

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**Florence E. Harmon,**

*Acting Secretary.*

[FR Doc. E8-23363 Filed 10-2-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending September 19, 2008

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* DOT-OST-2008-0286.

*Date Filed:* September 15, 2008.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* October 6, 2008.

*Description:* Application of Vision Airlines, Inc. ("Vision") requesting an amendment to its certificate of public convenience and necessity authorizing Vision to engage in air transportation of persons, property and mail with large aircraft.

**Renee V. Wright,**

*Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. E8-23408 Filed 10-2-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Aviation Proceedings, Agreements Filed the Week Ending September 19, 2008

The following Agreements were filed with the Department of Transportation under the Sections 412 and 414 of the

Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* DOT-OST-2008-0287.

*Date Filed:* September 18, 2008.

*Parties:* Members of the International Air Transport Association.

*Subject:* TC2 Within Middle East Expedited Resolution 002ca (Memo 0188), *Intended effective date:* 1 January 2009.

*Docket Number:* DOT-OST-2008-0288.

*Date Filed:* September 18, 2008.

*Parties:* Members of the International Air Transport Association.

*Subject:* TC23/123 Africa-TC3 (except South West Pacific), Resolution 015v (Memo 0389), *Intended effective date:* 15 October 2008.

*Docket Number:* DOT-OST-2008-0289.

*Date Filed:* September 18, 2008.

*Parties:* Members of the International Air Transport Association.

*Subject:* TC23/123 Africa-South East Asia Expedited, Resolution 002bw (Memo 0390), *Intended effective date:* 15 October 2008.

*Docket Number:* DOT-OST-2008-0290.

*Date Filed:* September 18, 2008.

*Parties:* Members of the International Air Transport Association.

*Subject:* TC23/123 Middle East-TC3 (except South West Pacific), Resolution 015v (Memo 0391), *Intended effective date:* 15 October 2008.

*Docket Number:* DOT-OST-2008-0291.

*Date Filed:* September 18, 2008.

*Parties:* Members of the International Air Transport Association.

*Subject:* TC23/123 Middle East-South East Asia Expedited, Resolution 002hh (Memo 0392), *Intended effective date:* 15 October 2008.

**Renee V. Wright,**

*Program Manager, Docket Operation, Federal Register Liaison.*

[FR Doc. E8-23407 Filed 10-2-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-55 (Sub-No. 688X)]

#### CSX Transportation, Inc.— Abandonment Exemption—in Marion County, IN

CSX Transportation, Inc. (CSXT) has filed a verified notice of exemption

under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon a 1.01-mile line of railroad, known as the Arlington Industrial Track, located on its Northern Region, Great Lakes Division, Indianapolis Belt Subdivision, extending from milepost QIA 1.11 (English Ave.) to the end of the track at milepost QIA 0.1 in Marion County, IN. The line traverses United States Postal Service Zip Code 46219 and includes no stations.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted; (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 or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements of 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 (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 November 4, 2008, unless stayed pending reconsideration.<sup>1</sup> Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR

<sup>1</sup> Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. The applicant initially indicated a proposed consummation date of November 1, 2008, but because the verified notice was filed on September 15, 2008, consummation may not take place prior to November 4, 2008.

<sup>2</sup> 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.

<sup>14</sup> 17 CFR 200.30-3(a)(12).

1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 14, 2008. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 23, 2008, 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 CSXT's representative: Kathryn R. Barney, CSX Transportation, Inc., 500 Water Street, J-150, Jacksonville, FL 32202.

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

CSXT 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 October 10, 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.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by CSXT's filing of a notice of consummation by October 3, 2009, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: September 25, 2008.

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

**Anne K. Quinlan,**  
*Acting Secretary.*

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<sup>3</sup> Effective July 18, 2008, the filing fee for an OFA increased to \$1,500. See *Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2008 Update*, STB Ex Parte No. 542 (Sub-No. 15) (STB served June 18, 2008).

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35174]

#### Watco Companies, Inc.—Continuance in Control Exemption—Pacific Sun Railroad, L.L.C.

Watco Companies, Inc. (Watco), a noncarrier, has filed a verified notice of exemption to continue in control of Pacific Sun Railroad, L.L.C. (PSRR), upon PSRR's becoming a Class III rail carrier.<sup>1</sup>

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 35173, *Pacific Sun Railroad, L.L.C.—Lease and Operation Exemption—BNSF Railway Company*. In that proceeding, PSRR seeks an exemption under 49 CFR 1150.31 to lease from BNSF Railway Company (BNSF) and to operate approximately 21.5 miles of rail line and rail freight easement between specified points in California. In addition, PSRR will receive incidental trackage rights from BNSF to provide local service over an approximately 45.49-mile reserved rail freight service easement in California.

The parties intend to consummate the transaction on or about October 24, 2008, and hence after the October 17, 2008 effective date of the exemption.

Watco currently controls 18 Class III rail carriers: South Kansas and Oklahoma Railroad Company, Palouse River & Coulee City Railroad, Inc., Timber Rock Railroad, Inc., Stillwater Central Railroad, Inc., Eastern Idaho Railroad, Inc., Kansas & Oklahoma Railroad, Inc., Pennsylvania Southwestern Railroad, Inc., Great Northwest Railroad, Inc., Kaw River Railroad, Inc., Mission Mountain Railroad, Inc., Mississippi Southern Railroad, Inc., Yellowstone Valley Railroad, Inc., Louisiana Southern Railroad, Inc., Arkansas Southern Railroad, Inc., Alabama Southern Railroad, Inc., Vicksburg Southern Railroad, Inc., Austin Western Railroad, Inc., and Baton Rouge Southern Railroad, LLC.

Watco represents that: (1) The rail lines to be operated by PSRR do not connect with any other railroads in the Watco corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect these rail lines with any other railroad in the Watco corporate family; and (3) the transaction does not involve a Class I rail carrier. Therefore,

<sup>1</sup> Watco owns 100% of the issued and outstanding stock of PSRR.

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 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. Stay petitions must be filed no later than October 10, 2008 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35174, 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 Karl Morell, Of Counsel, Ball Janik, LLP, Suite 225, 1455 F Street, NW., Washington, DC 20005.

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

Decided: September 26, 2008.

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

**Anne K. Quinlan,**  
*Acting Secretary.*

[FR Doc. E8-23376 Filed 10-2-08; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35173]

#### Pacific Sun Railroad, L.L.C.—Lease and Operation Exemption—BNSF Railway Company

Pacific Sun Railroad, L.L.C. (PSRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire, by lease, and to operate approximately 21.5 miles of BNSF Railway Company's (BNSF) rail lines and freight rail easement in California.<sup>1</sup>

<sup>1</sup> PSRR states that it has been negotiating an agreement with BNSF and expects to finalize the agreement in the very near future. According to PSRR, the agreement will not contain any provision