Watco corporate family; (2) the
continuance in control is not part of a
series of anticipated transactions that
would connect the rail lines to be
operated by SRR with any other railroad
in the Watco corporate family; and (3)
the 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
can 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 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 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 December 21, 2011 (at
least 7 days before the exemption
becomes effective).

An original and 10 copies of all
pleadings, referring to Docket No. FD
35575, 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,
Fifteenth Street NW., Washington, DC
20005.

Board decisions and notices are
available on our Web site at http://

Decided: December 9, 2011.

By the Board.

Rachel D. Campbell,
Director, Office of Proceedings.

Raina S. White,
Clearance Clerk.

[FR Doc. 2011–32093 Filed 12–13–11; 8:45 am]

DEPARTMENT OF TRANSPORTATION
Surface Transportation Board

[FR Doc. 2011–32093 Filed 12–13–11; 8:45 am]

SUMMARY: In response to a petition filed
by Union Pacific Railroad Company
(UP) on April 27, 2011, the Board is
instituting a declaratory order
proceeding under 49 U.S.C. 721 and 5
U.S.C. 554(e). UP requests that the
Board issue a declaratory order to
resolve a controversy regarding the
reasonableness of the indemnification
provisions in UP's tariff relating to
transportation of toxic by inhalation
hazardous commodities (TIH). The
Board seeks public comment on the
issues raised in this case.

DATES: Any person who wishes to
participate in this proceeding as a party
of record (POR) must file, no later than
December 27, 2011, a notice of intent to
participate. Opening evidence and
argument from all PORs is due on
January 25, 2012. Reply evidence and
argument from all PORs is due on
March 12, 2012. Rebuttal evidence and
argument from all PORs is due on
March 26, 2012.

ADDRESSES: Any filing submitted in
this proceeding must be submitted either
either by the Board’s e-filing format or in
the traditional paper format. Any person
using e-filing should attach a document
and otherwise comply with the
instructions at the E-FILING link on the
gov. Any person submitting a filing in
the traditional paper format should send
an original and 10 copies (and also an
electronic version), referring to Docket
No. FD 35504, to: Surface
Transportation Board, 395 E Street SW.,
Washington, DC 20423–0001. In
addition, 1 copy of each filing in this
proceeding must be sent (and may be
sent by email if service by email is
possible) to: Union Pacific
Railroad Company—Petition for
Declaratory Order

ACTIONS: Institution of declaratory order
proceeding; request for comments.

DEPARTMENT OF TRANSPORTATION
Surface Transportation Board

[FR Doc. 2011–32093 Filed 12–13–11; 8:45 am]