

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration**

[Docket RSPA-98-4957; Notice 04-03]

Agency Information Collection Activities; Proposals, Submissions, and Approvals**ACTION:** Request for Extension of Existing Information Collection.**AGENCY:** Research and Special Programs Administration, DOT.**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Research and Special Program Administration (RSPA) is publishing this notice seeking public comments on a proposed renewal of an information collection, "Reporting of Safety-Related Conditions on Gas, Hazardous Liquid and Carbon Dioxide Pipelines and Liquefied Natural Gas Facilities."**DATES:** Comments on this notice must be received no later than April 13, 2004 to be assured of consideration.**ADDRESSES:** You must identify the docket number RSPA-98-4957; Notice 04-03, at the beginning of your comments. Comments can be mailed to the U.S. Department of Transportation, Dockets Facility, Plaza 401, 400 Seventh Street, SW., Washington, DC 20590. Comments can also be sent electronically by visiting dms.dot.gov.Anyone is able to search the electronic form of all 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) of you may visit <http://dms.dot.gov>.**FOR FURTHER INFORMATION CONTACT:** Marvin Fell, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-6205, by fax at (202) 366-4566, or via electronic mail at marvin.fell@rspa.dot.gov.**SUPPLEMENTARY INFORMATION:***Title:* Reporting of Safety-Related Conditions on Gas, Hazardous Liquid, and Carbon Dioxide Pipelines and Liquefied Natural Gas Facilities.*OMB Number:* 2137-0578.*Type of Request:* Renewal of existing information collection.*Abstract:* 49 U.S.C. 60102 requires each operator of a pipeline facility

(except master meter) to submit to the Department of Transportation a written report on any safety-related condition that causes or has caused a significant change or restriction in the operation of a pipeline facility or a condition that is a hazard to life, property or the environment.

Estimate of Burden: The average burden hour per response is 6 hours.*Respondents:* Pipeline and Liquefied Natural Gas facility operators.*Estimated response per year:* 65.*Estimated Total Annual Burden on Respondents:* 390 hours.*Use:* To alert RSPA of hazardous conditions that might continue uncorrected.Copies of this information can be reviewed at the Dockets Unit, Plaza 401, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC, 9 a.m. to 5 p.m., Monday through Friday excluding Federal Holidays or through the internet at dms.dot.gov.Comments are invited on (a) the need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who respond including the use of the appropriate automated, electronic, mechanical, or other technological collection techniques. Send written comments in duplicate to Dockets Facility, Plaza 401, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Please be sure to include the docket number RSPA-98-4957 Notice 04-03. Comments can also be sent electronically by visiting dms.dot.gov.

Issued in Washington, DC on February 9, 2004.

Richard D. Huriaux,*Regulations Manager, Office of Pipeline Safety.*

[FR Doc. 04-3275 Filed 2-12-04; 8:45 am]

BILLING CODE 4910-60-P**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board**

[STB Docket No. AB-600]

Yakima Interurban Lines Association—Adverse Abandonment—In Yakima County, WA

On January 27, 2004, Kershaw Sunnyside Ranches, Inc. (Kershaw) filed an adverse application under 49 U.S.C. 10903 requesting that the Surface Transportation Board authorize the abandonment by Yakima Interurban Lines Association (YILA) of a portion of the Naches Line, which consists of approximately 11.29 miles of rail line between mileposts 2.97 at Fruitvale, WA, and milepost 14.26 at Naches, WA. The portion to be abandoned is an approximately one-mile segment of the line that crosses Kershaw's property. Mileposts for the segment are unavailable; however, the description of the line contained in the deed reads as follows:

Said strip of land being a certain strip of land seventy five feet wide across the E.2 of S.W. 4 and the S.W.4 of S.E.4 of Sec. 24 twp. 14 N. R. 17 E. W. M. [A]lso the N.W.4 of the N.W. 4 of Sec. 25 twp. 14 N. R. 17 E. W.M. being a strip of land seventy five (75) feet in width 37½ feet on each side of the center line of the railroad of said company as the same [is now] located and staked out across said premises, together with any and all additional widths that may be necessary to catch the slopes of the cuts and fills of the roadbed of said railroad.

The line traverses United States Postal Service ZIP Code 98908 and includes no stations.

Kershaw indicates that it filed the adverse abandonment application because the line has been inoperable, and there has been no traffic on the line, for approximately seven years. It states that the line is in complete disrepair, as large sections of track are missing, portions of the track are suspended by the rail due to erosion of the roadbed, and portions of the line are covered with rocks and debris while others are covered with thick vegetation. It asserts that the vegetation on the line promotes the proliferation of noxious weeds and pests that are unsightly and are a fire hazard. Furthermore, Kershaw indicates that YILA has no current plans or funds to rehabilitate and maintain the line and there are currently \$750,000 in liens against the line. Applicant further states that no other public or private entity has shown any interest in assuming responsibility for the line. Kershaw argues that the burden of abandoning the line on shippers in the community would be minimal because shippers

have used alternate transportation services for at least seven years and a major highway is located adjacent to the line. Should the Board grant abandonment authority here, Kershaw states that it will proceed in state court to obtain control of the property. This agency and its predecessor have long held that granting an adverse abandonment application would remove this agency's primary jurisdiction over the line, thereby subjecting the line to actions under state law.¹

In a decision served in this proceeding on February 6, 2004, Kershaw was granted a waiver from some of the filing requirements of the Board's abandonment regulations at 49 CFR 1152 that were not relevant to its adverse abandonment application or that sought information not available to it. Specifically, Kershaw was granted waiver from the notice requirements at 49 CFR 1152.20(a)(2)(xii) and (a)(3), from the application requirements at 49 CFR 1152.22(a)(4), (a)(5), and (d), and from the consummation time periods at 49 CFR 1152.29(e)(2).²

Kershaw states that the line does not contain federally granted rights-of-way. Any documentation in Kershaw's possession will be made available promptly to those requesting it. The applicant's entire case in chief for abandonment was filed with the application.

The railroad has no employees on the line. Accordingly, there are no railroad employee interests that require labor protection.

Any interested person may file written comments concerning the proposed abandonment or protests (including protestant's entire opposition case) by March 12, 2004. All interested persons should be aware that, following any 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 U.S.C. 10905 (49 CFR 1152.28) or for a trail use condition under 16 U.S.C. 1247(d) (49 CFR 1152.29) must be filed by March 12, 2004. Each trail use request must be

accompanied by a \$150 filing fee. *See* 49 CFR 1002.2(f)(27).

The line sought to be abandoned will be available for subsidy or sale for continued rail use, if the Board decides to permit the abandonment, in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). No subsidy arrangement approved under 49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise mutually agreed by the parties (49 U.S.C. 10904(f)(4)(B)). Applicant will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation.

Persons opposing the proposed adverse abandonment who wish to participate actively and fully in the process should file a protest. Persons who may oppose the abandonment but who do not wish to participate fully in the process by submitting verified statements of witnesses containing detailed evidence should file comments. Parties seeking information concerning the filing of protests should refer to section 1152.25.

All filings in response to this notice must refer to STB Docket No. AB-600 and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20424-0001; and (2) Sarah Wixson, Velikanje, Moore and Shore, P.S., 405 East Lincoln Ave., P.O. Box 22550, Yakima, WA 98907. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in section 1152, every document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

The waiver decision noted that Kershaw had sought a waiver from the environmental requirements at 49 CFR 1152.22(f), arguing that this abandonment would not significantly alter the condition of the surrounding land and environment. However, the Board denied this request. It noted that, because Kershaw had already submitted the required environmental documentation to the Board's Section of Environmental Analysis (SEA), a waiver was not needed.

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. Any other persons who would like to obtain a copy of the EA (or EIS) may contact SEA. EAs in abandonment or discontinuance proceedings normally

will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

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 regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to SEA at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

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

Decided: February 6, 2004.

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

Vernon A. Williams,
Secretary.

[FR Doc. 04-3218 Filed 2-12-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-32 (Sub-No. 97X); STB Docket No. AB-355 (Sub-No. 29X)]

Boston and Maine Corporation— Abandonment Exemption—in Middlesex County, MA; Springfield Terminal Railway Company— Discontinuance of Service Exemption—in Middlesex County, MA

Boston & Maine Corporation (B&M) and Springfield Terminal Railway Company (ST) have filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments and Discontinuances* for B&M to abandon and ST to discontinue service over a line of railroad, known as the Tewksbury Branch, extending from milepost 0.0 to milepost .75, in Middlesex County, MA. The line traverses United States Postal Service Zip Code 01876.

B&M and ST have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (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;

¹ *See Modern Handcraft, Inc.—Abandonment*, 363 I.C.C. 969 (1981); *Kansas City Pub. Ser. Frgt. Operations Exempt.—Aban.*, 7 I.C.C.2d 216, 224-26 (1990); and *Chelsea Property Owners—Aban.—The Consol. R. Corp.*, 8 I.C.C.2d 773, 778 (1992), *aff'd sub nom. Conrail v. ICC*, 29 F.3d 706 (D.C. Cir. 1994).

² Because Kershaw had already satisfied a number of provisions for which it had requested a waiver, some of its waiver requests were denied as unnecessary. A fee waiver request had been denied earlier by the Board's Secretary and applicant was directed to comply with the provisions of 49 CFR 1152.24(f).