

was originally required only for transportation by vessel. However, the absence of this information for other transport modes posed problems with regard to compliance with segregation, separation, and placarding requirements, resulting in a reduced level of safety. For example, if a motor vehicle were transporting a material with a subsidiary hazard that necessitates special handling procedures or additional regulatory requirements, the lack of information on the subsidiary hazard could result in improper loading or handling by transport workers or inadequate or ineffective emergency response in an accident. Therefore, the HMR require the subsidiary hazard class or subsidiary division number(s) to be entered on the shipping paper. Shipping papers must also include an indication of the number and type of packagings to be indicated on the shipping paper.

Shipping papers serve as a principal means of identifying hazardous materials during transportation emergencies. Firefighters, police, and other emergency response personnel are trained to refer to the shipping papers when responding to hazardous materials transportation emergencies. The availability of accurate information concerning the hazardous materials being transported significantly improves response efforts in these types of emergencies. The additional information on subsidiary hazards and the number and types of packagings being transported aids emergency responders by more clearly identifying the hazard that must be addressed.

**Affected Public:** Shippers and carriers of hazardous materials in commerce.

**Recordkeeping:**

*Number of Respondents:* 250,000.

*Total Annual Responses:* 6,337,500.

*Total Annual Burden Hours:* 17,604.

*Frequency of collection:* On occasion.

Issued in Washington, DC on Monday, May 4, 2009.

**Edward T. Mazzullo,**

*Director, Office of Hazardous Materials Standards.*

[FR Doc. E9-10684 Filed 5-7-09; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Finance Docket No. 34936; STB Finance Docket No. 34936 (Sub-No. 1)]**

#### **Port of Moses Lake—Construction Exemption—Moses Lake, WA; Port of Moses Lake—Acquisition Exemption—Moses Lake, WA**

*Co-Lead Agencies:* Surface Transportation Board and Washington State Department of Transportation.

**ACTION:** Notice of Availability of Final Environmental Assessment.

**SUMMARY:** By petition filed on August 28, 2008, the Port of Moses Lake (Port) seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct rail lines in Grant County, Washington. In the same petition, the Port also seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to acquire an existing segment of rail line from Columbia Basin Railroad Company, Inc. The proposed project, known as the Northern Columbia Basin Railroad Project, includes the construction of two new rail line segments and the acquisition and refurbishment of an existing rail segment to provide rail access to land designated and zoned for industrial uses along Wheeler Road (Road 3 NE) and at the Grant County International Airport. The entire proposed route would extend approximately 11.5 miles.

The Board, pursuant to 49 U.S.C. 10901, is the agency responsible for granting authority for the construction and operation of new rail line facilities. The Board's Section of Environmental Analysis (SEA) and the Washington State Department of Transportation (WSDOT), as co-lead agencies responsible for the environmental review of the proposed rail project, issued an Environmental Assessment (EA) on November 7, 2008. The EA was made available to Federal, state and local agencies; tribes; the public; and interested parties for a 30-day public comment period, and SEA and WSDOT received 29 comments. The Final Environmental Assessment (Final EA) responds to comments; considers new alternatives, including an alignment modification; clarifies, corrects or adds to information that was in the EA, primarily regarding impacts to wetlands, impacts to irrigated farmland, and cumulative impacts; and makes final environmental recommendations to the Board.

Based on an independent analysis of all information available to date, SEA and WSDOT conclude that the proposed action would not result in any significant environmental impacts if the mitigation measures recommended in the Final EA are imposed and implemented. Accordingly, SEA recommends that any decision by the Board approving the proposed action impose conditions requiring the Port to comply with the mitigation measures set forth in Chapter Five of the Final EA. Because the proposed action, as mitigated, would not have the potential for significant environmental effects, preparation of an EA for this case is appropriate and the full Environmental Impact Statement process is unnecessary.

The Board will now consider the entire environmental record, including the final recommended mitigation measures and all environmental comments received in this proceeding, in making its final decision as to whether to approve the proposed action, and if so, what mitigation to impose.

Copies of the Final EA have been served on all interested parties and will be made available to additional parties upon request. The entire Final EA is also available for review on the Board's Web site (<http://www.stb.dot.gov>) by going to "E-LIBRARY," clicking on the "Decisions and Notices" link, and then searching by the Service Date (May 8, 2009) or Docket Number (FD 34936).

**FOR FURTHER INFORMATION CONTACT:**

Christa Dean, Attorney and Project Manager, at (202) 245-0299; *e-mail:* [christa.dean@stb.dot.gov](mailto:christa.dean@stb.dot.gov), or Elizabeth Phinney, WSDOT Rail Environmental Manager, at (360) 705-7902; *e-mail:* [phinnee@wsdot.wa.gov](mailto:phinnee@wsdot.wa.gov). Federal Information Relay Service for the hearing impaired: 1-800-877-8339.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Decided: May 8, 2009.

**Kulunie L. Cannon,**

*Clearance Clerk.*

[FR Doc. E9-10667 Filed 5-7-09; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### **Executive Committee of the Aviation Rulemaking Advisory Committee; Meeting**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public of a meeting of the Executive Committee of the Aviation Rulemaking Advisory Committee.

**DATES:** The meeting will be on June 10, 2009, at 10 a.m.

**ADDRESS:** The meeting will take place at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 10th floor, MacCracken Room.

**FOR FURTHER INFORMATION CONTACT:**

Gerri Robinson, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-9678; fax (202) 267-5075; e-mail [Gerri.Robinson@faa.gov](mailto:Gerri.Robinson@faa.gov).

**SUPPLEMENTARY INFORMATION:** Under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), we are giving notice of a meeting of the Executive Committee of the Aviation Rulemaking Advisory Committee taking place on June 10, 2008, at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. The agenda includes:

1. Leadership Transition, Executive Committee Officers
2. Rescue and Firefighting Requirements Working Group Report
3. New ARAC task—Maintenance Requirements for Commercial Air Tour Operations
4. Issue Area Status Reports from Assistant Chairs
5. Continuous Improvement (Committee Process)
6. Off-agenda remarks from other EXCOM members

Attendance is open to the interested public but limited to the space available. The FAA will arrange teleconference service for individuals wishing to join in by teleconference if we receive notice by June 1. Arrangements to participate by teleconference can be made by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Callers outside the Washington metropolitan area are responsible for paying long-distance charges.

The public must arrange by June 1 to present oral statements at the meeting. Members of the public may present written statements to the executive committee by providing 25 copies to the Executive Director, or by bringing the copies to the meeting.

If you are in need of assistance or require a reasonable accommodation for this meeting, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC on May 5, 2009.

**Pamela A. Hamilton-Powell,**

*Executive Director, Aviation Rulemaking Advisory Committee.*

[FR Doc. E9-10748 Filed 5-7-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35241]

#### Illinois Central Railroad Company— Trackage Rights Exemption—Grand Trunk Western Railroad Company

Pursuant to a written trackage rights agreement entered into between Illinois Central Railroad Company (IC) and Grand Trunk Western Railroad Company (GTW) on April 16, 2009,<sup>1</sup> IC has agreed to grant GTW non-exclusive overhead and interchange trackage rights: (1) Over IC's line of railroad between IC's connection with GTW at or near milepost 19.9 (North Junction) at Harvey, IL, and milepost 1.5 (16th Street) at Chicago, IL, on IC's Chicago Subdivision; (2) over IC's line of railroad between milepost 2.1 (16th Street) at Chicago, IL, and milepost 4.4 (Bridgeport) at Chicago, IL, on IC's Freeport Subdivision; and (3) over IC's line of railroad between milepost 3.5 (Bridgeport) at Chicago, IL, and IC's connection with the Indiana Harbor Belt Railroad Company at or near milepost 13.1 (CP Canal) at Argo, IL, on IC's Joliet Subdivision, a total distance of approximately 30.3 miles, all in the State of Illinois.<sup>2</sup>

The transaction is scheduled to be consummated on or about May 23, 2009,

<sup>1</sup> A redacted version of the trackage rights agreement between IC and GTW was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for protective order. The motion is being addressed in a separate decision.

<sup>2</sup> The Board recently approved the acquisition of control by Canadian National Railway Company and Grand Trunk Corporation (collectively, CN) of EJ&E West Company (EJ&EW), a wholly owned, noncarrier subsidiary of Elgin, Joliet and Eastern Railway Company (EJ&E), with EJ&EW acquiring certain land and rail line assets from EJ&E, including EJ&E's name, and becoming a rail carrier prior to CN acquiring control of it. See *Canadian National Railway Company and Grand Trunk Corporation—Control—EJ&E West Company*, STB Finance Docket No. 35087, (STB served Dec. 24, 2008). GTW states that, during recent exercises to implement EJ&E into CN's operations around the Chicago area, it was determined that the rights documented in this trackage rights agreement were established several years ago, implementing agreements were negotiated and executed with the affected unions, and operations were commenced. According to GTW, this filing is being made to assure that all necessary Board authorization has been secured.

the effective date of the exemption (30 days after the exemption is filed). The purpose of the trackage rights is to enable GTW to efficiently handle overhead and interchange freight movements between Harvey and Argo. The transaction also extends to all industry spurs, connecting tracks and sidings now existent or hereafter constructed along the tracks to be used here, and right-of-way for the tracks to be used here, signals, interlocking devices and plants, telegraph and telephone lines, and other appurtenances necessary to the use of those tracks. Under the trackage rights agreement, GTW shall not perform any local freight service on the subject trackage.

As a condition to this exemption, any employee affected by the acquisition of 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 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 by May 15, 2009 (at least 7 days before the exemption becomes effective).

Pursuant to the Consolidated Appropriations Act, 2008, Public Law 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. 35241, 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 Thomas J. Healey, Counsel—Regulatory, CN, 17641 S. Ashland Avenue, Homewood, IL 60430.

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

Decided: May 4, 2009.