

1200 Peachtree Street, N.E.—Box 123, Atlanta, Georgia 30309.

The Norfolk Southern Corporation (NS) request a waiver pertaining to the use of a device for automated execution of certain FRA required tests made at interlockings and control points on the NS system.

The reasons given for the proposed waiver is to permit NS to use the automated test system, known as the InterTest® system, for subject testing in lieu of tests being performed manually, as well as to permit use of electronic signature for documentation and storage of results of tests performed during two year and in service testing.

The InterTest® system is a processor-based system that performs testing by electronically exercising the inputs to the interlocking and control point locking circuitry in a manner which replicates that done by humans during a manual test. The interlocking tester consists of three subsystems that are tied together by a central control computer.

NS proposes to use the automated tester to make the following FRA required 2-year tests: 49 CFR 236.378—Time Locking; 49 CFR 236.379—Route Locking; 49 CFR 236.380—Indication Locking;

NS proposes to use the automated tester to make the following in service tests: 49 CFR 236.201—Track circuit control of signals; 49 CFR 236.202—Signal governing movements over hand-operated switch; 49 CFR 236.204—Track signaled for movements in both directions, requirements; 49 CFR 236.402—Signals controlled by track circuits and control operator; 49 CFR 236.403—Signals at control point; 49 CFR 236.404—Signal at adjacent control points; 49 CFR 236.405—Track signaled for movements in both directions, change of direction of traffic; 49 CFR 236.107—Ground Tests; and to create and maintain records of tests according to 49 CFR 236.110—Results of tests.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2009-0037) and may be submitted by any of the following methods:

- Web site: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Fax: 202-493-2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.—5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and 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 65, Number 70; Pages 19477-78).

Issued in Washington, DC; on May 22, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E9-12423 Filed 5-28-09; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statements: National Summary of Rescinded Notices of Intent

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA is issuing this notice to advise the public that 12 States have rescinded Notices of Intent (NOI) to prepare 17 Environmental Impact Statements (EISs) for proposed highway projects. FHWA Division Offices, in consultation with the State Departments of Transportation (State DOT), determined that eight projects were no longer viable and have formally cancelled the projects. No resources will be expended on these projects; the environmental review process has been terminated. Seven projects are being reevaluated and, or have been reduced in scope and now meet the criteria for an Environmental Assessment (EA) or a Categorical Exclusion (CE). Two projects rescinded NOIs and will issue new NOIs as the project limits and impacts have changed.

FOR FURTHER INFORMATION CONTACT: Bethaney Bacher-Gresock, Office of Project Development and Environmental Review, (202) 366-4196; Janet Myers, Office of the Chief Counsel, (202) 366-2019; Federal Highway Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded by accessing the **Federal Register's** home page at: <http://www.archives.gov> and the Government Printing Office's Web page at <http://www.gpoaccess.gov/nara>.

Background

The FHWA, as lead Federal agency under the National Environmental Policy Act and in furtherance of its oversight and stewardship responsibilities under the Federal-aid Highway Program, has requested that its Division Offices review, with the State DOTs, the status of all EISs and place those projects that are not actively progressing in a timely manner in an inactive project status. The FHWA maintains lists of active and inactive projects on its Web site at <http://www.environment.fhwa.dot.gov/>. The FHWA has determined that inactive projects that are no longer a priority or that lack resources should be rescinded

with a **Federal Register** notice notifying the public that project activity has been terminated. As always, FHWA encourages State DOTs to work with their FHWA Division Office to determine when it is most prudent to initiate an EIS in order to best balance available resources as well as the expectations of the public.

The FHWA is issuing this notice to advise the public that 12 States (California, Colorado, Idaho, Indiana, Massachusetts, Minnesota, Mississippi, Missouri, New York, Ohio, Pennsylvania, Tennessee) have recently rescinded previously issued NOIs for 17 EISs for proposed highway projects. A listing of these projects, general location, original NOI date of publication in the **Federal Register**, and the date that the NOI was formally rescinded by notice published in the **Federal Register**, is provided below.

The FHWA Division Offices, in consultation with the State DOTs, determined that eight of these projects were no longer viable projects and have formally cancelled those projects. The projects are: Northwest Corridor/

Northwest Parkway project in Broomfield and Jefferson Counties, Colorado; TH 169 in Millie Lacs and Crow Wing Counties, Minnesota; TH 10 project in Sherburne County, Minnesota; TH 10 in Otter Tail and Wadena Counties, Minnesota; TH 14 in Olmsted County, Minnesota; I 55 connection to I 20 in Hinds and Madison Counties, Mississippi; improvements to the transportation system in Lawrence, Christian and Greene Counties, Missouri; and US-127 and SR-63/SR-4 Interchange highway improvements near Trenton in Butler County, Ohio.

The FHWA Division Offices, in consultation with the State DOTs, determined that seven projects should be reevaluated and, or reduced in scope. In California, the US 395 project from I 15 to Farmington Road in San Bernardino County is being reduced in scope; the I 5 HOV Truck Lanes project between SR 14 and Parker Road in Los Angeles County has been reviewed and will now be processed with an EA. In Idaho, the I 84 Karcher Interchange project in Ada and Canyon Counties

will now most likely be processed as an EA. In Indiana, the proposed relocation of railroad lines in Knox County, Indiana and Lawrence County, IL will be reduced in scope. In Massachusetts, the Berkley-Dighton Bridge over the Taunton River, Bristol County project has been reduced in scope and now meets the criteria for a CE. In New York, the Millennium Parkway project in Chautauqua County has been reduced in scope and now meets the criteria for a CE. In Pennsylvania, SR 56 in Johnstown has been reduced in scope and now meets the criteria for a CE.

In addition, the FHWA Division Office, in consultation with the State DOT, determined that two projects in Tennessee had changed project limits and impacts therefore it was best to rescind the original NOIs and issue new NOIs. The SR 374 project from SR 13 to SR 76 in Montgomery County, Tennessee will reissue an NOI. The North Second Street Connector project in Shelby County issued a new NOI on February 5, 2009.

State	Project name—location	NOI date	Rescinded date
CA	U.S. 395 Realignment—San Bernardino County	7/5/2006	10/30/2008
CA	Interstate 5 (I-5) HOV Truck Lanes SR14 and Parker Road Interchange—Los Angeles County.	5/10/2007	11/10/2008
CO	Northwest Corridor/Northwest Parkway—Broomfield and Jefferson Counties	7/21/2003	7/1/2008
ID	I 84 Karcher Interchange—Ada and Canyon Counties	7/17/2007	7/17/2008
IN	Railroad Line Relocations—Knox County, Indiana and Lawrence County Illinois	3/16/2007	11/25/2008
MA	Berkley-Dighton Bridge over the Taunton River—Bristol County	10/9/1985	6/19/2008
MN	TH 169—Mille Lacs and Crow Wing Counties	7/17/2000	7/8/2009
MN	Tier 1—TH 10—Sherburne County	2/4/2002	
MN	TH 10—Otter Tail and Wadena Counties	7/28/2003	10/10/2008
MN	TH 14—Olmstead County	3/27/2003	10/10/2008
MS	Interstate Facility Connecting I-55 with I-20—Hinds and Madison Counties	10/7/2002	10/10/2008
MO	Transportation System in Lawrence Christian and Green Counties	8/10/2007	10/1/2008
NY	Millennium Parkway Project Chautauqua County	(1)	1/23/2009
OH	Highway Improvement Project US-127 and SR-63/SR-4 Interchange—Trenton, Butler County.	12/27/2007	3/3/2009
PA	SR 56—Johnstown	10/6/2000	6/30/2008
TN	State Route 374, State Route 13, State Route 76—Montgomery County	7/14/2001	10/1/2008
TN	North Second Street Connector—Shelby County	11/12/1996	12/24/2008
TN		11/2/2002	12/24/2008

¹ Unknown.

(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.)

Issued on: May 14, 2009.

Jeffrey F. Paniati,

Acting Deputy Federal Highway Administrator.

[FR Doc. E9-12526 Filed 5-28-09; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35249]

Kern W. Schumacher—Continuance in Control Exemption—Granada Railway, LLC and Natchez Railway, LLC

Kern W. Schumacher (Mr. Schumacher), a noncarrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Granada Railway, LLC (Granada), and Natchez Railway, LLC (Natchez), upon

Granada's and Natchez's becoming Class III rail carriers.

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 35247, *Granada Railway, LLC—Acquisition and Operation Exemption—Illinois Central Railroad Company and Waterloo Railway Company*, wherein Granada seeks to acquire from the Illinois Central Railroad Company (ICR) and to operate an approximately 175.4-mile rail line between milepost 403.0 at Southhaven, MS, and milepost 703.8 near Canton, MS, and to acquire from