

Terminal stop for fuel, locomotive inspection, or adding or removing power from the train. To perform this work on the main track, UP must provide blue signal protection under 49 CFR 218.25. This request is for the following track locations:

- Main 1 and Main 2 between Manchester and Troost (MX279–MX281).
- Main 1 and Main 2 at 18th St. between KX004 and KX006.
- Mainline at 10th St. (KX287–KX289).

UP is requesting flexibility to treat these main tracks at the Kansas City facilities as tracks other than main tracks so they can have the option of protecting its employees working on, under, or between rolling equipment in accordance with § 218.25 *Workers on a main track*, or § 218.27 *Workers on track other than main track*, or a combination of both. UP believes that the safest and most efficient method of protecting its employees in the Kansas City facilities is through the use of a combination of blue signal protection and remotely controlled switches. UP believes that this request is similar to a waiver originally granted to the SP at El Paso, TX, and renewed to UP under Docket Number FRA–2000–7669. UP states they have operated under the requirements of that waiver without any adverse effect on safety of operations and would like to have the same conditions for this request.

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–2008–0166) 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 January 30, 2009.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. E9–2382 Filed 2–9–09; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[USCG–2007–28535]

#### **Atlantic Sea Island Group LLC, Safe Harbor Energy Liquefied Natural Gas Deepwater Port License Application; Preparation of Environmental Impact Statement**

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice of extending the scoping comment period to March 11, 2009 and corrected project location information.

**SUMMARY:** By **Federal Register** notice of January 9, 2009 (74 FR 982–984) the Maritime Administration and the Coast Guard announced the intent to prepare an environmental impact statement (EIS) for the Atlantic Sea Island Group LLC, Safe Harbor Energy liquefied natural gas deepwater port license application located in Federal Waters approximately 13.5 miles south of the City of Long Beach, New York, 19 miles east of Highlands, New Jersey, and 23 miles southeast of the Ports of New York and New Jersey. The project location was incorrectly noted in the referenced **Federal Register** notice. The correct proposed location is in the area between the Ambrose-to-Nantucket and Hudson

Canyon-to-Ambrose shipping lanes, located at approximately 40°23' N and 73°36' W, in water depth of between 60 and 70 feet covering an area known as Cholera Bank.

The EIS will be prepared with the New York State Department of Environmental Conservation (NYSDEC) as a cooperating agency in the environmental review with the Coast Guard. The EIS will meet the requirements of both the National Environmental Policy Act (NEPA) and the New York State Environmental Quality Review Act (SEQRA). In addition, the Coast Guard and the Maritime Administration will be working with appropriate state agency representatives from New Jersey to ensure potential impacts and concerns of New Jersey are addressed in the EIS.

Publication of this notice began a 30 day scoping process and requested public participation to assist in the identification and determination of the environmental issues to be addressed in the EIS with a deadline for submitting comments of February 9, 2009.

In addition to receiving comments at the public scoping meetings on January 27, 2009 and January 29, 2009, instructions were provided for submitting comments to the Department of Transportation (DOT) Docket Management Facility and to the Federal Docket Management System (FDMS). The Coast Guard and Maritime Administration have received several requests to extend the scoping comment period; therefore, upon further consideration the scoping comment period is extended to March 11, 2009.

**DATES:** Comments or related material must be received by March 11, 2009.

**ADDRESSES:** Docket submissions for USCG–2007–28535 should be addressed to: Department of Transportation, Docket Management Facility, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

The Docket Management Facility accepts hand-delivered submissions, and makes docket contents available for public inspection and copying at this address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Facility telephone number is 202–366–9329, the fax number is 202–493–2251, and the Web site for electronic submissions or for electronic access to docket contents is: <http://www.regulations.gov>.

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

Mark Prescott, U.S. Coast Guard, telephone: 202–372–1440, e-mail: [Mark.A.Prescott@uscg.mil](mailto:Mark.A.Prescott@uscg.mil); or LT Hannah Kawamoto, U.S. Coast Guard,

telephone: 202-372-1438, e-mail: [Hannah.K.Kawamoto@uscg.mil](mailto:Hannah.K.Kawamoto@uscg.mil); or Yvette Fields, U.S. Maritime Administration, telephone: 202-366-0926, e-mail: [Yvette.Fields@dot.gov](mailto:Yvette.Fields@dot.gov); or John Ferguson, New York State Department of Environmental Conservation, telephone: 518-402-9167, e-mail: [jffergus@gw.dec.state.ny.us](mailto:jffergus@gw.dec.state.ny.us). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone: 202-493-0402, e-mail: [renee.wright@dot.gov](mailto:renee.wright@dot.gov).

The FDMS also contains the notices, application and related correspondence; informational open house materials; will also contain the public meeting transcripts; and will contain the Draft and the Final EIS and all comments submitted whether at public meetings or submitted directly to the DOT Docket Management Facility or the FDMS.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Coast Guard, Maritime Administration, and the NYSDEC request submittal of comments and related material on environmental issues related to the proposed deepwater port using one of the methods described below. We most particularly seek comments that identify potentially significant impacts, alternatives, or mitigation measures that should be taken into account in determining the scope of the EIS.

The Coast Guard, Maritime Administration, and the NYSDEC will consider all comments and material received during the comment period. It is not necessary to present comments more than once. Comments need not be submitted to multiple agencies; all comments received will be shared amongst the agencies.

*Submissions to the DOT Docket Management Facility or FDMS should include:*

- Docket number USCG-2007-28535;
- Your name and address;
- Please include reasons for making each comment or bringing information to our attention so that we may properly address your concerns.

*Submit comments or material using one of the following methods:*

- Electronic submission to FDMS (preferred) at <http://www.regulations.gov>: Click on "Search for Dockets;" Enter Docket ID 28535; view documents by clicking the PDF icon under "Views;" and/or follow the online instructions for submitting comments.
- Fax, mail, or hand delivery to the DOT Docket Management Facility (see ADDRESSES). Faxed or hand delivered

submissions must be unbound, no larger than 8½ by 11 inches, and suitable for copying and electronic scanning. If you mail your submission and want to know when it reaches the Facility, include a stamped, self-addressed postcard or envelope.

Regardless of the method used for submitting comment or material, all submissions will be posted, without change, to the FMDS Web site (<http://www.regulations.gov>), and will include any personal information provided. Therefore, submitting this information makes it public. You may wish to read the Privacy and Use Notice that is available on the FDMS Web site, and the Department of Transportation Privacy Act Notice that appeared in the **Federal Register** on April 11, 2000 (65 FR 19477), see PRIVACY ACT. You may view docket submissions at the Department of Transportation Docket Management Facility or electronically on the FDMS Web site (see ADDRESSES).

##### Privacy Act

The electronic form of all comments received into the Federal Docket Management System can be searched by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). The DOT Privacy Act Statement can be viewed in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, pages 19477-78) or you may visit <http://www.regulations.gov>.

(Authority 49 CFR 1.66)

By order of the Maritime Administrator.

Dated: February 4, 2009.

**Christine S. Gurland,**

*Acting Secretary, Maritime Administration.*

[FR Doc. E9-2668 Filed 2-9-09; 8:45 am]

BILLING CODE 4910-81-P

#### DEPARTMENT OF TRANSPORTATION

##### Surface Transportation Board

[STB Ex Parte No. 290 (Sub-No. 4)]

##### Railroad Cost Recovery Procedures—Productivity Adjustment

**AGENCY:** Surface Transportation Board.

**ACTION:** Adoption of a Railroad Cost Recovery Procedures Productivity Adjustment.

**SUMMARY:** In a decision served on February 5, 2009, we proposed to adopt 1.012 (1.2% per year) as the measure of average change in railroad productivity for the 2003-2007 (5-year) averaging period. This value was a decline of 0.1 of a percentage point from the current

measure of 1.3% that was developed for the 2002-2006 period. That decision stated that comments may be filed addressing any perceived data and computational errors in our calculation. It also stated that, if there were no further action taken by the Board, the proposed productivity adjustment would become effective on March 1, 2009.

**DATES:** The productivity adjustment is effective March 1, 2009. Comments are due by February 23, 2009.

**ADDRESSES:** Send comments (an original and 10 copies) referring to STB Ex Parte No. 290 (Sub-No. 4) to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

##### FOR FURTHER INFORMATION CONTACT:

Michael Smith, (202) 245-0322.

[Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.]

##### SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision, which is available on our Web site [www.stb.dot.gov](http://www.stb.dot.gov). To purchase a copy of the full decision, write to, or call the Board's Office of Public Assistance, Governmental Affairs, and Compliance; 395 E Street, SW., Washington, DC 20423-0001; phone (202) 245-0235. [Assistance for the hearing impaired is available through FIRS: 1-800-877-8339.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: February 3, 2009.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. E9-2697 Filed 2-9-09; 8:45 am]

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#### DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0003]

##### Agency Information Collection (Application for Burial Benefits) Activities Under OMB Review

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.