

signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

**Docket:** To read background documents or comments received, go to <http://www.regulations.gov> at any time or to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Kenna Sinclair (425) 227-1556, Transport Airplane Directorate, ANM-113, Federal Aviation Administration, 1601 Lind Avenue, SE., Renton, WA 98055-4056, or Frances Shaver (202) 267-9681, Office of Rulemaking, ARM-204, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC on July 21, 2008.

**Pamela Hamilton-Powell,**  
Director, Office of Rulemaking.

#### Petition for Exemption

**Docket No.:** FAA-2004-18657.

**Petitioner:** The Boeing Company.

**Section of 14 CFR Affected:**

§§ 25.807(c), 25.857(e), 25.785(j), and 25.1447(c)(1).

**Description of Relief Sought:** The Boeing Company requests exemption from the airworthiness standards for transport category airplanes that would allow carriage of up to twenty (20) supernumeraries on a Boeing Model 747-400BCF airplane and allow them to access the main deck cargo compartment for all types of cargo operations, namely: (1) Cargo only, (2) live animals only, and (3) mixed cargo consisting of live animals and regular cargo.

[FR Doc. E8-16982 Filed 7-24-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2008-30]

#### Petition for Exemption; Summary of Petition Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief

from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number involved and must be received on or before August 14, 2008.

**ADDRESSES:** You may send comments identified by Docket Number FAA-2008-0323, using any of the following methods:

- **Government-wide rulemaking Web site:** Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.
- **Mail:** Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.
- **Fax:** Fax comments to the Docket Management Facility at (202) 493-2251.
- **Hand Delivery:** Bring comments to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Privacy:** We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

**Docket:** To read background documents or comments received, go to <http://www.regulations.gov> at any time or to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Kenna Sinclair (425) 227-1556, Transport Airplane Directorate, ANM-113, Federal Aviation Administration, 1601 Lind Avenue, SE., Renton, WA 98055-4056, or Frances Shaver (202) 267-9681, Office of Rulemaking, ARM-204, Federal Aviation Administration,

800 Independence Avenue, SW., Washington, DC 20591. This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC on July 21, 2008.

**Pamela Hamilton-Powell,**  
Director, Office of Rulemaking.

#### Petition for Exemption

**Docket No.:** FAA-2008-0323.

**Petitioner:** The Boeing Company.

**Section of 14 CFR Affected:**

§§ 25.857(e), 25.785(j), and 25.1447(c)(1).

**Description of Relief Sought:** The Boeing Company requests exemption from the airworthiness standards for transport category airplanes that would allow up to eleven (11) supernumeraries to access the main deck cargo compartment on a Boeing Model 777F airplane for all types of cargo operations, namely: (1) Cargo only, (2) live animals only, and (3) mixed cargo consisting of live animals and regular cargo.

[FR Doc. E8-16984 Filed 7-24-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on NYS Route 17, Access Control Project, Elmira to Chemung, City of Elmira, Towns of Ashland, Chemung and Elmira, Chemung County, NY

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

**SUMMARY:** This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, which consists of the reconstruction of New York State (NYS) Route 17 from Elmira to Chemung in Chemung County, New York. This project will convert a section of NYS Route 17 from a partial control access expressway having at-grade intersections to a full control of access freeway. Those actions grant licenses, permits, and approvals for the project.

**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 highway project will be barred unless the claim is filed on or before January 21, 2009. 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:**

Jeffrey W. Kolb, P.E., Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 7th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 431-4127 or Peter White, P.E., Regional Director, NYSDOT Region 6, 107 Broadway, Hornell, NY 14843, Telephone: (607) 324-8404.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA, and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of New York: NYS Route 17, Access Control Project, Elmira to Chemung, City of Elmira, Towns of Ashland, Chemung and Elmira, Chemung County. The project will reconstruct a portion of New York State (NYS) Route 17 from Elmira to Chemung in Chemung County, New York. NYS Route 17 will be constructed as a controlled access freeway primarily on its existing alignment with provisions for a 60' median throughout its limits, from Exit 56 at Jerusalem Hill Road/Water Street to a point east of the existing connector road near Reed's Crossing. A new diamond interchange would be constructed on NYS Route 17 near the existing connector road just east of Reed's Crossing. The project will provide for a continuous County Road (CR) 60 from Exit 56 at Jerusalem Hill Road/Water Street to the new interchange by constructing new CR 60 links between Jerusalem Hill Road/Water Street and Brant Road, between Brant Road and Oneida Road, and between Oneida Road and the existing CR 60 cul-de-sac west of the Lowman Interchange. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on December 4, 2007 and in the FHWA Record of Decision (ROD) issued on July 10, 2008. The FEIS, ROD, and other project records are available by contacting the FHWA or the New York State Department of Transportation at the addresses provided above.

This notice applies to all Federal agency decisions related to the NYS Route 17, Access Control Project, Elmira to Chemung project as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351].
2. Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
3. Clean Air Act [42 U.S.C. 7401-7671(q)].
4. Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].
5. Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536].
6. Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)].
7. Migratory Bird Treaty Act [16 U.S.C. 703-712].
8. Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*].
9. Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)].
10. Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].
11. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251-1377].
12. Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601-4604].
13. Rivers and Harbors Act of 1899 [33 U.S.C. 401-406].
14. E.O. 11990 Protection of Wetlands.
15. E.O. 11988 Floodplain Management.
16. E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.

(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).

Issued on: July 14, 2008.

**Jeffrey W. Kolb,**

*Division Administrator, Federal Highway Administration, Albany, New York.*

[FR Doc. E8-17107 Filed 7-24-08; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35162]

#### **Kern W. Schumacher, V&S Railway, Inc., and Louisiana & Mississippi Railway, LLC—Control Exemption—Gloster Southern Railroad Company LLC**

Kern W. Schumacher (applicant), a noncarrier, has filed a verified notice of

exemption to acquire indirect control of Gloster Southern Railroad Company LLC (GLSR), which is currently wholly owned by Georgia-Pacific Wood Products LLC (GPWP). Applicant currently controls three Class III railroads: Tulare Valley Railroad Company (TVR), which operates in California; Kern Valley Railroad Company (KVR), which operates in Colorado; and V&S Railway, Inc. (V&S), which operates in Kansas and Colorado. Applicant states that he has organized Louisiana & Mississippi Railway, LLC, (L&M), in which V&S holds 100% of the membership interests, to acquire 100% of the membership interests in GLSR. As a result of the transaction, L&M will acquire direct control of GLSR, and applicant and V&S will acquire indirect control of GLSR through their control of L&M. Pursuant to 49 CFR 1180.6(a)(7)(ii), applicant has concurrently filed, under seal, a copy of the highly confidential Membership Interest Purchase Agreement between GPWP and the L&M.

The transaction is scheduled to be consummated on or after the date that this notice becomes effective (which will occur on August 10, 2008).

Applicant states that: (i) The rail lines involved in this transaction do not connect with any rail lines of the TVR, KVR, V&S or any other railroad now controlled by applicant; (ii) the acquisition of indirect control of GLSR is not part of a series of anticipated transactions that would connect any of the railroads with each other or with any railroad in their corporate family; and (iii) this transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

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 sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all the carriers involved are Class III rail carriers.

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. Petitions for stay must be filed no later than August 1, 2008 (at least 7 days before the exemption becomes effective).