

comment closing date in the public docket and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file in the public docket relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: September 6, 2006.

John H. Hill,
Administrator.

[FR Doc. E6-15224 Filed 9-13-06; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34898]

Michael R. Root and Albany & Eastern Railroad Company—Continuance in Control Exemption—Iron Bull Railroad Company LLC

Michael R. Root, a noncarrier, and Albany & Eastern Railroad Company (AERC), a Class III rail carrier, have filed a verified notice of exemption to continue in control of Iron Bull Railroad Company LLC (IBR), upon IBR's becoming a rail carrier.¹

The transaction was expected to be consummated on or after August 25, 2006 (7 days after the amended notice was filed).

This transaction is related to notices of exemption in: (1) STB Finance Docket No. 34896, *PIC Railroad LLC—Lease and Operation Exemption—Union Pacific Railroad Company*, wherein PIC Railroad LLC (PICR) seeks to lease from Union Pacific Railroad Company and operate a rail line known as the Comstock Subdivision in Iron County, UT; and (2) STB Finance Docket No. 34897, *Iron Bull Railroad Company LLC—Operation Exemption—PIC Railroad LLC*, wherein Iron Bull Railroad Company LLC, pursuant to the same regulations and statute, will operate the line.

Mr. Root and AERC state that: (1) The railroads do not connect with each other or any railroad in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a Class I carrier.

¹ IBR will become a Class III carrier as a result of the transaction in STB Finance Docket No. 34897. Mr. Root currently controls AERC, a Class III rail carrier. AERC in turn controls IBR. Consequently, Mr. Root will control AERC directly and IBR indirectly. AERC will control IBR directly.

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 interest 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 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. 34898, 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 Thomas F. McFarland, 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112.

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

Decided: September 8, 2006.

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

Vernon A. Williams,
Secretary.

[FR Doc. E6-15239 Filed 9-13-06; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34896; STB Finance Docket No. 34897]

PIC Railroad LLC—Lease and Operation Exemption—Union Pacific Railroad Company; Iron Bull Railroad Company LLC—Operation Exemption—PIC Railroad LLC

In STB Finance Docket No. 34896, PIC Railroad LLC (PICR), a noncarrier, has filed a verified notice of exemption under 49 U.S.C. 1150.31 to lease from Union Pacific Railroad Company (UP) and operate a rail line known as the Comstock Subdivision, extending between milepost 0.1 at or near Iron Springs and milepost 14.7 at or near Iron Mountain, a distance of approximately 14.6 miles in Iron County, UT.

In STB Finance Docket No. 34897, Iron Bull Railroad Company LLC (IBR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 for its operation of the rail line pursuant to an operating agreement with PICR.¹

The transactions were scheduled to be consummated on or shortly after August 22, 2006, the effective date of these exemptions (7 days after the exemptions were filed).

The transactions are related to STB Finance Docket No. 34898, *Michael R. Root and Albany & Eastern Railroad Company—Continuance in Control Exemption—Iron Bull Railroad Company LLC*, wherein Mr. Michael R. Root and Albany & Eastern Railroad Company will continue in control of Iron Bull Railroad Company LLC (IBR), upon IBR becoming a rail carrier as a result of the transaction in STB Finance Docket No. 34897.

PICR and IBR certify that their projected annual revenues as a result of these transactions will not exceed those that would qualify them as Class III carriers and will not exceed \$5 million.

If the notice contains false or misleading information, the exemptions are void *ab initio*. Petitions to revoke the exemptions 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 transactions.

An original and 10 copies of all pleadings, referring to STB Finance Docket Nos. 34896 and 34897, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Thomas F. McFarland, 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112.

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

Decided: September 8, 2006.

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

Vernon A. Williams,
Secretary.

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¹ Although PICR will enter into an agreement whereby IBR will operate the line, PICR also seeks an exemption to operate to fulfill its common carrier obligation in the event IBR were to cease operations.