

TABLE 1—ESTIMATED BURDEN HOURS—Continued

Question set	N	H	C	Cost	Time
Total	21,624.66	278

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.95.

Nathaniel Beuse,
Associate Administrator, Vehicle Safety Research.

[FR Doc. 2015-25798 Filed 10-8-15; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35958]

Westmoreland County Industrial Development Corporation— Acquisition of Control Exemption— Turtle Creek Industrial Railroad, Inc.

Westmoreland County Industrial Development Corporation (WCIDC), a Class III rail carrier,¹ has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to acquire all of the stock of Turtle Creek Industrial Railroad, Inc. (TCIR), also a Class III rail carrier.

According to WCIDC, Dura-Bond Corporation (Dura-Bond), a noncarrier, currently controls TCIR. WCIDC and Dura-Bond have entered into a stock purchase agreement² dated September 26, 2013, by which WCIDC will acquire all of TCIR's stock from Dura-Bond. Once that transaction is consummated, WCIDC will control TCIR.

WCIDC intends to consummate this transaction on or shortly after October 25, 2015, the effective date of the exemption.

WCIDC states that: (i) The rail owned by WCIDC does not connect with the rail line owned by TCIR; (ii) the subject acquisition of control is not part of a series of anticipated transactions that would connect the rail line owned by TCIR with the rail line owned by WCIDC; and (iii) neither WCIDC nor TCIR are Class I carriers. 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. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

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 effectiveness of the exemption. Petitions to stay must be filed no later than October 16, 2015 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings referring to Docket No. FD 35958, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on WCIDC's representative: John N. Ward, Ward & Christner, P.C., 15 N. Main Street, Greensburg, PA 15601.

Board decisions and notices are available on our Web site at WWW.STB.DOT.GOV.

Decided: October 6, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Tia Delano,
Clearance Clerk.

[FR Doc. 2015-25783 Filed 10-8-15; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35964]

American Chemistry Council, The Chlorine Institute, and the Fertilizer Institute—Petition for Declaratory Order—Positive Train Control

On September 30, 2015, the American Chemistry Council, the Chlorine Institute, and the Fertilizer Institute

(collectively Petitioners) filed a petition for an order “declaring that the common carrier obligation, codified at 49 U.S.C. 11101(a), requires a Class I railroad to transport toxic inhalation hazard (‘TIH’) materials over main lines, as defined at 49 U.S.C. 20157(i)(2), although the Class I railroad has not equipped, or will not equip, such lines with an operable positive train control (‘PTC’) system by the December 31, 2015 deadline specified by 49 U.S.C. 20157(a).” (Pet. 1.) According to the petition, some railroads have indicated that they intend to embargo TIH shipments, as early as Thanksgiving 2015, in light of the impending statutory PTC deadline. (Pet. 2, 5–6.) Petitioners request that the Board institute a declaratory order proceeding, consider the September 30 petition to be their opening statement, and promptly issue an expedited procedural schedule. On October 5, 2015, the Association of American Railroads (AAR) filed a petition requesting an alternate expedited procedural schedule and an oral hearing.

The Board has discretionary authority under 5 U.S.C. 554(e) and 49 U.S.C. 721 to issue a declaratory order to terminate a controversy or remove uncertainty. The Board will institute a declaratory order proceeding and establish a procedural schedule. The Board will consider the September 30 petition to be Petitioners' opening statement. Substantive replies to the opening statement will be due on October 23, 2015. Rebuttals will be due on November 2, 2015. The Board will rule on AAR's request for an oral hearing in a future order.

It is ordered:

1. A declaratory order proceeding is instituted.
2. Substantive replies to the September 30 opening statement are due by October 23, 2015.
3. Rebuttals are due by November 2, 2015.
4. Notice of this action will be published in the **Federal Register** on October 9, 2015.
5. This decision is effective on its service date.

Decided: October 6, 2015.

¹ WCIDC owns a common carrier line of railroad located between Scottdale and Greensburg, Pa. The lines are operated by Southwest Pennsylvania Railroad Company. *See* Westmoreland Cty. Indus. Dev. Corp.—Acquis. Exemption—Sw. Pa. R.R., FD 32767 (ICC served Nov. 3, 1995).

² A redacted version of the agreement was filed with the notice of exemption. An unredacted version was filed concurrently under seal, along with a motion for protective order pursuant to 49 CFR 1104.14(b). That motion will be addressed in a separate decision.