

reviewed new research which led to the inclusion of requirements not contained in the previously mentioned regulations and discussed areas of further research which could be addressed in a second phase to this GTR. In an October 10, 2006 (71 FR 59582) notice, NHTSA described the interim progress on the head restraint GTR and sought comments. NHTSA did not receive comments. The informal working group has completed drafting the GTR, and at the December 2007 session of GRSP the GTR was recommended to WP.29/AC.3 for a vote at its March 2008 Session.

The U.S. successfully argued for the inclusion of a backset requirement in the GTR. The backset requirement and measurement procedure in the GTR are as specified in FMVSS No. 202. The Group of Experts studied and evaluated the extent to which the choice of reference point has an impact on the level of stringency. The two reference points in question are H-point, which is the actual hip point of the dummy sitting in the seat, and the R-point, which is the theoretical hip point of the dummy that manufacturers use when designing a vehicle. The R-point is the same as the seating reference point (SgRP) when the seat is set in the rearmost seating position. Both have been used in U.S. regulations. Currently, the FMVSS No. 202 relies on the H-point, while the UNECE regulation relies on the R-point. The group of experts found that for the backset measurement, the choice of reference point does have an impact on stringency. To that end, they sought to determine an equivalent limit between the two reference points. The group found that requirements with the R-point should be 45 mm to provide equivalent stringency as the 55 mm requirement when using the H-point. The GTR provides the flexibility for contracting parties to decide on the reference point provided that they make the necessary adjustments to the requirements to make them equivalent. Contracting parties choosing the H-point requirement will use the 55 mm backset requirement while those opting for R-point will use the 45 mm requirement. Since H-point and the 55 mm backset requirement have been established in the U.S. regulation and it is the preferred option in the GTR, NHTSA will continue to require it. However, with respect to all other measurements, the group of experts found that the reference point should not impact stringency and therefore, it was agreed that the R-point should be specified in the GTR. Providing that cost-benefit analysis confirms that there will be no

impact on benefits in the U.S., the U.S. will propose using R-point in its compliance testing for all measurements other than backset.

The agency believes that this GTR will improve the current U.S. regulation and provide significant benefits in other countries which adopt this GTR, due to the backset requirement. This GTR also harmonizes all existing international regulations on head restraints, creating a common regulatory base to which further harmonized improvements could be added. The European Union and Japan have been conducting extensive research in the area of rear impact, particularly as it pertains to more biofidelic anthropomorphic dummies. WP.29 has already approved the concept of a Phase 2 for head restraints to consider this research. Working from common regulatory requirements, the U.S. believes there will be the possibility of preventing more whiplash injuries in the future, looking at the seat and the head restraint as a system.

The GTR is expected to be voted on at the March 2008 session of WP.29 and AC.3. In anticipation of this vote, NHTSA is again requesting comments on this GTR. Once the GTR is established through consensus voting at WP.29, NHTSA will initiate domestic rulemaking to amend its existing FMVSS to incorporate approved provisions of the GTR. This will allow for further opportunity to consider comments from interested parties through the usual rulemaking process. If NHTSA's rulemaking process leads it to either not adopt or to modify aspects of the GTR, the agency will seek to amend the GTR in accordance with established procedures under the 1998 Global Agreement and WP.29, as it recently did with the door lock GTR.

Issued on: February 5, 2008.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35118]

Patriot Rail, LLC, Patriot Rail Holdings LLC, and Patriot Rail Corp.—Continuance in Control Exemption—Sacramento Valley Railroad, Inc.

Patriot Rail, LLC (PRL) and its subsidiaries, Patriot Rail Holdings LLC (PRH), and Patriot Rail Corp. (PRC) (collectively, Patriot), all noncarriers,

jointly have filed a verified notice of exemption to continue in control of Sacramento Valley Railroad, Inc. (SAVR), upon SAVR's becoming a Class III rail carrier.¹

This transaction is related to the concurrently filed verified notice of exemption in STB Finance Docket No. 35117, *Sacramento Valley Railroad, Inc.—Operation Exemption—McClellan Business Park LLC*. In that proceeding, SAVR seeks an exemption under 49 CFR 1150.31 to operate 7 miles of unmarked rail line owned by McClellan Business Park LLC, in Sacramento County, CA.

The transaction is scheduled to be consummated on or after March 1, 2008, and hence after the February 28, 2008 effective date of the exemption.

Patriot currently controls three other Class III rail carriers: Tennessee Southern Railroad Company, Rarus Railroad Company, and Utah Central Railway Company.

Patriot states that: (1) The rail lines to be operated by SAVR do not connect with any other railroads in the Patriot corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect these rail lines with any other railroad in the Patriot 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 may 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 section 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 verified 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. Petitions for stay must be filed no later than February 21, 2008 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35118, must be filed with the Surface Transportation Board, 395 E

¹ PRL owns 51% of the equity interests in PRH. PRH owns 100% of the stock of PRC. By letter filed on February 6, 2008, Patriot clarifies that SAVR is directly controlled by PRC.

Street, SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Louis E. Gitomer, Esq., 600 Baltimore Ave., Suite 301, Towson, MD 21204.

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

Decided: February 7, 2008.

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

Anne K. Quinlan,
Acting Secretary.

[FR Doc. E8–2773 Filed 2–13–08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35117]

Sacramento Valley Railroad, Inc.— Operation Exemption—McClellan Business Park LLC

Sacramento Valley Railroad, Inc. (SAVR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate, pursuant to an agreement that will be completed by March 1, 2008, with McClellan Business Park LLC (MBP), over MBP's approximately 7-mile line of unmarked railroad within McClellan Business Park, in McClellan, Sacramento County, CA.

SAVR advises that MBP's predecessor entered into a license and operating agreement with the Yolo Shortline Railroad Company (Yolo) on February 6,

2001.¹ Sierra Railroad Company acquired control of Yolo² and began operating the line.³ MBP notified Yolo's successor that the license to operate would not be renewed and put the operation of the line out for bid. SAVR was the winning bidder.

This transaction is related to the concurrently filed verified notice of exemption in STB Finance Docket No. 35118, *Patriot Rail, LLC, Patriot Rail Holdings LLC, and Patriot Rail Corp.—Continuance in Control Exemption—Sacramento Valley Railroad, Inc.* In that proceeding, Patriot Rail, LLC and its subsidiaries, Patriot Rail Holdings LLC and Patriot Rail Corp., jointly have filed a verified notice of exemption to continue in control of SAVR, upon SAVR's becoming a rail carrier.

The transaction is scheduled to be consummated on or after March 1, 2008, and hence after the February 28, 2008 effective date of the exemption.

SAVR certifies that its projected annual revenues as a result of this transaction would not exceed those that would qualify it as a Class III rail carrier and further certifies that its projected annual revenues will not exceed \$5 million.

Pursuant to the Consolidated Appropriations Act, 2008, Public Law

¹ See *Yolo Shortline Railroad Company—Acquisition and Operation Exemption—County of Sacramento, CA*, STB Finance Docket No. 34018 (STB served Mar. 27, 2001).

² See *Sierra Railroad Company—Acquisition of Control Exemption—Yolo Shortline Railroad Company*, STB Finance Docket No. 34351 (STB served June 11, 2003).

³ See *Sierra Railroad Company—Corporate Family Transaction Exemption—Yolo Shortline Railroad Company*, STB Finance Docket No. 34360 (STB served June 23, 2003).

110–161, section 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.

If the verified 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. Petitions for stay must be filed no later than February 21, 2008 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35117, 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 Louis E. Gitomer, Esq., 600 Baltimore Ave., Suite 301, Towson, MD 21204.

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

Decided: February 7, 2008.

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

Anne K. Quinlan,
Acting Secretary.

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