

On December 12, 2008, the FMCSA published a **Federal Register** notice on this same topic and provided 60 days for public comment (73 FR 75793). The Agency received one comment from the Owner-Operator Independent Drivers Association, INC (OOIDA) in response to the notice. OOIDA expressed support for the survey and provided several suggestions on how the survey questions and methodology for collecting the data could be improved. FMCSA will consider these suggestions during the implementation of the survey.

**Public Comments Invited:** You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued on: May 26, 2009.

**David C. Anewalt,**

*Acting Associate Administrator, Research and Information Technology.*

[FR Doc. E9-12777 Filed 6-1-09; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-337 (Sub-No. 6X)]

#### **Dakota, Minnesota & Eastern Railroad Corporation—Discontinuance of Trackage Rights Exemption—in Worth and Cerro Gordo Counties, IA, and Freeborn County, MN**

Dakota, Minnesota & Eastern Railroad Corporation (DM&E) <sup>1</sup> has filed a verified notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue overhead trackage rights over approximately 48.2 miles of Union Pacific Railroad Company (UP) rail lines extending from milepost 107.0 at Hartland, MN, to milepost 119.4 at Albert Lea, MN, and from milepost 251.6 at Albert Lea to milepost 192.8 at Mason City, IA, (the Hartland-Mason City Line), in Freeborn County, MN, and Worth and Cerro Gordo Counties, IA.<sup>2</sup> The line traverses

United States Postal Service Zip Codes 56042, 56007, 56036, 50459, 50448, 50456 and 50401.

DM&E has certified that: (1) no local traffic has moved via its trackage rights over the line for at least 2 years; (2) any DM&E overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of DM&E 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 at 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 discontinuance of service 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 July 2, 2009, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 CFR 1152.27(c)(2) <sup>3</sup> must be filed by June 12, 2009.<sup>4</sup> Petitions to reopen must be filed by June 22, 2009, with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to DM&E's representative: Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

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

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

Decided: May 26, 2009.

Western Transportation Company. See *Dakota, Minnesota & Eastern Railroad Corporation—Acquisition and Operation Exemption—Chicago and North Western Transportation*, Finance Docket No. 30889 (ICC served Sept. 8, 1986).

<sup>3</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,500. See 49 CFR 1002.2(f)(25).

<sup>4</sup> Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Kulunie L. Cannon,**  
*Clearance Clerk.*

[FR Doc. E9-12720 Filed 6-1-09; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### **Notice of Final Federal Agency Actions on Proposed Highway in Texas**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

**SUMMARY:** This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to various proposed highway projects in the State of Texas. Those actions grant licenses, permits and approvals for the projects.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on any of the listed highway projects will be barred unless the claim is filed on or before November 30, 2009. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Salvador Deocampo, District Engineer, Texas Division, FHWA, J.J. Pickle Federal Building 300 East 8th Street, Room 826, Austin, Texas 78701; phone number 512-536-5950; e-mail: [salvador.deocampo@fhwa.dot.gov](mailto:salvador.deocampo@fhwa.dot.gov). FHWA Texas Division normal business hours are 8 a.m. to 5 p.m. (central time) Monday through Friday. You may also contact Ms. Dianna Noble, P.E., Director Environmental Affairs Division, Texas Department of Transportation, 118 E. Riverside, Austin, Texas, 78704; phone number 512-416-2734; e-mail: [dnoble@dot.state.tx.us](mailto:dnoble@dot.state.tx.us). Texas Department of Transportation normal business hours are 8 a.m. to 5 p.m. (central time) Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the highway projects in the State of Texas that are listed below. The actions by the Federal agencies on the project, and the laws under which such actions were taken, are described

<sup>1</sup> DM&E is a wholly owned, indirect subsidiary of Canadian Pacific Railway Company and is a Class II rail carrier.

<sup>2</sup> DM&E acquired these overhead trackage rights from UP's predecessor, the Chicago and North

in the documented Environmental Assessments (EAs), issued in connection with the projects, and in other documents project records. The EAs, Findings of No Significant Impacts (FONSI), and other project records for the listed projects are available by contacting the FHWA or the Texas Department of Transportation at the addresses provided above and can be viewed and downloaded from each project's Web site found below.

This notice applies to all Federal agency decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

I. *General*: National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4351); Federal-Aid Highway Act (FAHA) (23 U.S.C. Section 109), Federal Aviation Administration . 49 USC Section 47107(a)(16).

II. *Air*: Clean Air Act (CAA), [42 U.S.C. 7401–7671(q)].

III. *Land*: Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. Section 303).

IV. *Wildlife*: Endangered Species Act (ESA) of 1973 (16 U.S.C. Sections 1531–1544 and Section 1536), Migratory Bird Treaty Act (MBTA) (16 U.S.C. Sections 703–712).

V. *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. Section 470 (f) et seq.]; Archeological Resources Protection Act of 1977 (ARPA) [16 U.S.C. Sections 470(aa)-11]; Archeological and Historic Preservation Act (AHPA) [16 U.S.C. Sections 469–469(c)].

VI. *Social and Economic*: Civil Rights Act of 1964 (Civil Rights) [42 U.S.C. Section 2000(d)-2000(d)(1)].

VII. *Wetlands and Water Resources*: Clean Water Act, 33 U.S.C. Sections 1251–1377 (Section 404, Section 401, Section 402, Section 319); Rivers and Harbors Act of 1899 (RHA), 33 U.S.C. Sections 401–406.

VIII. *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13175 Consultation and Coordination with Indian Tribal Government; E.O. 11514 Protection and Enhancement of Environmental Quality.

The projects subject to this notice are:

1. *Project Location*: Interstate Highway (IH) 820 from IH 35W to State Highway (SH) SH 121/SH 183/SH 26 in the cities of Fort Worth, Haltom City and North Richland Hills in Tarrant

County, Texas. Project Reference Number: TxDOT CSJ: 0008–14–058, 0008–14–059 and 0014–16–194.

Project Web site: [http://www.txdot.gov/project\\_information/projects/fort\\_worth/north\\_tarrant\\_express/default.htm](http://www.txdot.gov/project_information/projects/fort_worth/north_tarrant_express/default.htm)

*Project Type*: The project will include total reconstruction of the facility from a 4 lane freeway with discontinuous frontage roads and auxiliary lanes to a 10 lane (6 general purpose (free) lanes and 4 managed (toll) lanes) facility with discontinuous frontage roads and auxiliary lanes. Project Length: Approximately 6 miles. General Purpose: The project will improve mobility throughout the corridor to relieve existing traffic congestion, improve local traffic circulation and accommodate future travel demand. Final agency actions have been taken under: NEPA, FAHA, CAA, ESA, MBTA, Section 4(f), Civil Rights Act, Section 106, ARPA, AHPA, Section 404, Section 401, E.O.'s 11990, 11988, 12898, 11593, 13175 and 11514. NEPA document: EA with a FONSI issued December 08, 2008.

2. *Project Location*: DFW Connector—SH 121 from Business 114L (Northwest Highway) to International Parkway AND SH 121 from SH 360 to Farm-to-Market (FM) 2499 primarily within the cities of Grapevine and Southlake in Tarrant County and Dallas County, Texas. Project Reference Number: TxDOT CSJ: 0353–03–059, 0353–03–079, 0364–01–072, 0364–01–112, 0364–01–113 and 0364–01–115.

Project Web site: [http://www.txdot.gov/project\\_information/projects/fort\\_worth/dfw\\_connector/default.htm](http://www.txdot.gov/project_information/projects/fort_worth/dfw_connector/default.htm)

*Project Type*: The project will include six main lanes eastbound and seven main lanes westbound and the addition of two managed express lanes in each direction along approximately 4.5 miles of the corridor with improvements to SH 114 and SH 121 to tie to existing lanes on each end. Project Length: Approximately 14.4 miles. General Purpose: The project will improve mobility throughout the corridor to relieve existing traffic congestion, improve local and regional traffic circulation and accommodate future travel demand, improve access and safety and improve operational deficiencies. Final agency actions taken under: NEPA, FAHA, FAA, CAA, ESA, MBTA, Civil Rights Act., Section 106, ARPA, AHPA, Section 404, Section 401, E.O.'s 11990, 11988, 12898, 11593, 13175 and 11514. NEPA document: EA with a FONSI issued April 23, 2009. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning

and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority**: 23 USC 139(l)(1)

Issued on: May 27, 2009.

**Salvador Deocampo**,

*District Engineer*,

Austin Texas.

[FR Doc. E9–12745 Filed 6–1–09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket Number PHMSA–2009–0139 (Notice No. 09–3)]

#### Hazardous Materials: Request for Comments on Issues or Problems Concerning International Atomic Energy Agency Regulations for the Safe Transport of Radioactive Materials

**AGENCY**: Pipeline and Hazardous Materials Safety Administration (PHMSA).

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

**SUMMARY**: PHMSA and the U.S. Nuclear Regulatory Commission (NRC) are jointly seeking comments on issues or problems concerning requirements in the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Material (referred to as TS–R–1). The IAEA is considering revisions to the TS–R–1 regulations as part of its periodic two-year review cycle for a 2013 Edition.

**DATES**: Submit comments by June 15, 2009. Comments received after this date will be considered if it is practical to do so; however, we are only able to assure consideration for proposals received on or before this date.

**ADDRESSES**: You may submit comments identified by the docket number (PHMSA–2009–0139) by any of the following methods:

- *Federal eRulemaking Portal*: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax*: 1–202–493–2251.

- *Mail*: Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery*: To Docket Operations, Room W12–140 on the ground floor of the West Building, 1200