

mail: mark.vonderembse@fhwa.dot.gov; telephone: (614) 280-6854; FHWA Ohio Division Office's normal business hours are 8 a.m. to 4:30 p.m. (eastern time). You may also contact Mr. Tim Hill, Ohio Department of Transportation, 1980 West Broad Street, Columbus, OH 43223; telephone: (614) 644-0377.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Ohio: SR-73 from near Mitchell Road northwest of the City of Wilmington, to near Airborne Road east of the City of Wilmington, in Clinton County, Ohio. The project will provide a 6.75 mile long, four-lane divided limited access highway on new location. This project is also known as the "Wilmington Bypass." The alignment of the roadway extends eastward from Mitchell Road and includes interchanges with US-68 and US-22/SR-3, then extends southward to the terminus near Airborne Road. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project, approved on December 15, 2005, in the FHWA Finding Of No Significant Impact (FONSI) issued on April 7, 2006, and in other documents in the FHWA administrative record. The EA, FONSI, and other documents in the FHWA administrative record file are available by contacting the FHWA or the Ohio Department of Transportation at the addresses provided above.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. *Air:* Clean Air Act, 42 U.S.C. 7401-7671(q).
3. *Land:* Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601-4604; Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), [23 U.S.C. 319]; National Forest Management Act (NFMA) of 1976 [16 U.S.C. 1600-1614].
4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)], Migratory Bird Treaty Act [16 U.S.C. 703-712].
5. *Historic and Cultural Resources:* Section 106 of the National Historic

Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].

7. *Wetlands and Water Resources:* Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)-300(j)(6); Rivers and Harbors Act of 1899, 33 U.S.C. 401-406; Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287; Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931; TEA-21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001-4128.

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: January 25, 2006.

Patrick A. Bauer,
Assistant Division Administrator, Columbus, Ohio.

[FR Doc. E6-7826 Filed 5-22-06; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 662]

Review of Liability of Motor Common Carriers of Household Goods

AGENCY: Surface Transportation Board.

ACTION: Notice and request for comments.

SUMMARY: In the Safe, Accountable, Flexible, Efficient Transportation Equity

Act: A Legacy for Users (SAFETEA-LU), Public Law No. 109-59, § 4215, 119 Stat. 1144 (2005), Congress directed the Surface Transportation Board (Board) to review the current Federal regulations regarding the level of liability protection provided by motor carriers that provide transportation of household goods (HHG) and revise the regulations, if necessary, to provide enhanced protection in the case of loss or damage. The Board seeks public comment on the issue.

DATES: Comments are due June 22, 2006.

ADDRESSES: Send an original and 10 copies of any comments, referring to STB Ex Parte No. 662, to: Surface Transportation Board, 1925 K Street, NW., Washington DC 20423-0001.

FOR FURTHER INFORMATION CONTACT: Lawrence C. Herzig, (202) 565-1578. [Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339].

SUPPLEMENTARY INFORMATION: Prior to the enactment of SAFETEA-LU on August 10, 2005, under 49 U.S.C. 14706, motor carriers of HHG were generally held liable for the actual loss or injury they caused to the property they transported and, because most HHG are "used," the carrier's liability historically extended to the depreciated value of the goods. However, under 49 U.S.C. 14706(f), HHG carriers could, with the Board's permission, limit their liability by offering "released rates" (rates under which the carrier is released from the statutory level of cargo liability, and the carrier's liability for a shipment of property is limited to a value established by written declaration of the shipper or by a written agreement). The Board has issued orders authorizing HHG carriers to adopt released rates that follow a certain format.

In section 4207 of SAFETEA-LU, Congress changed the statutorily prescribed, standard liability of HHG carriers for loss or damage to the replacement value of the goods, up to the pre-declared total value of the shipment, unless the shipper waives in writing that level of protection. In addition to making that statutory change, Congress also directed the Board, in section 4215, to review the current Federal regulations regarding the level of liability protection provided by HHG carriers and revise the regulations, if necessary, to provide enhanced protection in the case of loss or damage.

The current regulations at 49 CFR 375.201-203, promulgated by the Federal Motor Carrier Safety Administration of the Department of Transportation, provide generally that a

HHG carrier is liable for loss or damage to HHG to the extent provided in the Board's current released rates order. 49 CFR 375.201(b). There are additional provisions concerning limitations on HHG carriers' liability for perishable, dangerous, or hazardous articles in a shipment and for items valued at more than \$100 per pound. 49 CFR 375.203.

The Board's current released rates orders—*Released Rates of Motor Common Carriers of Household Goods*, 5 S.T.B. 1147 (2001), and *Released Rates of Motor Common Carriers of Household Goods*, Amendment No. 4 to Released Rates Decision No. MC-999 (STB served April 22, 2002)¹—authorize HHG carriers to limit their liability for damage or loss of the goods in their care through a written declaration of the shipper. Under these orders, HHG carriers may offer their shippers two options concerning the level of cargo liability to be assumed by the carrier, depending upon the level of the rate that the shipper wishes to pay for the transportation of its goods. Under one option, the carrier's cargo liability may be limited to 60 cents per pound, per article, if the shipper writes a valuation of "60 cents per pound" on the bill of lading. In that event, the shipper pays only a base rate for the shipment. Alternatively, for an additional charge, the shipper may obtain "full value protection" for the shipped goods, meaning that the carrier is liable for the replacement value of the lost or damaged goods (up to the pre-declared value of the shipment) or, at the carrier's option, for restoring damaged goods to their prior condition.

In directing a review of the current liability protection for shippers of HHG, Congress asked the Board to address:

- (1) Whether the current regulations provide adequate protection;
- (2) The benefits of purchase by a shipper of insurance to supplement the carrier's limitations on liability; and
- (3) Whether there are abuses of the current regulations that leave the shipper unprotected in the event of loss and damage to a shipment of HHG.

The Board seeks public comment on these issues.

Decided: May 16, 2006.

¹ Board decisions and notices are available on the Board's Web site at <http://www.stb.dot.gov>. The Board recently sought comments on a proposed change to the current released rates orders. See *Released Rates of Motor Common Carriers of Household Goods*, Amendment No. 4 to Released Rates Decision No. MC-999 (STB served and published April 13, 2006) (71 FR 19234-35).

By the Board, Chairman Buttrey and Vice Chairman Mulvey.

Vernon A. Williams,
Secretary.

[FR Doc. E6-7764 Filed 5-22-06; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34856]

Four Rivers Transportation, Inc.— Control Exemption—Appalachian & Ohio Railroad, Inc.

Four Rivers Transportation, Inc. (Four Rivers), a noncarrier, has filed a verified notice of exemption to permit Four Rivers to acquire control of the Appalachian & Ohio Railroad, Inc. (A&O) by purchasing 100% of the outstanding stock of A&O from Watco Companies, Inc. (Watco), the noncarrier corporate parent of A&O.¹ A&O is a Class III rail carrier and operates by lease between specified points in West Virginia.²

The transaction was scheduled to be consummated on or after May 5, 2006.

Four Rivers currently controls Paducah & Louisville Railway, Inc., a Class II rail carrier, which in turn controls the Evansville Western Railway, Inc., a Class III rail carrier.

Applicants state that: (i) The rail lines involved in this transaction do not connect with any rail lines now controlled, directly or indirectly, by Four Rivers; (ii) this transaction is not part of a series of anticipated transactions that would connect any of these rail lines with each other; and (iii) this transaction does not involve a Class I carrier. Therefore, this 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).

¹ A redacted version of the draft stock purchase agreement between Four Rivers and Watco was filed with the notice of exemption. The full version of the draft 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 May 12, 2006.

² See *Appalachian & Ohio Railroad, Inc.—Lease and Operation Exemption—CSX Transportation, Inc.*, STB Finance Docket No. 34653 (STB served March 11, 2005).

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. 34856, 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 William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Avenue, NW., Suite 300, Washington, DC 20037.

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

Decided: May 16, 2006.

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

Vernon A. Williams,
Secretary.

[FR Doc. E6-7765 Filed 5-22-06; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0265]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-21), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 22, 2006.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005G2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565-8374, FAX (202) 565-6950 or e-mail denise.mclamb@mail.va.gov. Please refer to "OMB Control No. 2900-0265." Send comments and recommendations concerning any aspect of the information collection to VA's OMB