc. E8–7962 Filed 4–16–08; 8:45 am]

BILLING CODE 4915–01–P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB–882; STB Docket No. AB–884]

#### Minnesota Commercial Railway Company—Adverse Discontinuance— In Ramsey County, MN; M T Properties, Inc.—Adverse Abandonment—In Ramsey County, MN

On March 28, 2008, The City of New Brighton, MN (the City), filed an application under 49 U.S.C. 10903, requesting that the Surface Transportation Board (Board) authorize the third-party or adverse abandonment and discontinuance of service over an approximately 0.69-mile line of rail, extending from a junction switch near milepost 10.5 on Minnesota Commercial Railway’s (MCRC) main industrial lead track and terminating at the western right-of-way of Interstate Highway 35W (the Line).<sup>1</sup> The Line is owned by M T Properties, Inc. and operated by MCRC. The line traverses United States Postal Service Zip Code 55112, and includes no stations.

The line sought to be abandoned does not contain federally granted rights-of-way. Any documentation in the City’s possession will be made available promptly to those requesting it.

The City states that there are no existing or potential railroad customers located on the line. The City also states that the shippers who last used the Line have relocated and continue to be served by MCRC.

In a decision served in these proceedings on January 25, 2008, the City was granted exemptions from certain statutory provisions as well as waivers of certain Board regulations at 49 CFR part 1152 that were not relevant to its adverse abandonment and discontinuance application or that sought information not available to it. Specifically, the City was granted, as pertinent, waivers of and exemptions from the notice requirements at 49 U.S.C. 10903(c), 49 CFR 1152.10–14, 49 CFR 1152.21, 49 CFR 1152.22(a)(5), and 49 CFR 1152.24(e)(1), and waiver of the regulatory requirement that the application be executed and verified by

<sup>1</sup> The line is a stub-ended track and has no mileposts.

an officer of the carrier as described at 49 CFR 1152.22(j).

The interests of affected railroad employees, if there are any employees on the Line, will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any interested person may file written comments concerning the proposed abandonment and discontinuance or protests (including the protestant's entire opposition case) by May 12, 2008. The City's reply is due by May 27, 2008.

Any Offer of Financial Assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,300 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for public use condition under 49 CFR 1152.28 or trail use/rail banking under 49 CFR 1152.29 will be due no later than May 12, 2008. Each trail use request must be accompanied by a \$200 filing fee. See 49 CFR 1002.2(f)(27)(i).

Persons opposing the proposed abandonment and/or discontinuance who wish to participate actively and fully in the process should file a protest. Persons who may oppose the abandonment and/or discontinuance but who do not wish to participate fully in the process by submitting verified statements of witnesses containing detailed evidence should file comments. Persons seeking information concerning the filing of protests should refer to 49 CFR 1152.25.

All filings in response to this notice must refer to STB Docket Nos. AB-882 and AB-884 and must be sent to: (1) Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001; and (2) John D. Heffner, 1750 K Street, NW., Suite 350, Washington, DC 20006. Filings may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions found on the Board's "<http://www.stb.dot.gov>" Web site, at the "E-FILING" link. Any person submitting a filing in the traditional paper format should send the original and 10 copies of the filing to the Board with a certificate of service. Except as otherwise set forth in 49 CFR part 1152, every document filed with the Board must be served on all parties to these adverse abandonment and

discontinuance proceedings. 49 CFR 1104.12(a).

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Board's Section of Environmental Analysis (SEA) will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact SEA. EAs in these abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

Persons seeking further information concerning abandonment/discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245-0230 or refer to the full abandonment/discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to SEA at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

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

Decided: April 14, 2008.

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

**Anne K. Quinlan,**

*Acting Secretary.*

[FR Doc. E8-8288 Filed 4-16-08; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34420 (Sub-No. 1)]

#### **R.J. Corman Railroad Company/ Central Kentucky Lines, LLC— Trackage Rights Exemption—CSX Transportation, Inc.**

Pursuant to a written supplemental agreement dated January 15, 2008, CSX Transportation, Inc. (CSXT) has agreed to amend an existing written master trackage rights agreement with R.J. Corman Railroad Company/Central Kentucky Lines, LLC (RJCC) and grant additional overhead trackage rights to RJCC extending between CSXT milepost VB 113.81 at Winchester, KY, and CSXT

milepost KC 131.0 at Berea, KY, a distance of approximately 35 miles.<sup>1</sup>

The earliest this transaction can be consummated is May 1, 2008, the effective date of the exemption (30 days after the exemption is filed).

The amendment to the existing trackage rights agreement will permit RJCC to haul carloads of sand from Lexington, KY, to Berea, KY, in single line service.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). 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 effectiveness of the exemption. Stay petitions must be filed by April 24, 2008 (at least 7 days before the exemption becomes effective).

Pursuant to the Consolidated Appropriations Act, 2008, Pub. L. 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.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34420 (Sub-No. 1), 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 Ronald A. Lane, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2832.

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

Decided: April 9, 2008.

<sup>1</sup> The original trackage rights were exempted in *CSX Transportation, Inc.—Trackage Rights Exemption—R.J. Corman Railroad Company/Memphis Lines; R.J. Corman Railroad Company/Central Kentucky Lines, LLC—Trackage Rights Exemption—CSX Transportation, Inc.*, STB Finance Docket No. 34420 (STB served November 12, 2003).