

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

**Authority:** 49 CFR 1.66.

Issued in Washington, DC, on December 10, 2004.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

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**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

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

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The Federal Register Notice with a 60-day comment period was published on July 29, 2004 [69 FR 45370-45371].

**DATES:** Comments must be submitted on or before January 18, 2005.

**FOR FURTHER INFORMATION CONTACT:** P.L. Moore at the National Highway Traffic Safety Administration, Office of International Policy, Fuel Economy and Consumer Programs (NVS-131), 400 Seventh Street, SW., Room 5320, Washington, DC 20590. Mr. Moore's telephone number is (202) 366-5222.

#### SUPPLEMENTARY INFORMATION:

### National Highway Traffic Safety Administration

*Title:* 49 CFR Part 575.104; Uniform Tire Quality Grading Standard.

*OMB Number:* 2127-0519.

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

*Abstract:* Part 575 requires tire manufacturers and tire brand owners to submit reports to NHTSA regarding the UTQGS grades of all passenger car tire lines they offer for sale in the United States. This information is used by consumers of passenger car tires to compare tire quality in making their purchase decisions. The information is provided in several different ways to

insure that the consumer can readily see and understand the tire grades: (1) The grades are molded into the sidewall of the tire so that they can reviewed on both the new and old tires that are to be replaced; (2) a paper label is affixed to the tread face of the new tires that provides the grades of that particular tireline along with an explanation of the grading system; (3) tire manufacturers provide dealers with brochures for public distribution listing the grades of all tirelines they offer for sale; (4) NHTSA compiles the grading information of all manufacturer's tirelines into a booklet that is available to the public both in printed form and on the website.

*Affected Public:* All passenger car tire manufacturers and brand name owners offering passenger car tires for sale in the United States.

*Estimated Total Annual Burden:* NHTSA estimates that 79,650 man-hours are required at a cost of approximately \$4 million to the tire manufacturers to comply with this regulation.

**ADDRESSES:** Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments 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 most effective if OMB receives it within 30 days of publication.

Issued in Washington, DC, on December 8, 2004.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 04-27683 Filed 12-16-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 656]

#### Motor Carrier Bureaus—Periodic Review Proceeding

**AGENCY:** Surface Transportation Board.

**ACTION:** Request for comments.

**SUMMARY:** Pursuant to 49 U.S.C. 13703(c), the Surface Transportation Board is instituting a proceeding to conduct its periodic review of motor carrier collective-activities agreements previously approved under 49 U.S.C. 13703. The Board is seeking comments from those motor carrier bureaus that wish to have Board approval for their collective-activities agreements continued. The Board also is seeking comments from all interested persons on how those agreements, as ordered conditioned by the Board, have been working.

**DATES:** Opening comments may be filed by the bureaus and any interested member of the public by February 15, 2005. Reply comments may be filed by March 17, 2005. Rebuttal comments may be filed by April 6, 2005.

**ADDRESSES:** Any filing submitted in this proceeding must refer to STB Ex Parte No. 656 and 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 <http://www.stb.dot.gov> Web site, 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. Because all comments will be posted to the Board's Web site, persons filing them with the Board need not serve them on other participants but must furnish a hard copy on request to any participant.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 565-1609. [Federal Information Relay Service for the hearing impaired: 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** Under 49 U.S.C. 13703, the Board may authorize motor carriers (including motor carriers of passengers and household goods) to enter into "bureau" agreements for the collective establishment of rates, fares, classifications, and certain ancillary activities. Board authorization immunizes activities taken under the approved agreements from the antitrust laws. Under section 13703(c), the Board must, every 5 years, institute a proceeding to review the motor carrier bureau agreements previously approved under section 13703 and shall change the conditions of approval of an agreement or terminate it when necessary to protect the public interest.

Under this provision, the Board must now commence a review proceeding. The Board is hereby commencing the required statutory review proceeding. Approvals of existing agreements will continue in effect unless the Board determines otherwise.

Each bureau should, at a minimum, file a statement with the Board indicating whether it desires to continue to have its collective-activities agreement approved by the Board. The Board's records indicate that approvals for the agreements of the following ratemaking bureaus have expired for lack of timely compliance with the conditions on renewal imposed by the Board during the prior review cycle: Machinery Haulers Association, Inc.; Motor Carriers Traffic Association; Nationwide Bulk Trucking Association, Inc.; New England Motor Rate Bureau; and Willamette Tariff Bureau, Inc.<sup>1</sup> If the Board's records are incorrect in this respect, each affected bureau must notify the Board.

The Board also is particularly interested in whether anything affecting the public interest has changed since the prior review cycle. In that review cycle, the Board approved the bureaus' applications for renewal of their agreements, subject to conditions.<sup>2</sup> In particular, the Board required the National Classification Committee to amend its agreement to provide: (1) Shippers with access to specified additional information at an earlier stage in the classification process; (2) resolution of classification dockets by a single, expedited decision; and (3) the right to seek an initial review of that decision by a neutral arbitrator.<sup>3</sup> The Board required the ratemaking bureaus to amend their agreements to provide for: (1) The furnishing of a "truth-in-rates notice" when collective rates are quoted; and (2) a prohibition of use of a loss-of-discount penalty for late

<sup>1</sup> In *EC-MAC Motor Carriers Service Association, Inc., et al.*, STB Section 5a Application No. 118 (Sub-No. 2), *et al.* (STB served Oct. 16, 2003), the Board summarily approved the agreements of certain bureaus after noting their full compliance with the required conditions, and, for other bureaus, the Board listed the specific steps required for individual bureau compliance.

<sup>2</sup> The agreement of the National Bus Traffic Association, Inc., was approved without conditions. *Application of the National Bus Traffic Association, Inc., for Extended Approval of its Conformed Agreement*, Section 5a Application No. 9 (Amendment No. 8) (STB served May 24, 2002). The Household Goods Carriers' Bureau Committee has been operating under its previously approved agreement, and may continue to do so, until the Board rules on its application for renewal of that agreement.

<sup>3</sup> See *National Classification Committee—Agreement*, 3 S.T.B. 917 (1998), 4 S.T.B. 496 (2000), and decisions served Nov. 20, 2001, Mar. 27, 2003, Oct. 16, 2003, and Dec. 10, 2003.

payment of rates.<sup>4</sup> Information on whether these conditions are working as intended would be especially helpful.

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

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

Decided: December 13, 2004.

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

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

[FR Doc. 04-27629 Filed 12-16-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34615]

#### **Patrick D. Broe and OmniTRAX, Inc.— Continuance in Control Exemption— Alabama & Tennessee River Railway, LLC**

Patrick D. Broe (Mr. Broe) and OmniTRAX, Inc. (OmniTRAX), noncarriers, have filed a verified notice of exemption to continue in control of Alabama & Tennessee River Railway, LLC (ATN), upon ATN's becoming a Class III rail carrier.

The transaction is expected to be consummated on or shortly after December 31, 2004.

The transaction is related to STB Finance Docket No. 34611, *Alabama & Tennessee River Railway, LLC—Lease and Operation Exemption—CSX Transportation, Inc.*, wherein ATN seeks to lease from CSX Transportation, Inc. (CSXT) and operate approximately 122 miles of rail lines in Alabama as follows: (1) Between milepost SG 737.1 of the Belt Connecting Track at Birmingham and milepost OAG 85.2 at Guntersville; and (2) the Ivalee Branch, between milepost OLE 443.0 near Moragne and milepost OLE 447.9 at Moragne.

Mr. Broe directly controls OmniTRAX that currently controls 10 Class III

<sup>4</sup> See *EC-MAC Motor Carriers Service Association, Inc., et al.*, STB Section 5a Application No. 118 (Sub-No. 2), *et al.* (STB served Nov. 20, 2001, Mar. 27, 2003, and Oct. 16, 2003); *Niagara Frontier Tariff Bureau, Inc.—Agreement*, STB Section 5a Application No. 45 (Amendment No. 17) (STB served Oct. 16, 2003); *Middlewest Motor Freight Bureau, Inc.—Renewal of Agreement*, STB Section 5a Application No. 34 (Sub-No. 10) (STB served Jan. 21, 2004); and *Pacific Inland Tariff Bureau, Inc.—Renewal of Agreement*, STB Section 5a Application No. 22 (Sub-No. 8) (STB served Jan. 15, 2004).

railroads: Chicago Rail Link, LLC (CRL), Georgia Woodlands Railroad, LLC (GWRC), Great Western Railway of Colorado, LLC (GWR), Great Western Railway of Iowa, LLC (CBGR), Manufacturers' Junction Railway, LLC (MJ), Newburgh & South Shore Railroad Limited (NSR), Northern Ohio & Western Railway, LLC (OW), Panhandle Northern Railroad, LLC (PNR), Alliance Terminal Railroad, LLC (ATR), and Fulton County Railway, LLC (FCR).<sup>1</sup> OmniTRAX also controls ATN, a Colorado Limited Liability Company formed for the purpose of leasing and operating certain rail lines owned by CSXT in the State of Alabama.

Applicants state that the purpose sought to be accomplished by the proposed transaction is to reduce overhead expenses, and coordinate billing, maintenance, mechanical and personnel policies and practices of its rail carrier subsidiaries, and thereby improve the overall efficiency of rail service provided by the 11 railroads.<sup>2</sup>

Applicants state that: (i) The rail lines being leased by ATN do not connect with any of the lines of the railroads under their control or within their corporate family, (ii) the transaction is not a part of a series of anticipated transactions that would connect the rail lines being leased by ATN with any railroad in the OmniTRAX corporate family, and (iii) the transaction does not involve a Class I railroad. Therefore, the 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. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

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.

<sup>1</sup> CRL's and MJ's lines are located in Illinois; GWRC's line and FCR's lines are located in Georgia; GWR's lines are located in Colorado; CBGR's lines are located in Iowa; NOW's line and NSR's lines are located in Ohio; and PNR's line and ATR's lines are located in Texas.

<sup>2</sup> OmniTRAX indicates that it will soon file for authority to control a new carrier, Kettle Falls International Railway, LLC, that will be acquiring and leasing rail lines in the State of Washington.