

0004 information collection transferred from Bureau of Transportation Statistics (BTS) to FMCSA on November 8, 2004).

*OMB Control No:* 2126-0032.

*Form No.:* Form M.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Class I and Class II Motor Carriers of Property.

*Number of Respondents:* 3,000 (per year).

*Estimated Time per Response:* 9 hours.

*Expiration Date:* January 31, 2006.

*Frequency:* Annually.

*Total Annual Burden:* 27,000 hours.

(2) *Title:* Quarterly Report of Class I and Class II Motor Carriers of Property (former OMB Control Number 2139-0002 information collection transferred from BTS to FMCSA on November 8, 2004).

*OMB Control No:* 2126-0033.

*Form No.:* Form QFR.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Class I Motor Carriers of Property.

*Number of Respondents:* 1,000 (per quarter).

*Estimated Time per Response:* 1.8 hours (27 minutes per quarter).

*Expiration Date:* January 31, 2006.

*Frequency:* Quarterly.

*Total Annual Burden:* 1,800 hours.

## Background

The Annual Report of Class I and Class II Motor Carriers of Property (Form M) and the Quarterly Report of Class I Motor Carriers of Property (Form QFR) are mandated reporting requirements for for-hire motor carriers. Motor carriers subject to the Federal Motor Carrier Safety Regulations are classified on the basis of their gross carrier operating revenues (including interstate and intrastate).<sup>1</sup> Under the F&OS program, FMCSA collects balance sheet and income statement data along with information on safety needs, tonnage, mileage, employees, transportation equipment, and other related data. FMCSA may also ask carriers to respond to surveys concerning their operations. The data

and information collected will be made publicly available and used by FMCSA to determine a motor carrier's compliance with the F&OS program requirements prescribed at subchapter B of 49 CFR part 1420.

The regulations were formerly administered by the Interstate Commerce Commission and later transferred to the U.S. Department of Transportation on January 1, 1996 by section 103 of the Interstate Commerce Commission Termination Act of 1995 (Pub. L. 104-88, December 29, 1995, 109 Stat. 803) codified at 49 U.S.C. 14123. The Secretary of Transportation (Secretary) transferred the authority to administer the F&OS program to BTS on September 30, 1998 (63 FR 52192). Pursuant to this authority, BTS, now part of the Research and Innovative Technology Administration (RITA), became the responsible DOT modal administration for implementing the F&OS program and requirements in 49 CFR 1420. On September 29, 2004, the Secretary transferred the responsibility for the F&OS program from BTS to FMCSA (69 FR 51009). The latter agency plans to publish a final rule in the future to transfer and redesignate the F&OS reporting requirements from BTS (now RITA) to FMCSA.

## Public Comments Invited

You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for FMCSA's performance; (2) the accuracy of the estimated burden; (3) ways for 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. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued on January 11, 2006.

**Annette M. Sandberg,**

*Administrator.*

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**BILLING CODE 4910-EX-P**

described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

## Association of American Railroads

*(Waiver Petition Docket Number FRA-2005-23107)*

The Association of American Railroads (AAR), on behalf of its member railroads, seeks a waiver from certain provisions of 49 CFR part 229 regarding movement of locomotives with a burned out 350-watt headlamp. The specific section from which relief is requested and the justifications for such relief is as follows: Title 49 CFR 229.125 requires that lead locomotives be equipped with a headlight which produces a minimum intensity of 200,000 candela. In the case of the 350-watt lamp currently in use by the railroads, two lamps burning together are needed to reliably meet this requirement. A lead locomotive with only one 350-watt lamp illuminated would be considered a non-complying locomotive and could only be moved under the provisions of 49 CFR 229.9. AAR seeks a waiver permitting such a locomotive to continue in service as a lead locomotive, with both auxiliary lights burning steadily, until its next calendar day inspection. The proposed relief would not apply to a lead locomotive on a train required to have an initial terminal inspection. In that case, the locomotive would be repaired or switched to a trailing position prior to departure. In support of its petition, AAR contends that "Since no scientific study has been done showing the minimum amount of light needed for safety purposes, no adverse safety conclusions can be drawn about either lamp." They also point out that when the headlight intensity was set at 200,000 candela in 1980, there was not yet any requirement for auxiliary lights, which now supplement the headlight. Further, they point out that the relief requested for a locomotive with one 350-watt headlight lamp out is similar to the provisions already in effect for auxiliary lights (see 49 CFR 229.125(g)).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is

<sup>1</sup> For purposes of the F&OS program, carriers are classified into the following three groups: (1) Class I carriers are those having annual carrier operating revenues (including interstate and intrastate) of \$10 million or more after applying the revenue deflator formula in Note A of 49 CFR 1420; (2) Class II carriers are those having annual carrier operating revenues (including interstate and intrastate) of at least \$3 million but less than \$10 million after applying the revenue deflator formula in Note A of 49 CFR 1420; and (3) Class III carriers are those having annual carrier operating revenues (including interstate and intrastate) of less than \$3 million after applying the revenue deflator formula in Note A of 49 CFR 1420.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number 2005-23107) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at <http://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). The statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on January 9, 2006.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. E6-454 Filed 1-17-06; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34801]

#### Western New York & Pennsylvania Railroad, LLC—Lease and Operation Exemption—Norfolk Southern Railway Company

Western New York & Pennsylvania Railroad, LLC (WNYP), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease from the Norfolk Southern Railway Company (NSR) and operate approximately 45.25 miles of rail lines located between Meadville and Rouseville, in Crawford and Venango Counties, PA. The rail lines are as follows: (1) The Meadville Industrial Track between milepost 102.3 and milepost 105.5; (2) the Franklin Secondary Track between milepost 0.0 (which connects with the Meadville

Industrial Track at milepost 105.42) and milepost 23.0; (3) the Franklin Industrial Track between milepost 23.0 and milepost 33.6; (4) the Titus Industrial Track between milepost 137.32 and milepost 133.8, and between milepost 137.32 and milepost 137.5; and (5) the Oil City Industrial Track between milepost 0.0 and milepost 2.0, and between milepost 132.25 and milepost 129.5 at the end of the track. NSR will retain overhead trackage rights over the Meadville Industrial Track between milepost 102.3 and milepost 105.5.

WNYP certifies that its projected annual revenues as a result of the transaction will not result in its becoming a Class I or Class II rail carrier and will not exceed \$5 million.

WNYP states that the parties intended to consummate the transaction on or soon after December 26, 2005, the effective date of the exemption (7 days after the exemption was filed).

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. 34801, 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 Kevin M. Sheys, Kirkpatrick & Lockhart Nicholson Graham LLP, 1800 Massachusetts Avenue, 2nd Floor, Washington, DC 20036.

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

Decided: January 10, 2006.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 06-393 Filed 1-17-06; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34796]

#### Iowa Interstate Railroad, Ltd.—Sublease Exemption—CSX Transportation, Inc.

**AGENCY:** Surface Transportation Board.

**ACTION:** Petition for exemption.

**SUMMARY:** The Board grants an exemption, under 49 U.S.C. 10502, from

the prior approval requirements of 49 U.S.C. 10902 for Iowa Interstate Railroad, Ltd. (IAIS), a Class II carrier, to sublease from CSX Transportation, Inc. (CSXT), and operate a line of railroad totaling approximately 31.9 miles. The rail line, presently leased and operated by CSXT extends from milepost BIF 95, in Utica, IL, to milepost BIF 126.9, in Henry, IL.

**DATES:** This exemption will be effective on February 3, 2006. Petitions to stay must be filed by January 25, 2006. Petitions to reopen must be filed by February 7, 2006.

**ADDRESSES:** Send an original and 10 copies of all pleadings, referring to STB Finance Docket No. 34796, to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Edward J. Krug, Krug Law Firm, P.L.C., 401 First Street, SE., P.O. Box 186, Cedar Rapids, IA 52406-0186.

**FOR FURTHER INFORMATION CONTACT:** Eric S. Davis, (202) 565-1608 [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339].

#### **SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, e-mail or call: ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706; e-mail [asapdc@verizon.net](mailto:asapdc@verizon.net); telephone (202) 306-4004. [Assistance for the hearing impaired is available through FIRS at 1-800-877-8339].

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

Decided: January 10, 2006.

By the Board, Chairman Buttrey and Vice Chairman Mulvey.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E6-421 Filed 1-17-06; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[REG-105606-99; REG-161424-01]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

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

**SUMMARY:** The Department of the Treasury, as part of its continuing effort