

17th Street, NW., Washington, DC 20503.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued in Washington, DC, on December 22, 2005.

**Susan Gorsky,**

*Acting Director, Office of Hazardous Materials Standards.*

[FR Doc. 05-24518 Filed 12-27-05; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34784]

#### **Koch Forest Products, Inc. and Koch Industries, Inc.—Acquisition of Control Exemption—Gloster Southern Railroad Company and Blue Rapids Railway Company**

Koch Industries, Inc. (Koch Industries), and its wholly owned subsidiary Koch Forest Products, Inc. (Koch Forest), both noncarriers (together, Applicants), have filed a verified notice of exemption to acquire control of the following two Class III railroads: (1) Gloster Southern Railroad Company (GSR) and Blue Rapids Railway Company (BRR).<sup>1</sup>

The transaction is expected to be consummated on or after December 15, 2005.

Koch Forest Products states that: (1) The rail lines operated by GSR, BRR and OAR do not connect with each other or any railroad in their corporate family; (2) the transaction 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. 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. 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. 34784, 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 David H. Coburn, Steptoe & Johnson LLP, 1330 Connecticut Avenue, Washington, DC 20036.

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

Decided: December 19, 2005.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 05-24403 Filed 12-27-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-6 (Sub-No. 435X); STB Docket No. AB-987X]

#### **BNSF Railway Company—Abandonment Exemption—in Rock Island and Whiteside Counties, IL; Iowa, Chicago & Eastern Railroad Corporation—Discontinuance of Service Exemption—in Rock Island and Whiteside Counties, IL**

BNSF Railway Company (BNSF) and Iowa, Chicago & Eastern Railroad Corporation (ICE) have jointly filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* for BNSF to

abandon, and for ICE to discontinue service over, approximately 5.09 miles of railroad between milepost 20.31 and milepost 25.40, near Albany, in Rock Island and Whiteside Counties, IL. The line traverses United States Postal Service Zip Codes 61230, 61242, and 61252.

BNSF and ICE 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 this condition adequately protects 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 January 26, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by January 6, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 17, 2006, with: Surface Transportation

<sup>1</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>2</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,200. *See* 49 CFR 1002.2(f)(25).

<sup>1</sup> Koch Forest will acquire the two railroads pursuant to its acquiring all of the outstanding stock of Georgia-Pacific Corporation (Georgia-Pacific). Following this transaction, Koch Forest will be merged into Georgia-Pacific and Georgia-Pacific, GSR, and BRR will then become indirect wholly owned subsidiaries of Koch Industries. Koch Industries, through its wholly owned subsidiary Koch Cellulose, LLC, also controls the Old Augusta Railroad Company (OAR), a Class III railroad.