

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.

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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 UP¹ 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.²

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

¹ 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.

² 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]

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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