

dedicated staff to ensure that this oversight will not occur again.

The City states that it is attempting to determine required modifications and make the necessary modifications to the crossing in question to continue the existing locomotive horn sounding restrictions. The City anticipates a cost of \$300,000 to \$500,000, to make the necessary upgrades in order to be in compliance with FRA regulations.

The City states that it is currently negotiating with the Norfolk Southern Railway Company (NS) to garner its support for the waiver. The City also states that NS will notify FRA if it has an objection. The City decided to file the petition alone in order to expedite the process, and that a joint submission by the City and railroad is not likely to significantly contribute to public safety.

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-2008-0087) 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 30 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 December 23, 2008.

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

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

[FR Doc. E8-31180 Filed 12-30-08; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and approval. The nature of the information collection is described as well as its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on September 23, 2008. No comments were received.

**DATES:** Comments must be submitted on or before January 30, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Ruth Develbis, Maritime Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: (202) 366-2314; or e-Mail: [ruth.develbis@dot.gov](mailto:ruth.develbis@dot.gov). Copies of this collection also can be obtained from that office.

**SUPPLEMENTARY INFORMATION:** Maritime Administration.

*Title:* Records Retention Schedule.

*OMB Control No.:* 2133-0501.

*Type of Request:* Extension of currently approved collection.

*Affective Public:* United States shipping companies receiving government financial aid.

*Forms:* None.

*Abstract:* Section 801 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 53101, note), requires retention of records pertaining to financial assistance programs for ship

construction and ship operations. These records are required to be retained to permit proper financial review of pertinent records at the conclusion of a contract when the contractor was receiving government financial assistance.

**Dates:** Comments should be submitted on or before March 2, 2009.

**Annual Estimated Burden Hours:** 50 hours.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: Maritime Administration Desk Officer.

**Comments are invited on:** Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect, if OMB receives it within 30 days of publication.

Dated: December 19, 2008.

**Leonard Sutter,**

*Secretary, Maritime Administration.*

[FR Doc. E8-31061 Filed 12-30-08; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-55 (Sub-No. 692X)]

#### CSX Transportation, Inc.— Abandonment Exemption—in Niagara County, NY

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.06-mile line of railroad, known as the Wurlitzer Industrial Track, on CSXT's Northern Region, Albany Division, Niagara Subdivision, extending from milepost QDJ 0.94 to the end of track at milepost QDJ 2.0, in North Tonawanda, Niagara County, NY. The line traverses United States Postal Service Zip Code 14120.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user

of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements of 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January 31, 2009, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by January 12, 2009. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 21, 2009, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to CSXT's representative: Kathryn R. Barney, 500 Water Street, J-150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

CSXT has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by January 6, 2009. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100,

Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by CSXT's filing of a notice of consummation by December 31, 2009, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: December 22, 2008.

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

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. E8-30921 Filed 12-30-08; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. MC F-21031]

### National Express Corporation—Intra-Corporate Family Transaction Exemption

National Express Corporation (NEC), a noncarrier, has filed a verified notice of exemption under the Board's class exemption procedures at 49 CFR 1182.9.<sup>1</sup> NEC seeks to implement the restructuring as part of an overall consolidation of its corporate structure in order to achieve organizational and operational efficiencies and related cost reductions.

Under the transaction, NEC, a Delaware corporation, intends to reorganize its corporate structure by

consolidating certain directly and indirectly controlled subsidiaries into a single Delaware limited partnership, Durham School Services, L.P. (DSSLP), a motor passenger carrier. NEC states that it will retain its ultimate ownership and control of DSSLP because it is the sole member of Durham Holding II, L.L.C. and Durham Holding I, L.L.C., respectively, the general partner and limited partner of DSSLP, both noncarriers. The directly and indirectly controlled subsidiaries will provide exempt school bus services pursuant to 49 U.S.C. 13506(a)(1) and limited charter passenger carrier services to the public.

According to NEC, restructuring will involve two stages: (1) Polli Leasing, Inc. will be merged into Reliance Motor Coach Company, Inc., and Murphy Bus Service, Inc. will be merged into Murphy Transportation, Inc.; and (2) Jones School Bus Service, Inc., Reliance Motor Coach Company, Inc., Double A. Transportation, Inc., and Murphy Transportation, Inc. will be merged into DSSLP. NEC states that, after the restructuring, DSSLP will continue to exist while the other directly and indirectly controlled subsidiaries will cease to exist.

The transaction is scheduled to be consummated on or about December 31, 2008, or at least 7 days after the filing date of this notice.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1182.9. NEC states that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. Applicant further states that (1) it will accomplish the reorganization through an Agreement and Plan of Merger entered into by and between the affected entities, and (2) there will be no material effect on employees of the companies involved in the restructuring.

If the verified notice contains false or misleading information, the Board shall summarily revoke the exemption and require divestiture. Petitions to revoke the exemption under 49 U.S.C. 13541(d) may be filed at any time. See 49 CFR 1182.9(c).

An original and 10 copies of all pleadings, referring to STB Docket No. MCF-21031, must be filed with the Surface Transportation Board, 395 F Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Thomas W. Wilcox, 401 9th St., NW., Suite 1000, Washington, DC 20004.

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each OFA must be accompanied by the filing fee, which is currently set at \$1,500. See 49 CFR 1002.2(f)(25).

<sup>1</sup> The Board exempted intra-corporate family transactions of motor carriers of passengers that do not result in significant operational changes, adverse changes in service levels, or a change in the competitive balance with carriers outside the corporate family in *Class Exemption for Motor Passenger Intra-Corporate Family Transactions*, STB Finance Docket No. 33685 (STB served Feb. 18, 2000.)