

Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Richard Lahne, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202-453-8058). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: June 20, 2008.

C. Miller Crouch,

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

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highways in Alaska

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA.

SUMMARY: This notice announces actions taken by the FHWA that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to various proposed highway projects in the State of Alaska. Those actions grant approvals for the projects.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the listed highway project will be barred unless the claim is filed on or before *December 24, 2008*. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Michael E. Vanderhoof, Environmental Coordinator, FHWA Alaska Division, P.O. Box 21648, Juneau, Alaska 99802-1648; office hours 8 a.m.-4 p.m. (AST), phone (907) 586-7418; e-mail michael.vanderhoof@fhwa.dot.gov. You may also contact Jerry O. Ruehle, DOT&PF Central Region Environmental Manager, Alaska Department of Transportation and Public Facilities, 4111 Aviation Drive, P.O. Box 196900, Anchorage, Alaska 99519-6900; office hours 7:30 a.m.-5 p.m. (AST), phone (907) 269-0534, e-mail Jerry.Ruehle@dot.state.ak.us.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has taken final agency actions by issuing approvals for the following highway project in the State of Alaska that is listed below. The actions by the Federal agency on the project, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) issued in connection with the project. The EA, FONSI, and other documents from the FHWA administrative record files for the listed project is available by contacting the FHWA or the State of Alaska Department of Transportation & Public Facilities at the addresses provided above. EA and FONSI documents can be viewed and downloaded from the project Web site at <http://www.dowlingroad.com> or viewed at 4111 Aviation Avenue, Anchorage, Alaska 99519.

This notice applies to all FHWA decisions and approvals on the listed project as of the issuance date of this notice and all laws and Executive Orders under which such actions were taken, including but not limited to:

- General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].
- Air:* Clean Air Act, [42 U.S.C. 7401-7671(q)].
- Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].
- Wildlife:* Endangered Species Act of 1973 [16 U.S.C. 1531-1544 and Section 1536]; Anadromous Fish Conservation Act [16 U.S.C. 757(a)-757(g)]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703-712]; Magnuson-Stevenson Fishery Conservation and Management Act 1976 as amended [16 U.S.C. 1801 *et seq.*].
- Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)].
- Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].
- Wetlands and Water Resources:* Clean Water Act [33 U.S.C. 1251-1377]; Coastal Zone Management Act [16 U.S.C. 1451-1465]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601-4604]; Wild and Scenic Rivers Act [16 U.S.C. 1271-1287].

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 13186 Migratory Birds; E.O. 11514 Protection and Enhancement of Environmental Quality.

The project subject to this notice is:

Project: West Dowling Road Connection Project. *Project Location:* Anchorage, Alaska, Municipality of Anchorage, West Dowling Road. Project Reference Number: STP-0532(5) Project type: Road improvements and extension of Dowling Road between Old Seward Highway and Minnesota Drive, a distance of approximately 1.65 miles. The Dowling Road arterial will be extended from B Street to Minnesota Drive and will be widened to 5 lanes between Old Seward Highway and B Street with associated improvements to railroad crossings, traffic control, lighting, drainage, noise barriers, bridges, and trails. These improvements are needed to address current and future connectivity and accessibility needs and to address the need for an east-west arterial between Tudor Road and Dimond Boulevard as outlined in the Anchorage Bowl Long Range Transportation Plan. NEPA document: An EA and FONSI were approved on April 1, 2008, and are available electronically at <http://www.dowlingroad.com>.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1)

David C. Miller,

Division Administrator, Juneau, Alaska.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2008-0009, Notice No. 2]

Declaration of Emergency Event

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of declaration of emergency event.

SUMMARY: On June 11, 2008, the Administrator of the FRA determined that the recent flooding around the Midwest region of the United States

constituted an emergency event as related to railroad operations. Accordingly, the Administrator activated the Emergency Relief Docket. This document provides notice of the Administrator's determination.

SUPPLEMENTARY INFORMATION: On June 11, 2008, the Administrator of the FRA determined that the recent flooding around the Midwest region of the United States constituted an emergency event pursuant to 49 CFR 211.45(c) and that public safety would benefit from providing the railroad industry with operational relief directly related to that emergency. Accordingly, the Administrator activated the Emergency Relief Docket (docket number FRA-2008-0009) and in accordance with 49 CFR 211.45(g), petitions received in that docket pursuant to this emergency event will be handled according to the requirements of 49 CFR 211.45(g)-(j).

Interested parties are reminded that the procedures in 49 CFR 211.45 provide for expedited review and processing of emergency waiver petitions. Accordingly, in accordance with 49 CFR 211.45(h), any person wishing to comment on petitions for emergency waivers should submit their comments to the docket within 72 hours from the close of business on the day that the petition is posted in the public docket. Any person desiring a public hearing on any petition being processed in accordance with the emergency waiver procedures must notify FRA of such request in their comments submitted to the docket. 49 CFR 211.45(i).

Interested persons may submit their comments using any of the following methods:

- (1) E-mail to FRA at RRS.Correspondence@dot.gov;
- (2) Fax to FRA at: 202-493-6309; or
- (3) Hand deliver or expedited delivery to the Docket Clerk, Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590 or electronically via the Internet at <http://www.regulations.gov>.

All communications concerning any petition in the Emergency Relief Docket should identify the appropriate docket number (e.g., FRA-2008-0009).

Privacy

Anyone is able to search all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume

665, Number 7, Pages 19477-78). The statement may also be found at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on June 23, 2008.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E8-14542 Filed 6-26-08; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 290X)]

Norfolk Southern Railway Company— Abandonment Exemption—in Lucas County, OH

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 2.82-mile line of railroad between milepost TW 0.00 and milepost TW 2.82 in Toledo, Lucas County, OH.¹ The line traverses United States Postal Service Zip Codes 43604, 43607, and 43609.

NSR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) overhead traffic on the line, if any, has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91

¹ In Docket No. AB-290 (Sub-No. 39X), *Norfolk and Western Railway Company—Discontinuance Exemption—Operations between Toledo and Walbridge Junction, OH*, the Interstate Commerce Commission granted authority for Norfolk and Western Railway Company (NW) to discontinue its service over the line. In its notice here, however, NSR, as successor to NW by merger, indicates that the portion of its line between milepost TW 2.69 and milepost TW 2.82 shares the right-of-way and a bridge with an active rail line, and NSR states that no salvage or other track removal activities will occur on that segment and that the bridge will be unaffected.

(1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on July 29, 2008, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 7, 2008. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 17, 2008,⁴ 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 NSR's representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

NSR 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 July 3, 2008. 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.

² 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.

³ Each OFA must be accompanied by the filing fee, which currently is set at \$1,300. See 49 CFR 1002.2(f)(25).

⁴ NSR states that it does not have fee title to the entire right-of-way underlying the line and will not have a contiguous corridor available for public use.