

2201 C Street, NW., Washington, DC 20520-1238.

Dated: July 18, 2006.

**Henrietta H. Fore,**

*Under Secretary for Management,  
Department of State.*

[FR Doc. E6-12111 Filed 7-27-06; 8:45 am]

**BILLING CODE 4710-10-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on State Highway 45SE in Texas

**AGENCY:** Federal Highway Administration (FHWA), Texas Department of Transportation (TxDOT).

**ACTION:** Notice of Limitation on claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

**SUMMARY:** This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, State Highway 45 Southeast (SH 45SE), south of Austin, beginning at I-35 and heading east to SH 130/US 183 in Travis and Hays Counties in the State of Texas. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before January 24, 2007. If the Federal law that authorizes judicial review of a claim provides a time period for less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Mr. Salvador Deocampo, District Engineer, Federal Highway Administration, 300 E. 8th Street, Rm. 826, Austin, Texas 78701; telephone: (512) 536-5950; e-mail [salvador.deocampo@fhwa.dot.gov](mailto:salvador.deocampo@fhwa.dot.gov). The FHWA Texas Division Office's normal business hours are 7:45 a.m. to 4:15 p.m. You may also contact Ms. Dianna Noble, Texas Department of Transportation, 125 E. 11th Street, Austin, Texas 78701; telephone (512) 416-2734.

**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 Texas: State Highway 45 Southeast (SH 45SE), south of Austin beginning at I-35 and heading

east to SH 130/US 183; in Travis and Hays Counties in the State of Texas. The project will be an approximately seven-mile long, six-lane tollway with grade separations at all intersecting roadways and no frontage roads (i.e. a fully access-controlled facility). The proposed highway will be on new alignment. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact statement (FEIS) for the project, approved on December 8, 2003, in the FHWA Record of Decision (ROD) issued on February 5, 2004, in the revised ROD issued on June 26, 2006, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record file are available by contacting the FHWA or the Texas 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 Section 4(f)* of the Department of Transportation Act of 1966 [49 U.S.C. 303].
4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544 and section 1536], 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)].
6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].
7. *Wetlands and Water Resources:* Clean Water Act, 33 U.S.C. 1251-1377 (section 404, section 401, section 319).
8. *Executive Orders:* 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. 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 July 17, 2006.

**Salvador Deocampo,**

*District Engineer, Austin, Texas.*

[FR Doc. 06-6525 Filed 7-27-06; 8:45 am]

**BILLING CODE 4910-22-M**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34904]

#### Dakota, Missouri Valley and Western Railroad, Inc.—Lease and Operation Exemption—Soo Line Railroad Company

Dakota, Missouri Valley and Western Railroad, Inc. (DMVW), a Class III rail carrier, has filed a verified notice of exemption under 49 CR 1150.41, *et seq.*, to extend, renew and supplement the arrangement governing its lease and operation of certain lines of railroad owned by Soo Line Railroad Company, d/b/a Canadian Pacific Railway Company (CPR) and currently operated by DMVW. These lines run between Hankinson, ND, and Moffit, ND; Bismarck, ND and Max, ND; and Flaxton, ND and Whitetail, MT. Specifically, DMVW will continue to lease and operate: (1) Between approximately milepost 205.96 in Hankinson and approximately milepost 391.38 near Moffit; (2) between approximately mileposts 391.27 and 393.33 at Moffit; (3) between approximately milepost 560.5 in Bismarck and approximately mileposts 467.61 and 467.06 on the legs of the wye in Max; (4) between approximately milepost 541.0 at Flaxton and approximately milepost 549.64 at Rival, ND; (5) between approximately milepost 582.3 at Crosby, ND, and approximately milepost 676.83 at Whitetail, (6) between approximately mileposts 581.19 and 582.35 near Crosby; and (7) between approximately mileposts 557.68 and 558.31 at Columbus, ND (collectively, the Subject Lines), a total distance of approximately 386 miles of rail line.

DMVW currently operates the Subject Lines pursuant to a lease agreement with CPR. DMVW and CPR have agreed to enter into a Renewed Lease Agreement that will extend the terms of DMVW's lease and operation of the Subject Lines through June 30, 2026,

and will amend and supplement certain other terms and conditions of the lease arrangement between DMVW and CPR.

DMVW will continue to retain the following trackage rights that it acquired by assignment from CPR in 1990: (1) CPR's trackage rights over the line of railroad owned jointly by CPR and the BNSF Railway Company (BNSF) between approximately milepost 549.64 at Rival and milepost 582.3 at Crosby, which allows DMVW to operate between the Flaxton-Rival and Crosby-Whitetail segments that it leases from CPR; (2) CPR's trackage rights over the short branch line owned jointly by CPR and BNSF that connects the Flaxton-Whitetail main line with the short CPR track at Columbus, ND; and (3) CPR's trackage rights over the line of railroad owned by BNSF between McKenzie, ND and Bismarck, which enables DMVW to connect its operations on the Bismarck-Max segment with its operations on the Moffit-Hankinson segment via the line of railroad owned by DMVW between McKenzie and Moffit.

DMVW certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier.

DMVW indicates that the parties intend to consummate the transaction on or soon after the date this exemption becomes effective in recognition of the fact that the date of effectiveness depends on whether a related petition for waiver is granted.<sup>1</sup>

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. 34904, 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 Edward J. Fishman, 1601 K Street, NW., Washington, DC 20006-1600.

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

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

<sup>1</sup> In a decision in this proceeding served on July 24, 2006, the Board granted a request by DMVW for waiver of the 60-day advance labor notice requirement of 49 CFR 1150.42(e). The exemption became effective on the service date of that decision.

Decided: July 24, 2006.

Vernon A. Williams,  
Secretary.

[FR Doc. E6-12098 Filed 7-27-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34900]

#### Lackawaxen-Honesdale Shippers Association, Inc.—Acquisition of Control Exemption—Stourbridge Railroad Company, Inc.

Lackawaxen-Honesdale Shippers Association, Inc. (LHSA), has filed a verified notice of exemption to acquire control of Stourbridge Railroad Company, Inc. (Stourbridge), from Mr. Richard D. Robey. Stourbridge is a Class III railroad, providing rail service on the Honesdale Branch, which extends from Lackawaxen, PA, to Honesdale, PA.<sup>1</sup>

The transaction was scheduled to be consummated on or after July 7, 2006, the effective date of the exemption (7 days after the exemption was filed).

As a result of this transaction, LHSA will own and control the stock of Stourbridge, which will continue to operate the Honesdale Branch.<sup>2</sup> LHSA states that it owns no other rail lines or railroads, and therefore, Stourbridge does not connect with any other railroad owned or operated by LHSA. LHSA also states that the acquisition of control of Stourbridge is not part of a series of anticipated transactions that would connect that railroad with any other railroad owned by LHSA. In addition, the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323-25. 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

<sup>1</sup> Stourbridge obtained operating authority for this rail line in *Stourbridge Railroad Company, Inc.—Operation Exemption—in Wayne and Pike Counties, PA*, Finance Docket No. 31508 (ICC served Jan. 25, 1990).

<sup>2</sup> LHSA obtained authority to acquire, and the common carrier obligation to serve, the Honesdale Branch from the Pennsylvania Department of Transportation in *Lackawaxen-Honesdale Shippers Association, Inc.—Acquisition Exemption—Pennsylvania Department of Transportation*, STB Finance Docket No. 34891 (STB served July 13, 2006).

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. 34900, 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 Richard R. Wilson, Esq., 127 Lexington Avenue, Ste. 100, Altoona, PA 16601.

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

Decided: July 19, 2006.

By the Board.

David M. Konschnik,

Director, Office of Proceedings.

[FR Doc. E6-11954 Filed 7-27-06; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

July 24, 2006.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before August 28, 2006 to be assured of consideration.

#### Internal Revenue Service (IRS)

OMB Number: 1545-0193.

Type of Review: Extension.

Title: Tax on Lump Sum Distributions (From Qualified Plans of Participants Born Before January 2, 1936).

Form: 4972.

Description: IRC Section 402(e) allows taxpayers to compute a separate tax on a lump sum distribution from a qualified retirement plan. Form 4972 is used to correctly figure that tax. The