

comments received, go to <http://dms.dot.gov> at any time or Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The DMS is available 24 hours each day, 365 days each year. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477, Apr. 11, 2000). This statement is also available at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations, MC-PSD, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590-0001. Telephone: 202-366-4009. E-mail: [MCPSD@fmcsa.dot.gov](mailto:MCPSD@fmcsa.dot.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Section 4007 of the Transportation Equity Act for the 21st Century (Pub. L. 105-178, 112 Stat. 107, June 9, 1998) amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from motor carrier safety regulations. On December 8, 1998, the Federal Highway Administration's Office of Motor Carriers, the predecessor to FMCSA, published an interim final rule implementing sec. 4007 (63 FR 67600). On August 20, 2004, FMCSA published a final rule (69 FR 51589) on this subject. Under this rule, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The agency must also provide an opportunity for public comment on the request.

The agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the

current regulation (49 CFR 381.305). The decision of the agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the agency denies the request, it must state the reason for doing so. If the agency grants the exemption, the notice must specify the person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is being granted. The notice must also specify the effective period of the exemption (up to 2 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

##### **Request for Exemption**

The Federal HOS rules are generally applicable to motor carriers and drivers operating commercial motor vehicles, as defined in 49 CFR 390.5, in interstate commerce. However, transportation performed by Federal, State or local government is exempt from requirements under 49 CFR parts 390 through 399, including all HOS requirements under 49 CFR part 395 [§ 390.3(f)(2)]. Since USPS is an independent agency of the executive branch of the United States government, transportation performed by USPS qualifies for the § 390.3(f)(2) exemption. Nonetheless, any motor carrier under contract with the USPS to transport its mail interstate—but which retains full responsibility for its CMVs, such that the transportation is not considered as performed by the USPS—remains subject to 49 CFR parts 300-399, including the HOS rules. The USPS contracts with motor carriers to perform interstate delivery of U.S. mail under such conditions, and has requested exemption from FMCSA's current HOS rules, allowing some of these motor carriers and drivers to operate under those HOS rules in effect prior to January 4, 2004.

USPS requests the exemption apply to an unspecified number of motor carriers operating under approximately 5,100 separate contracts. USPS did not specify the number of drivers of property-carrying vehicles to be allowed to operate under the HOS requirements in effect prior to January 4, 2004. The HOS limits requested under the exemption for such drivers would be the same as current HOS limits for drivers of passenger-carrying vehicles.

USPS states the motor carriers under contract conduct short-haul operations with an average delivery route of 61-miles roundtrip. USPS describes the drivers' schedules as "split shift," but does not provide any details about the typical work schedule for drivers working on the contracted routes. Under

the terms of the USPS contract, drivers are required to arrive and depart from postal facilities on schedule since deviation from the schedule would result in congestion at USPS trailer yards.

USPS believes the exemption would achieve a level of safety equivalent to, or greater than, the level of safety obtained under the current 14-hour rule (which prohibits operators of property-carrying vehicles from driving after the 14th hour of coming on duty) because these drivers would be able to return home at the end of each work day rather than having to stay away from home overnight.

A copy of the USPS exemption application is available for review in the docket for this notice.

##### **Request for Comments**

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comment on USPS's application for exemption from the 49 CFR part 395 HOS requirements. The agency will consider all comments received by close of business on December 16, 2005. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The agency will file comments received after the 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: November 8, 2005.

**Annette M. Sandberg,**  
*Administrator.*

[FR Doc. 05-22648 Filed 11-15-05; 8:45 am]

**BILLING CODE 4910-EX-P**

#### **DEPARTMENT OF TRANSPORTATION**

##### **Surface Transportation Board**

[STB Docket No. AB-33 (Sub-No. 226X);  
STB Docket No. AB-654X]

##### **Union Pacific Railroad Company— Abandonment Exemption—in Cameron County, TX; Brownsville & Rio Grande International Railroad Company— Discontinuance of Service Exemption—in Cameron County, TX**

The Union Pacific Railroad Company (UP) and Brownsville & Rio Grande International Railroad Company (B&RG) have jointly filed a notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and*

*Discontinuances of Service* for UP to abandon, and for B&RG to discontinue service over, 2.2 miles of railroad between milepost 0.00, near UP Main Switch, and milepost 2.20, near Arthur Street, in Cameron County, TX.<sup>1</sup> The line traverses United States Postal Service Zip Codes 78520 and 78521.

UP and B&RG have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements of 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the abandonment or discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether these conditions adequately protect affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be effective on December 16, 2005, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by November 28, 2005. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 6, 2005, with: Surface Transportation Board, 1925 K

<sup>1</sup> The October 27, 2005 filing was amended on November 3, 2005.

<sup>2</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemptions' effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemptions' effective date.

<sup>3</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,200. See 49 CFR 1002.2(f)(25).

Street, NW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to applicants' representatives: Mack H. Shumate, Jr., 101 North Wacker Drive, Room 1920, Chicago, IL 60606; and William L. Rentfro, The Rentfro Faulk Law Firm, LLP, 185 E. Ruben M. Torres, Sr. Blvd., Brownsville, TX 78520.

If the verified notice contains false or misleading information, the exemptions are void *ab initio*.

UP and B&RG have filed environmental and historic reports which address the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by November 21, 2005. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by UP's filing of a notice of consummation by November 16, 2006, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: November 4, 2005.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 05–22519 Filed 11–15–05; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

November 10, 2005.

The Department of 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 December 16, 2005 to be assured of consideration.

#### Departmental Office (DO)

*OMB Number:* 1505–0016.

*Type of Review:* Revision.

*Title:* Treasury International Capital Form BQ–1, "Report of Customers" U.S. Dollar Claims on Foreigners".

*Form:* International Capital Form BQ–1.

*Description:* Form BQ–1 is required by law and is designed to collect timely information on international portfolio capital movements, including U.S. dollar claims of customers of depository institutions, bank and financial holding companies, brokers and dealers vis-à-vis foreigners. The information is necessary in the computation of the U.S. balance of payments accounts and the U.S. international investment position, and in the formulation of U.S. international financial and monetary policies.

*Respondents:* Business or other for-profit.

*Estimated Total Burden Hours:* 909 hours.

*OMB Number:* 1505–0017.

*Type of Review:* Revision.

*Title:* Treasury International Capital Form BC/BC (SA) "Report of U.S. Dollar Claims of Depository Institutions, Brokers and Dealers on Foreigners".

*Form:* International Capital Form BC/BC (SA).

*Description:* Form BC/BC(SA) is required by law and is designed to collect timely information on international portfolio capital movements, including own U.S. dollar claims of depository institutions, bank and financial holding companies, brokers and dealers vis-à-vis foreigners. The information is necessary in the computation of the U.S. balance of payments accounts and the U.S. international investment position, and in the formulation of U.S. international financial and monetary policies.

*Respondents:* Business or other for-profit.

*Estimated Total Burden Hours:* 33,804 hours.

*OMB Number:* 1505–0018.