

By order of the Maritime Administrator.  
**Joel C. Richard,**  
*Secretary, Maritime Administration.*  
 [FR Doc. 05-12546 Filed 6-23-05; 8:45 am]  
**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number 2005 21647]

#### Requested Administrative Waiver of the Coastwise Trade Laws

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel VALHALLA.

**SUMMARY:** As authorized by Pub. L. 105-383 and Pub. L. 107-295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket 2005-21647 at <http://dms.dot.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Pub. L. 105-383 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**DATES:** Submit comments on or before July 25, 2005.

**ADDRESSES:** Comments should refer to docket number MARAD 2005 21647. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will

be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Joann Spittle, U.S. Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5979.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel VALHALLA is:

*Intended Use:* "12 Passenger Charter."  
*Geographic Region:* Hawaii USA.

Dated: June 17, 2005.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 05-12552 Filed 6-23-05; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34708]

#### Genesee & Wyoming Inc., RP Acquisition Company One and RP Acquisition Company Two—Control Exemption—Rail Partners, L.P., AN Railway, et al., Atlantic & Western Railway, et al., and KWT Railway, Inc.

Genesee & Wyoming Inc. (GWI), a noncarrier holding company, and RP Acquisition Company One (RP 1) and RP Acquisition Company Two (RP 2), newly created noncarrier holding companies which are wholly owned by GWI (collectively, applicants), have filed a notice of exemption to permit: (1) GWI and RP 1 to acquire control of Rail Partners, L.P., and eight Class III rail carriers formed as limited partnerships;<sup>1</sup> and (2) GWI and RP 2 to acquire control of Rail Partners, L.P., KWT Railway, Inc., a Class III rail carrier corporation, and five Class III rail carriers organized as limited liability companies.<sup>2</sup>

<sup>1</sup> The limited partnership Class III rail carriers are: Atlantic & Western Railway, Limited Partnership; East Tennessee Railway, L.P.; Galveston Railroad, L.P.; Georgia Central Railway, L.P.; Little Rock & Western Railway, L.P.; Tomahawk Railway, Limited Partnership; Valdosta Railway, L.P.; and Wilmington Terminal Railroad, Limited Partnership (collectively, Atlantic & Western Railway, et al. group).

<sup>2</sup> The limited liability companies are: AN Railway, L.L.C.; The Bay Line Railroad, L.L.C.; M&B Railroad, L.L.C.; Riceboro Southern Railway, LLC; and Western Kentucky Railway, L.L.C. (collectively, AN Railway, et al. group).

The transaction was scheduled to be consummated on or after June 1, 2005, the effective date of the exemption (7 days after the notice was filed).

GWI directly or indirectly controls Buffalo & Pittsburgh Railroad, Inc. (BPRR),<sup>3</sup> a Class II rail carrier operating in New York and Pennsylvania, and the following 23 Class III rail carriers: Arkansas, Louisiana & Mississippi Railroad Company, operating in Arkansas and Louisiana; Chattahoochee Industrial Railroad, operating in Georgia; Commonwealth Railway, Inc., operating in Virginia; Corpus Christi Terminal Railroad, Inc., operating in Texas; Dansville and Mount Morris Railroad Company, operating in New York; First Coast Railroad, Inc., operating in Florida and Georgia; Fordyce & Princeton Railroad Company, operating in Arkansas; Genesee & Wyoming Railroad Company, Inc., operating in New York; Golden Isles Terminal Railroad, Inc., operating in Georgia; Illinois & Midland Railroad, Inc., operating in Illinois; Louisiana & Delta Railroad, Inc., operating in Louisiana; Portland & Western Railroad, Inc., operating in Oregon; Rochester & Southern Railroad, Inc., operating in New York; Salt Lake City Southern Railroad Company, operating in Utah; Savannah Port Terminal Railroad, Inc., operating in Georgia; South Buffalo Railway Company, operating in New York; St. Lawrence & Atlantic Railroad Company, operating in Vermont, New Hampshire, and Maine; St. Lawrence & Atlantic Railroad (Quebec), Inc., operating in Vermont; Talleyrand Terminal Railroad, Inc., operating in Florida; Tazewell & Peoria Railroad, Inc., operating in Illinois; Utah Railway Company, operating in Colorado and Utah; Willamette & Pacific Railroad, Inc., operating in Oregon; and York Railway Company (York),<sup>4</sup> operating in Pennsylvania (collectively, Affiliates).

Rail Partners, L.P., a noncarrier limited partnership, currently holds all non-managing membership interests or all limited partnership interests (as applicable) in each of the AN Railway, et al. group and the Atlantic & Western Railway, et al. group. Under the proposed transaction, RP 1 will acquire the entire general partnership interest of Rail Partners, L.P., and the entire general partnership interest of each rail

<sup>3</sup> GWI also has control over Allegheny & Eastern, L.L.C. and Pittsburgh & Shawmut Railroad, L.L.C., two non-operating Class III rail carriers that separately hold certain rail assets over which BPRR operates.

<sup>4</sup> GWI also has control over Maryland and Pennsylvania, L.L.C., and Yorkrail, L.L.C., two non-operating Class III rail carriers that separately hold the rail assets over which York operates.

carrier identified in the Atlantic & Western Railway, *et al.* group. RP 2 will acquire 100% ownership of KWT Railway, Inc., the entire limited partnership interest of Rail Partners, L.P., and the entire managing member interest of each rail carrier identified in the AN Railway, *et al.* group.

GWI states: (1) That neither the KWT Railway, Inc. carriers in the AN Railway, *et al.* group nor the carriers in the Atlantic & Western, *et al.* group (collectively, Acquired Railroads) will connect with any of the Affiliates; (2) that the control transaction is not part of a series of anticipated transactions that would connect any of the Acquired Railroads with the Affiliates; and (3) that no Class I railroad is involved in the control transaction. Therefore, the control transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Because the transaction involves at least one Class II and one or more Class III rail carriers, the exemption is subject to the labor protection requirements of 49 U.S.C. 11326(b).

If the verified 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. 34708, 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 Rose-Michele Nardi, Weiner Brodsky Sidman Kider PC, 1300 Nineteenth Street, NW., Fifth Floor, Washington, DC 20036-1609.

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

Decided: June 20, 2005.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 05-12491 Filed 6-23-05; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34709]

#### Soo Line Railroad Company— Trackage Rights Exemption—Norfolk Southern Railway Company

Pursuant to a trackage rights agreement dated May 25, 2005, between Soo Line Railroad Company (Soo Line) and Norfolk Southern Railway Company (NSR),<sup>1</sup> NSR has agreed to grant Soo Line overhead trackage rights over the following segments: (1) Between Delray Interlocking in Detroit, MI, at milepost 4.4 ± of the Detroit District, and the point of connection of the new 1,982 foot long Butler Connecting Track at milepost D113.65 ± of NSR's Huntingdon District Line; (2) between the point of connection of the Butler Connecting Track at milepost D113.65 ± of NSR's Huntingdon District Line and the point of connection of the Butler Connecting Track with NSR's Chicago Line at milepost CD358.56 ±; and (3) between the point of connection of the Butler Connecting Track with NSR's Chicago Line at milepost CD358.56 ±, and one of the following two points in Chicago, IL: (a) CP-502 at milepost 502.8 ± and (b) CP 509 at milepost 509.7 ±, a total distance of 253.9 miles (in the case of CP-502) and 260.8 miles (in the case of CP-509).

The three segments are non-separable portions of a single unified route over which Soo Line will operate under the trackage rights. Whether Soo Line trains will operate over the route via CP-502 or via CP-509 will be determined, on a train-by-train basis, pursuant to the procedures and protocols set forth in the trackage rights agreement.

Soo Line states that the trackage rights will be effective on a date mutually agreed to in writing between Soo Line and NSR, which shall not occur until the latest of (1) the date upon which construction of the Butler Connecting Track is completed; (2) the effective date of any required Board authorization or exemption of the trackage rights (including compliance with any condition(s) imposed by the Board); and (3) the expiration of any required labor notices.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the

<sup>1</sup> A redacted version of the trackage rights agreement between NSR and Soo Line 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. A protective order was served on June 21, 2005.

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 it 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. 34709, 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 Terence M. Hynes, Sidley Austin Brown & Wood LLP, 1501 K Street, NW., Washington, DC 20005.

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

Decided: June 21, 2005.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 05-12569 Filed 6-23-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-441 (Sub-No. 4X)]

#### San Pedro Railroad Operating Company, LLC—Abandonment Exemption—in Cochise County, AZ

On June 6, 2005, San Pedro Railroad Operating Company, LLC (SPROC)<sup>1</sup> filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon approximately 76.2 miles of railroad in Cochise County, AZ, as follows: (1) The Bisbee Branch, between milepost 1085.0 at Bisbee Junction and milepost 1090.6 at Bisbee, a distance of 5.6 miles; and (2) the Douglas Branch (a) between milepost 1097.3 near Paul Spur and milepost 1106.5 near Douglas, a distance of 9.2 miles, (b) between milepost 1055.8 near Charleston and milepost 1097.3 near Paul Spur, a distance of 41.5 miles, and (c) between milepost 1040.15 near Curtiss and milepost 1055.8 near Charleston, a distance of 19.9 miles. The lines traverse U.S. Postal Service ZIP Codes

<sup>1</sup> SPROC is a wholly owned subsidiary of Arizona Rail Group.