

Grimmer Boulevard in and near Fremont, Alameda County, CA (Milpitas line).<sup>1</sup> The lines traverse United States Zip Codes 94536, 94538, 94539, 95112, 95116 and 95122.

The lines do not contain federally granted rights-of-way. Any documentation in the possession of SCVTA will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by December 16, 2005.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after the service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,200 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than October 6, 2005. Each trail use request must be accompanied by a \$200 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-980X, and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001; and Charles A. Spitulnik, McLeod, Watkinson & Miller, One Massachusetts Avenue, NW., Suite 800, Washington,

<sup>1</sup> SCVTA filed a Notice of Exemption to acquire a line of railroad (which encompasses the two lines at issue here) from Union Pacific Railroad Company (UP) in 2002. See *Santa Clara Valley Transportation Authority—Acquisition Exemption—Union Pacific Railroad Company*, STB Finance Docket No. 34292 (STB served Dec. 26, 2002). SCVTA filed a Motion to Dismiss and Vacate the Notice of Exemption on December 31, 2002, arguing that it acquired only the physical assets of the line, and not UP's common carrier obligation. SCVTA subsequently filed a Notice of Withdrawal of its Motion to Dismiss and Vacate the Notice of Exemption on April 22, 2003.

UP has discontinued its trackage rights and abandoned its freight easements over these lines pursuant to the following exemptions: (1) over the Industrial line, in *Union Pacific Railroad Company—Abandonment Exemption—in Santa Clara County, CA*, STB Docket No. AB-33 (Sub-No. 221X) (STB served Nov. 26, 2004); and (2) over the Milpitas line, in *Union Pacific Railroad Company—Abandonment Exemption—in Alameda County, CA*, STB Docket No. AB-33 (Sub-No. 211X) (STB served Nov. 12, 2003).

DC 20001. Replies to the petition are due on or before October 6, 2005.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152.

Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

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

Decided: September 12, 2005.

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

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 05-18570 Filed 9-15-05; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Release of Waybill Data

The Surface Transportation Board has received a request from Mayer, Brown, Rowe & Maw on behalf of The Burlington Northern and Santa Fe Railway Company (BNSF) (WB461-12-9/9/2005) for permission to use certain data from the Board's Carload Waybill Samples. A copy of this request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

*Contact:* Mac Frampton, (202) 565-1541.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 05-18414 Filed 9-15-05; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 32299 (Sub-No. 1)]

#### Norfolk Southern Railway Company—Consolidation of Operations—CSX Transportation, Inc. (Petition for Supplemental Order)

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Decision No. 2 in STB Finance Docket No. 32299 (Sub-No. 1); Notice of Filing of Petition for Supplemental Order; Issuance of Procedural Schedule.

**SUMMARY:** On August 17, 2005, CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR) filed with the Surface Transportation Board (Board) a petition (the Joint Petition) for a supplemental order authorizing the modification of one aspect of a series of transactions that the Board's predecessor, the Interstate Commerce Commission (ICC), approved in 1993. The contemplated modification is to have CSXT, rather than NSR, perform switching services for both carriers in the Newberry, SC area.

**DATES:** The effective date of this decision is September 16, 2005. Any person who wishes to file comments respecting the petition must do so by October 6, 2005. Petitioners will have until October 21, 2005, to reply to those comments.

**ADDRESSES:** Any filing submitted in this proceeding must be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should comply with the instructions found on the Board's Web site at <http://www.stb.dot.gov> at the "E-FILING" link. Any person submitting a filing in the traditional paper format should send an original and 10 paper copies of the filing (and also an IBM-compatible floppy disk with any textual submission in any version of either Microsoft Word or WordPerfect) to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. Comments should also be served (one copy each) on: (1) John W. Humes, Jr., 4135 Lakeside Drive, Jacksonville, FL 32210 (CSXT's representative); and (2) Richard A. Allen, Zuckert, Scutt &

Rasenberger, LLP, 888 Seventeenth Street, NW., Suite 700, Washington, DC 20006 (NSR's representative). Any reply should also be served (one copy each) on each commenting party. Comments and replies may be served by e-mail, but only if service by e-mail is acceptable to the recipient.

**FOR FURTHER INFORMATION CONTACT:**

Melissa A. Ziemicki, 202-565-1604. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** On July 7, 1993, CSXT and NSR filed an application pursuant to 49 U.S.C. 11343 (now 49 U.S.C. 11323) *et seq.* and 49 CFR Part 1180 seeking ICC approval for a series of transactions that involved the consolidation of certain operations in South Carolina. The proposed consolidation consisted of a series of trackage rights agreements, joint use agreements, and operating agreements. Two of those agreements—a 1993 Newberry Operating Rights Agreement and a 1993 Newberry Switching Agreement—concerned operations in the Newberry area, where both railroads have lines and serve customers. Those two agreements provided that NSR would perform switching services for both railroads in the Newberry area, switching cars between interchange tracks in Newberry owned by CSXT and customers located on the lines of both railroads in Newberry and nearby Prosperity. The 1993 Newberry Switching Agreement detailed the terms of NSR's switching services, and the 1993 Newberry Operating Rights Agreement provided for a grant by CSXT to NSR of operating rights over certain CSXT lines in the Newberry area necessary to permit NSR to switch cars to/from CSXT customers in the area.

In *Norfolk Southern Railway Company—Consolidation of Operations—CSX Transportation, Inc.*, Finance Docket No. 32299 (ICC served Nov. 26, 1993) (*Coordination Decision*), the ICC approved the application. The ICC found the proposed consolidation to be a “minor transaction,” *see* 49 CFR 1180.2(c), and it found that the proposed consolidation would not result in a change in the competitive balance between CSXT and NSR in South Carolina.

Based on their experience under the agreements approved in 1993, petitioners have concluded that a minor modification to one aspect of the 1993 consolidation—the switching at Newberry—would improve the efficiency of operations and enhance rail service to their customers.

Petitioners explain that, at Newberry, NSR now performs the local switching for both carriers with its own crews, even though the vast majority of the linehaul shipments are for the account of CSXT, and even though CSXT provides the locomotives and maintains most of the tracks used in the switching operations. Petitioners now believe that this arrangement is inefficient and that service to all customers at Newberry would be improved if CSXT, rather than NSR, were to provide all switching services to CSXT and NSR customers at Newberry and nearby Prosperity.

Petitioners indicate that they have now entered into two new agreements—a 2005 Newberry Operating Rights Agreement and a 2005 Newberry Switching Agreement—under which CSXT would provide the switching for both railroads in the Newberry area, NSR would grant CSXT the operating rights over NSR lines necessary to perform such switching to/from NSR customers, and NSR would cease using the operating rights over CSXT lines that it acquired in 1993 to perform the switching. Specifically: (1) NSR would cease operations over CSXT trackage between Milepost (MP) 33.1 and MP 47.5 in Newberry County, SC, which NSR now uses to perform switching services in the Newberry, SC, area for both itself and CSXT; and (2) CSXT would acquire rights over NSR tracks to operate (i) between NSR MP V 47.1 and NSR MP V 49.0 in Newberry County, SC, and (ii) between NSR MP V 42.0 and NSR MP V 36.0 in Prosperity, SC, for the sole purpose of performing switching operations for the customers of both carriers.

Because the proposed changes would constitute a modification of arrangements approved by the ICC in 1993, petitioners seek Board authorization via a supplemental order under 49 U.S.C. 11327.

*Effects on Shippers.* Petitioners contend that the contemplated changes would improve service to customers in the Newberry area and would have no adverse effect on competition between CSXT and NSR. Petitioners explain that CSXT and NSR would continue to have the same commercial access to existing customers in the Newberry area and to new facilities that may locate on their lines in the future. Petitioners add that NSR cars switched by CSXT to customers on NSR lines would continue to be in the account of NSR; that CSXT cars switched to customers on CSXT lines would continue to be in the account of CSXT; and that CSXT switching service would simply replace NSR switching service.

*Effects on Employees.* The ICC's approval of the 1993 consolidation was subject to the employee protective conditions described in *Mendocino Coast Ry., Inc.—Lease and Operate*, 354 I.C.C. 732 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980) (*Mendocino Coast*), as clarified in *Wilmington Term. RR, Inc.—Pur. & Lease—CSX Transp., Inc.*, 6 I.C.C.2d 799 (1990). *See Coordination Decision*, slip op. at 4.<sup>1</sup> Petitioners advise that the employee protective conditions imposed in 1993 would apply to any employees that may be adversely affected by the transaction approved in 1993 or by the modification proposed here. Petitioners contend that the modification proposed here should not have a significant adverse effect on employees of the carriers because, although the proposed modification would result in the abolishment of a three-man NSR switching assignment currently performing switching services in Newberry, it is anticipated that the employees currently assigned to that job would exercise seniority to other positions in their seniority district. Petitioners assert that the modification proposed here would have no adverse effect on CSXT employees.

*Proposed Schedule.* Petitioners have asked that the Board publish notice of the Joint Petition in the **Federal Register** within 30 days of the filing date (*i.e.*, by September 16, 2005). Petitioners have also asked that comments be due 20 days after publication (*i.e.*, on October 6, 2005), that replies to comments be due 35 days after publication (*i.e.*, on October 21, 2005), and that the Board serve a decision within 45 days of the filing of replies (*i.e.*, by December 5, 2005).

*Procedural Schedule Adopted by the Board.* The Board has arranged to publish this decision in the **Federal Register** on September 16, 2005, to provide notice to interested persons that petitioners seek the relief contemplated in the Joint Petition.

*Petition Available To Interested Persons.* Interested persons may view the Joint Petition on the Board's Web site at <http://www.stb.dot.gov>, at the “E-LIBRARY/Filings” link. The petition was filed on August 17, 2005, and may be viewed with the filings for that date.

Any person wishing to secure a paper copy of the petition may request a copy

<sup>1</sup> Petitioners claim that the ICC imposed the employee protective conditions described 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). *See* Joint Petition at 7; compare *Coordination Decision*, slip op. at 3 n.3, 4.

in writing or by phone from petitioners' representatives (1) John W. Humes, Jr., 4135 Lakeside Drive, Jacksonville, FL 32210, telephone number 904-388-4883, and (2) Richard A. Allen, Zuckert, Scoutt & Rasenberger, LLP, 888 Seventeenth Street, NW., Suite 700, Washington, DC 20006, telephone number 202-298-8660.

*Comments and Replies.* Any person who wishes to file comments respecting the Joint Petition must file such comments by October 6, 2005.

Petitioners will have until October 21, 2005, to reply to any comments filed by interested persons.

*Decision By The Board.* The Board will endeavor to issue its decision on the merits of the Joint Petition by December 5, 2005.

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

*It is ordered:*

1. Comments of interested persons are due by October 6, 2005.

2. Petitioners' reply is due by October 21, 2005.

3. This decision is effective on September 16, 2005.

Decided: September 8, 2005.

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

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 05-18246 Filed 9-15-05; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34745]

#### **Penn Eastern Rail Lines, Inc.— Operation Exemption—Expressway 95 Industrial Park**

Penn Eastern Rail Lines, Inc. (Penn Eastern), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to operate as a rail common carrier, approximately 1.15 miles of track and right-of-way on easements in the Expressway 95 Industrial Park (the Park) in Bensalem, Bucks County, PA. The track known as the Bensalem Branch is located along the east side of Amtrak's Northeast Corridor (NEC) at ATK milepost 70.2, between Philadelphia, PA, and Trenton, NJ.<sup>1</sup>

<sup>1</sup> Penn Eastern notes that Consolidated Rail Corporation (Conrail) formerly operated this track as exempt industrial trackage under 49 U.S.C. 10906 until the last customer ceased rail operations

Penn Eastern certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class I or Class II rail carrier, and that its annual revenues will not exceed \$5 million. The transaction was expected to be consummated on August 26, 2005, the effective date of the exemption (7 days after the exemption was filed).

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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34745, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John D. Heffner, 1920 N Street, NW., Suite 800, Washington, DC 20036.

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

Decided: September 9, 2005.

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

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 05-18352 Filed 9-15-05; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### **Government Securities: Call for Large Position Reports**

**AGENCY:** Office of the Under Secretary for Domestic Finance, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury ("Department" or "Treasury") called for the submission of Large Position Reports by those entities whose reportable positions in the 4<sup>3/8</sup>% Treasury Notes of August 2012 equaled or exceeded \$2 billion as of close of business September 12, 2005.

**DATES:** Large Position Reports must be received before noon Eastern Time on September 20, 2005.

**ADDRESSES:** The reports must be submitted to the Federal Reserve Bank of New York, Government Securities Dealer Statistical Unit, 4th Floor, 33

in 2002. Penn Eastern states that the track connects with portions of the NEC over which Conrail currently has operating rights. Penn Eastern also states that the line will initially serve three customers within the Park, but that it eventually expects to attract additional customers.

Liberty Street, New York, New York 10045; or faxed to 212-720-5030.

**FOR FURTHER INFORMATION CONTACT:** Lori Santamarena, Executive Director; Lee Grandy, Associate Director; or Kevin Hawkins, Government Securities Specialist; Bureau of the Public Debt, Department of the Treasury, at 202-504-3632.

**SUPPLEMENTARY INFORMATION:** In a press release issued on September 14, 2005, and in this **Federal Register** notice, the Treasury called for Large Position Reports from entities whose reportable positions in the 4<sup>3/8</sup>% Treasury Notes of August 2012, Series D-2012, equaled or exceeded \$2 billion as of the close of business Monday, September 12, 2005. This call for Large Position Reports is pursuant to the Department's large position reporting rules under the Government Securities Act regulations (17 CFR part 420). Entities whose reportable positions in this note equaled or exceeded the \$2 billion threshold must report these positions to the Federal Reserve Bank of New York. Entities with positions in this note below \$2 billion are not required to file reports. Large Position Reports must be received by the Government Securities Dealer Statistical Unit of the Federal Reserve Bank of New York before noon Eastern Time on Tuesday, September 20, 2005, and must include the required position and administrative information. The Reports may be faxed to (212) 720-5030 or delivered to the Bank at 33 Liberty Street, 4th floor.

The 4<sup>3/8</sup>% Treasury Notes of August 2012, Series D-2012, have a CUSIP number of 912828 AJ 9, a STRIPS principal component CUSIP number of 912820 HF 7, and a maturity date of August 15, 2012.

The press release and a copy of a sample Large Position Report, which appears in Appendix B of the rules at 17 CFR part 420, are available at the Bureau of the Public Debt's Internet site at <http://www.publicdebt.treas.gov>.

Questions about Treasury's large position reporting rules should be directed to Treasury's Government Securities Regulations Staff at Public Debt on (202) 504-3632. Questions regarding the method of submission of Large Position Reports should be directed to the Government Securities Dealer Statistical Unit of the Federal Reserve Bank of New York at (212) 720-7993.

The collection of large position information has been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act under OMB Control Number 1535-0089.