

purchases, and abandonments. Other Federal agencies and industry groups, including the Railroad Retirement Board, Bureau of Labor Statistics, and Association of American Railroads, use the information contained in the reports to monitor railroad operations. Certain information from these reports is compiled and published on the Board's Web site, <http://www.stb.dot.gov>. The information contained in these reports is not available from any other source.

#### Collection Number 5

*Title:* Monthly Report of Number of Employees of Class I Railroads (Wage Form C).

*OMB Control Number:* 2140-0007.

*Form Number:* STB Form 350.

*Type of Review:* Extension without change.

*Respondents:* Class I railroads.

*Number of Respondents:* Fewer than 10.

*Estimated Time per Response:* 1.25 hours.

*Frequency of Response:* Monthly.

*Total Annual Hour Burden:* 105 hours annually

*Total Annual "Non-Hour Burden"*

*Cost:* No "non-hour cost" burdens associated with this collection have been identified.

*Needs and Uses:* This collection shows, for each reporting carrier, the average number of employees at mid-month in the six job-classification groups that encompass all railroad employees. See 49 CFR 1246. The information is used by the Board to forecast labor costs and measure the efficiency of the reporting railroads. The information is also used by the Board to evaluate the impact on rail employees of proposed regulated transactions, including mergers and consolidations, acquisitions of control, purchases, and abandonments. Other Federal agencies and industry groups, including the Railroad Retirement Board, Bureau of Labor Statistics, and Association of American Railroads, use the information contained in these reports to monitor railroad operations. Certain information from these reports is compiled and published on the Board's Web site, <http://www.stb.dot.gov>. The information contained in these reports is not available from any other source.

#### Collection Number 6

*Title:* Annual Report of Cars Loaded and Cars Terminated.

*OMB Control Number:* 2140-0011.

*Form Number:* Form STB-54.

*Type of Review:* Extension without change.

*Number of Respondents:* Fewer than 10.

*Estimated Time per Response:* 4 hours.

*Frequency of Response:* Annual.

*Total Annual Hour Burden:* 28 hours annually.

*Total Annual "Non Hour Burden"*

*Cost:* No "non-hour cost" burdens associated with this collection have been identified.

*Needs and Uses:* This collection reports the number of cars loaded and cars terminated on the reporting carrier's line. See 49 CFR 1247. Information in this report is entered into the Board's URCS, the uses of which are explained under Collection Number 1. There is no other source for the information contained in this report.

#### Collection Number 7

*OMB Control Number:* 2140-0001.

*Title:* Quarterly Report of Freight Commodity Statistics (Form QCS).

*Form Number:* None.

*Type of Review:* Extension without change.

*Respondents:* Class I railroads.

*Number of Respondents:* Fewer than 10.

*Estimated Time per Response:* 217 hours.

*Frequency of Response:* Quarterly, with an annual summation.

*Total Annual Hour Burden:* 6,076 hours annually.

*Total Annual "Non-Hour Burden"*

*Cost:* No "non-hour cost" burdens associated with this collection have been identified.

*Needs and Uses:* This collection, which is based on information contained in carload waybills used by railroads in the ordinary course of business, reports car loadings and total revenues by commodity code for each commodity that moved on the railroad during the reporting period. See 49 CFR 1248. Information in this report is entered into the Board's URCS, the uses of which are explained under Collection Number 1. There is no other source for the information contained in this report.

**SUPPLEMENTARY INFORMATION:** Under the PRA, a Federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under the PRA and 5 CFR 1320.8, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Section 3507(b) of the PRA

requires, concurrent with an agency's submitting a collection to OMB for approval, a 30-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

**Andrea Pope-Matheson,**

*Clearance Clerk.*

[FR Doc. E9-128 Filed 1-7-09; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35116]

#### R.J. Corman Railroad Company/ Pennsylvania Lines Inc.—Construction and Operation Exemption—in Clearfield County, PA

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement; Notice of Availability of the Draft Scope of Study for the Environmental Impact Statement; Notice of Scoping Meeting; and Request for Comments on Draft Scope.

**SUMMARY:** On May 20, 2008, R.J. Corman Railroad Company/Pennsylvania Lines Inc. (RJCP) filed a petition with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority to construct and operate an abandoned 10.8-mile rail line between Wallaceton Junction and Winburne in Clearfield County, Pennsylvania (the Western Segment) and to rebuild the track on a connecting 9.3-mile line between Winburne and Gorton in Clearfield and Centre Counties, Pennsylvania (the Eastern Segment) that is currently being used for interim trail use, subject to the possible restoration of rail service (rail banking) pursuant to the Trails Act, 16 U.S.C. 1247(d). In total, the proposed project would involve the construction or rebuilding, and operation, of approximately 20 miles of the former Beech Creek Railroad to serve a new quarry, landfill, and industrial park being developed by Resource Recovery, LLC, near Gorton, Pennsylvania.

Because this project has the potential to result in significant environmental impacts, the Board's Section of Environmental Analysis (SEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*). The purpose of this Notice of

Intent is to notify individuals and agencies interested in or affected by the proposed project of the decision to prepare an EIS. SEA will hold a public scoping meeting as part of the NEPA process associated with the development of the EIS. Additionally, as part of the scoping process, SEA has developed a draft Scope of Study for the EIS for review and comment. The public meeting date and location, along with the draft Scope of Study, are provided below:

*Date and Location:* The public scoping meeting will be held: Tuesday, February 10, 2009, 6–8 p.m., Philipsburg-Osceola Area Senior High School, 502 Philips Street, Philipsburg, PA 16866–1899.

The public scoping meeting will be held in an informal open-house format during which interested persons may ask questions about the proposed project and the Board's environmental review process, and advise SEA staff about potential environmental effects of the project. No formal presentations will be made by agency representatives. SEA staff will be available to answer questions and receive comments individually.

Interested parties are invited to submit written comments on the draft Scope of Study, alternatives to the proposed rail line, and other environmental issues and concerns by February 24, 2009, to assure full consideration during the scoping process. SEA will issue a final Scope of Study after the close of the scoping comment period.

#### **SUPPLEMENTARY INFORMATION:**

*Background:* Simultaneously with the filing of its petition for exemption (which seeks Board authority for both the rail banked Eastern Segment as well as the Western Segment of the proposed rail line), RJCP also filed a motion to dismiss the part of this proceeding that relates to the reactivation of the rail banked Eastern Segment. RJCP argues that reactivation of the rail banked Eastern Segment does not require Board approval under 49 U.S.C. 10901 (or an exemption under 49 U.S.C. 10502) and that therefore, the Board should not perform an environmental review of that segment of the proposed rail line. At this time, the Board has not decided whether reactivation of the Eastern Segment requires Board authority. Although the Board has not yet decided this issue, environmental review of the Eastern Segment is necessary to satisfy the NEPA requirements of one of the Board's cooperating agencies discussed below, and therefore SEA is now issuing this Notice of Intent.

Pursuant to 40 CFR 1501.5 and 1501.6, SEA may request agencies that have jurisdiction under other laws, or agencies that have "special expertise with respect to any environmental issue," to participate as "cooperating agencies" in the Board's environmental review process. Cooperating agencies typically make their own decisions regarding a particular project and tend to adopt the environmental analysis prepared by another agency (known as the "lead" agency) as the basis for their decision. Where environmental review takes place with cooperating agencies, one environmental document therefore includes information necessary to fulfill the requirements of NEPA and related environmental laws for both the lead and cooperating agencies.

Based on preliminary agency consultations and field reconnaissance of the project area conducted by SEA and its third-party contractor (Skelly and Loy, Inc.), SEA believes that the proposed project could impact resources (i.e., wetlands and watercourses) that fall under the jurisdiction of the U.S. Army Corps of Engineers (Corps). Therefore, SEA has invited the Corps, and the Corps has agreed, to participate as a cooperating agency in the preparation of the EIS for this project. To assure that the Corps has the information it needs to meet all of its responsibilities under NEPA and the Clean Water Act, SEA will conduct an appropriate environmental review of the entire 20 miles of proposed rail line (i.e., both the Eastern and Western Segments), regardless of the Board's decision on RJCP's pending motion to dismiss.

*Summary of the Board's Environmental Review Process:* The NEPA process is intended to assist the Board and the public in identifying and assessing the potential environmental consequences of a proposed action before a decision on the proposed action is made. SEA is responsible for ensuring that the Board complies with NEPA and related environmental statutes. The first stage of the EIS process is scoping. Scoping is an open process for determining the scope of environmental issues to be addressed in the EIS. As part of the scoping process, SEA has developed, and has made available for public review and comment in this notice, a draft Scope of Study for the EIS. SEA will host a scoping meeting to provide further opportunities for public involvement and input during the scoping process. Interested parties are also encouraged to comment on any potential alternatives for the proposed project. SEA is currently considering four alternatives for the proposed

project (construction and operation of the 20 miles of rail line along the former Beech Creek line, two non-rail transportation options for the no-build alternative, and the no-action alternative). At the conclusion of the scoping and comment period, SEA will issue a final Scope of Study for the EIS.

After issuing the final Scope of Study, SEA will prepare a Draft EIS for the project. The Draft EIS will address the environmental issues and concerns identified during the scoping process. It will also contain SEA's preliminary recommendations for environmental mitigation measures. The Draft EIS will be made available upon its completion for review and comment by the public, government agencies, and other interested parties. SEA will then prepare a Final EIS that considers comments on the Draft EIS, sets forth any additional analyses, and makes final recommendations to the Board on appropriate mitigation measures. In reaching its decision in this case, the Board will take into account the Draft EIS, the Final EIS, and all environmental comments that are received.

*Filing Environmental Comments:* Comments submitted by mail should be addressed to: Danielle Gosselin, Surface Transportation Board, 395 E Street, SW., Washington, DC 20423, *Attention:* Environmental Filing, STB Finance Docket No. 35116.

Comments may also be filed electronically on the Board's Web site, <http://www.stb.dot.gov>, by clicking on the "E-FILING" link.

Please refer to STB Finance Docket No. 35116 in all correspondence, including e-filings, addressed to the Board.

All comments must be post marked by February 24, 2009.

#### **FOR FURTHER INFORMATION CONTACT:**

Danielle Gosselin, Section of Environmental Analysis, Surface Transportation Board, 395 E Street, SW., Washington, DC 20423. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339. The Web site for the Board is <http://www.stb.dot.gov>.

#### **Draft Scope of Study for the EIS**

##### *Proposed Action and Alternatives*

The Proposed Action is the construction and operation of an abandoned 10.8-mile rail line between Wallaceton Junction and Winburne and the reactivation of track on a connecting 9.3-miles of currently rail banked line between Winburne and Gorton. The approximately 20 miles of track would

allow RJCP to provide rail service to a proposed new quarry, landfill, and industrial park being developed by Resource Recovery, LLC, near Gorton in Rush Township, Centre County, Pennsylvania. The anticipated train traffic would be two trains daily, with one train per day traveling in each direction. The EIS will also analyze the potential impacts of two non-rail transportation options for the no-build alternative and a no-action alternative set forth below.

The reasonable and feasible alternatives that will be evaluated in the EIS are: (1) Construction and operation of the proposed rail line along the former Beech Creek line, (2) no-build alternative option 1 involving the construction of a new interchange on Interstate 80, (3) no-build alternative option 2 involving improving the existing local road system (i.e., road paving, bridge replacement etc.), and (4) the no-action alternative.

#### *Environmental Impact Analysis*

##### Proposed New Construction or Rebuilding and Operation

Analysis in the EIS will address the proposed activities associated with the construction or rebuilding, and operation, of the proposed 20 miles of rail line and potential environmental impacts, as appropriate.

##### Impact Categories

The EIS will analyze the potential impacts associated with the proposed project on both the human and natural environment, or in the case of the no-action alternative, the lack of these impacts. Impact areas addressed will include the categories of transportation and safety, land use, energy resources, air quality, noise, biological resources including threatened and endangered species, water resources including wetlands and other jurisdictional waters of the U.S., socioeconomics as they relate to physical changes in the environment, recreation, environmental justice, geology and soils, and cultural/historic resources. Other categories of impacts may also be included as a result of comments received during the scoping process or the Draft EIS. The EIS will include a discussion of each of these categories as they currently exist in the project area and will address the potential impacts of each alternative on each category as described below.

##### 1. Transportation and Safety

The EIS will:

a. Evaluate potential pedestrian and motor vehicle safety concerns at each public and private at-grade road crossing.

b. Include a level of service analysis focusing on average vehicle delay time for all grade crossings having an average daily traffic volume greater than 5,000 vehicles.

c. Include an assessment of the appropriate safety appurtenances to be erected at each crossing.

d. Assess the project's operational safety with respect to its close proximity to residential structures.

e. Evaluate the project's consistency with local and regional transportation planning goals.

f. Propose mitigative measures to minimize or eliminate potential impacts to safety, as appropriate.

##### 2. Land Use

The EIS will:

a. Identify existing land uses that would be potentially impacted by the project.

b. Evaluate the project's consistency with local and regional land use planning goals.

c. Propose mitigative measures to minimize or eliminate potential impacts to land use, as appropriate.

##### 3. Energy Resources

The EIS will:

a. Describe the effect of the project on energy resources, recyclable commodities, and overall changes in energy efficiency.

b. Propose mitigative measures to minimize or eliminate potential impacts to energy resources, as appropriate.

##### 4. Air Quality

The EIS will:

a. Quantitatively evaluate rail operation air emissions, if the project would affect a Class I or non-attainment or maintenance area as designated under the Clean Air Act.

b. Qualitatively evaluate the temporary air quality impact resulting from rail line construction activities.

c. Propose mitigative measures to minimize or eliminate potential project impacts to air quality, as appropriate.

##### 5. Noise

The EIS will:

a. Quantitatively evaluate rail operation noise impacts, including the use of any auditory warning devices at public road crossings.

b. Qualitatively evaluate the temporary noise impact resulting from rail line construction activities.

c. Propose mitigative measures to minimize or eliminate potential project impacts to sensitive noise receptors, as appropriate.

##### 6. Biological Resources

The EIS will:

a. Evaluate the existing biological resources within the project area, including vegetative communities, terrestrial and aquatic habitats, and known wildlife species.

b. Evaluate project impacts to any Federal or state threatened and endangered plant or animal species.

c. Describe the proposed project's impact on any wildlife sanctuaries, refuges, national and state parks/forests, or state game lands.

d. Document all coordination conducted with those Federal and state agencies having jurisdiction over biological resources.

e. Propose mitigative measures to avoid, minimize or compensate for potential impacts to biological resources, as appropriate.

##### 7. Water Resources

The EIS will:

a. Describe the existing surface water resources identified within the project area, including all jurisdictional wetlands and watercourses and their regulatory floodplains.

b. Evaluate project impacts to all jurisdictional surface water resources.

c. Document the necessary Federal and state water resource/encroachment permitting requirements that the proposed project will be subject to.

d. Propose mitigative measures to avoid, minimize or compensate for potential impacts to water resources, as appropriate.

##### 8. Socioeconomics

The EIS will:

a. Summarize the existing local and regional socioeconomic conditions, including long-term population, housing and employment metrics.

b. Document the locations of existing community facilities and services identified within the regional project area.

c. Evaluate the proposed project's impact to socioeconomic conditions within the regional project area, including employment gains and losses.

d. Propose mitigative measures to avoid, minimize or compensate for potential impacts to regional socioeconomic factors, as appropriate.

##### 9. Recreation

The EIS will:

a. Identify existing public and private recreational facilities within the project area, and evaluate the proposed project's impact to these recreational facilities.

b. Propose mitigative measures to avoid, minimize, or compensate for potential impacts to recreational facilities, as appropriate.

## 10. Environmental Justice

The EIS will:

- a. Evaluate the potential project impacts on local and regional minority and low-income populations.
- b. Propose mitigative measures to minimize or eliminate potential project impacts on environmental justice populations, as appropriate.

## 11. Geology and Soils

The EIS will:

- a. Describe the geologic and soil conditions within the project area, including the status of past and present coal mining operations.
- b. Evaluate potential measures to avoid or construct through active surface mined areas.
- c. Propose mitigative measures to minimize or eliminate potential project impacts to geology and soils, as appropriate.

## 12. Cultural/Historic Resources

The EIS will:

- a. Document all historic resource eligibility and effect studies conducted pursuant to Section 106 of the National Historic Preservation Act.
- b. Document all project coordination with the state historic preservation officer.
- c. Propose mitigative measures to minimize or eliminate potential project impacts to cultural/historic resources, as appropriate.

## 13. Cumulative and Indirect Impacts

The EIS will:

- a. Address any identified potential cumulative impacts of the project, as appropriate. Cumulative impacts are the impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such actions (for example, Resource Recovery, LLC's proposed new quarry, landfill and industrial park).
- b. Address any identified potential indirect impacts of the project, as appropriate. Indirect impacts are impacts that are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.

Decided: January 2, 2009.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

**Kulunie L. Cannon,**  
Clearance Clerk.

[FR Doc. E9-106 Filed 1-7-09; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

[STB Finance Docket No. 34554 (Sub-No. 10)]

**Union Pacific Railroad Company—  
Temporary Trackage Rights  
Exemption—BNSF Railway Company**

BNSF Railway Company (BNSF), pursuant to a modified written trackage rights agreement entered into between BNSF and Union Pacific Railroad Company (UP), has agreed to extend the expiration date of the local trackage rights granted to UP<sup>1</sup> over BNSF's line of railroad extending from BNSF milepost 579.3 near Mill Creek, OK, to BNSF milepost 631.1 near Joe Junction, TX, a distance of approximately 51 miles.<sup>2</sup>

The transaction is scheduled to be consummated on January 22, 2009.

The purpose of this transaction is to modify the temporary trackage rights exempted in STB Finance Docket No. 34554 (Sub-No. 8) to further extend the expiration date to on or before December 31, 2009. The modified trackage rights will permit UP to continue to move loaded and empty

<sup>1</sup> UP submits that the trackage rights being granted here are only temporary rights, but, because they are "local" rather than "overhead" rights, they do not qualify for the Board's class exemption for temporary trackage rights at 49 CFR 1180.2(d)(8). See *Railroad Consolidation Procedures*, 6 S.T.B. 910 (2003). Therefore, UP and BNSF concurrently have filed a petition for partial revocation of this exemption in STB Finance Docket No. 34554 (Sub-No. 11), *Union Pacific Railroad Company—Temporary Trackage Rights Exemption—BNSF Railway Company*, wherein UP, with the support of BNSF, requests that the Board permit the proposed local trackage rights arrangement described in the present proceeding to expire on or about December 31, 2009. That petition will be addressed by the Board in a separate decision.

<sup>2</sup> The original trackage rights granted in *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 34554 (STB served Oct. 7, 2004), also extended from BNSF milepost 579.3 near Mill Creek, OK, to BNSF milepost 631.1 near Joe Junction, TX. By decisions served on November 24, 2004, in STB Finance Docket No. 34554 (Sub-No. 1), on March 25, 2005, in STB Finance Docket No. 34554 (Sub-No. 3), on March 23, 2006, in STB Finance Docket No. 34554 (Sub-No. 5), on March 13, 2007, in STB Finance Docket No. 34554 (Sub-No. 7), and on March 20, 2008, in STB Finance Docket No. 34554 (Sub-No. 9), the Board granted exemptions to permit the trackage rights authorized in STB Finance Docket No. 34554 and extended in STB Finance Docket No. 34554 (Sub-No. 2), served on February 11, 2005, in STB Finance Docket No. 34554 (Sub-No. 4), served on March 3, 2006, in STB Finance Docket No. 34554 (Sub-No. 6), served on January 12, 2007, and in STB Finance Docket No. 34554 (Sub-No. 8), served on January 4, 2008, to expire. At the time of the last extension, it was anticipated by the parties that the rights would expire on or about December 31, 2008. However, this authority has not yet been exercised.

ballast trains for use in its maintenance-of-way projects.

As a condition to this exemption, any employee 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 it 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 January 15, 2009 (at least 7 days before the exemption becomes effective).

Pursuant to the Consolidated Appropriations Act, 2008, Public Law No. 110-161, § 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. 34554 (Sub-No. 10), 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 Gabriel S. Meyer, Union Pacific Railroad Company, 1400 Douglas Street, STOP 1580, Omaha, NE 68179.

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

Decided: January 2, 2009.

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

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. E9-84 Filed 1-7-09; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF THE TREASURY

**Submission for OMB Review;  
Comment Request**

December 31, 2008.

The Department of Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the