

Under this provision, the Board must now commence a review proceeding. The Board is hereby commencing the required statutory review proceeding. Approvals of existing agreements will continue in effect unless the Board determines otherwise.

Each bureau should, at a minimum, file a statement with the Board indicating whether it desires to continue to have its collective-activities agreement approved by the Board. The Board's records indicate that approvals for the agreements of the following ratemaking bureaus have expired for lack of timely compliance with the conditions on renewal imposed by the Board during the prior review cycle: Machinery Haulers Association, Inc.; Motor Carriers Traffic Association; Nationwide Bulk Trucking Association, Inc.; New England Motor Rate Bureau; and Willamette Tariff Bureau, Inc.¹ If the Board's records are incorrect in this respect, each affected bureau must notify the Board.

The Board also is particularly interested in whether anything affecting the public interest has changed since the prior review cycle. In that review cycle, the Board approved the bureaus' applications for renewal of their agreements, subject to conditions.² In particular, the Board required the National Classification Committee to amend its agreement to provide: (1) Shippers with access to specified additional information at an earlier stage in the classification process; (2) resolution of classification dockets by a single, expedited decision; and (3) the right to seek an initial review of that decision by a neutral arbitrator.³ The Board required the ratemaking bureaus to amend their agreements to provide for: (1) The furnishing of a "truth-in-rates notice" when collective rates are quoted; and (2) a prohibition of use of a loss-of-discount penalty for late

payment of rates.⁴ Information on whether these conditions are working as intended would be especially helpful.

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

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: December 13, 2004.

By the Board, Chairman Nober, Vice Chairman Mulvey, and Commissioner Buttrey.

Vernon A. Williams,
Secretary.

[FR Doc. 04-27629 Filed 12-16-04; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34615]

Patrick D. Broe and OmniTRAX, Inc.—Continuance in Control Exemption—Alabama & Tennessee River Railway, LLC

Patrick D. Broe (Mr. Broe) and OmniTRAX, Inc. (OmniTRAX), noncarriers, have filed a verified notice of exemption to continue in control of Alabama & Tennessee River Railway, LLC (ATN), upon ATN's becoming a Class III rail carrier.

The transaction is expected to be consummated on or shortly after December 31, 2004.

The transaction is related to STB Finance Docket No. 34611, *Alabama & Tennessee River Railway, LLC—Lease and Operation Exemption—CSX Transportation, Inc.*, wherein ATN seeks to lease from CSX Transportation, Inc. (CSXT) and operate approximately 122 miles of rail lines in Alabama as follows: (1) Between milepost SG 737.1 of the Belt Connecting Track at Birmingham and milepost OAG 85.2 at Guntersville; and (2) the Ivalee Branch, between milepost OLE 443.0 near Moragne and milepost OLE 447.9 at Moragne.

Mr. Broe directly controls OmniTRAX that currently controls 10 Class III

railroads: Chicago Rail Link, LLC (CRL), Georgia Woodlands Railroad, LLC (GWRC), Great Western Railway of Colorado, LLC (GWR), Great Western Railway of Iowa, LLC (CBGR), Manufacturers' Junction Railway, LLC (MJ), Newburgh & South Shore Railroad Limited (NSR), Northern Ohio & Western Railway, LLC (OW), Panhandle Northern Railroad, LLC (PNR), Alliance Terminal Railroad, LLC (ATR), and Fulton County Railway, LLC (FCR).¹ OmniTRAX also controls ATN, a Colorado Limited Liability Company formed for the purpose of leasing and operating certain rail lines owned by CSXT in the State of Alabama. Applicants state that the purpose sought to be accomplished by the proposed transaction is to reduce overhead expenses, and coordinate billing, maintenance, mechanical and personnel policies and practices of its rail carrier subsidiaries, and thereby improve the overall efficiency of rail service provided by the 11 railroads.²

Applicants state that: (i) The rail lines being leased by ATN do not connect with any of the lines of the railroads under their control or within their corporate family, (ii) the transaction is not a part of a series of anticipated transactions that would connect the rail lines being leased by ATN with any railroad in the OmniTRAX corporate family, and (iii) the transaction does not involve a Class I railroad. 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 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.

¹ CRL's and MJ's lines are located in Illinois; GWRC's line and FCR's lines are located in Georgia; GWR's lines are located in Colorado; CBGR's lines are located in Iowa; NOW's line and NSR's lines are located in Ohio; and PNR's line and ATR's lines are located in Texas.

² OmniTRAX indicates that it will soon file for authority to control a new carrier, Kettle Falls International Railway, LLC, that will be acquiring and leasing rail lines in the State of Washington.

¹ In *EC-MAC Motor Carriers Service Association, Inc., et al.*, STB Section 5a Application No. 118 (Sub-No. 2), *et al.* (STB served Oct. 16, 2003), the Board summarily approved the agreements of certain bureaus after noting their full compliance with the required conditions, and, for other bureaus, the Board listed the specific steps required for individual bureau compliance.

² The agreement of the National Bus Traffic Association, Inc., was approved without conditions. *Application of the National Bus Traffic Association, Inc., for Extended Approval of its Conformed Agreement*, Section 5a Application No. 9 (Amendment No. 8) (STB served May 24, 2002). The Household Goods Carriers' Bureau Committee has been operating under its previously approved agreement, and may continue to do so, until the Board rules on its application for renewal of that agreement.

³ See *National Classification Committee—Agreement*, 3 S.T.B. 917 (1998), 4 S.T.B. 496 (2000), and decisions served Nov. 20, 2001, Mar. 27, 2003, Oct. 16, 2003, and Dec. 10, 2003.

⁴ See *EC-MAC Motor Carriers Service Association, Inc., et al.*, STB Section 5a Application No. 118 (Sub-No. 2), *et al.* (STB served Nov. 20, 2001, Mar. 27, 2003, and Oct. 16, 2003); *Niagara Frontier Tariff Bureau, Inc.—Agreement*, STB Section 5a Application No. 45 (Amendment No. 17) (STB served Oct. 16, 2003); *Middlewest Motor Freight Bureau, Inc.—Renewal of Agreement*, STB Section 5a Application No. 34 (Sub-No. 10) (STB served Jan. 21, 2004); and *Pacific Inland Tariff Bureau, Inc.—Renewal of Agreement*, STB Section 5a Application No. 22 (Sub-No. 8) (STB served Jan. 15, 2004).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34615, 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 Karl Morell, Suite 225, 1455 F Street, NW., Washington, DC 20005.

Board decisions and notices are available on our Web site at <http://WWW.STB.DOT.GOV>.

Decided: December 9, 2004.

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

Vernon A. Williams,
Secretary.

[FR Doc. 04-27628 Filed 12-16-04; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34611]

Alabama & Tennessee River Railway, LLC—Lease and Operation Exemption—CSX Transportation, Inc.

Alabama & Tennessee River Railway, LLC (ATN), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from CSX Transportation, Inc. (CSXT) and operate approximately 122 miles of rail lines in Alabama as follows: (1) Between milepost SG 737.1 of the Belt Connecting Track at Birmingham and milepost OAG 85.2 at Guntersville; and (2) the Ivalee Branch, between milepost OLE 443.0 near Moragne and milepost OLE 447.9 at Moragne.

This transaction is related to STB Finance Docket No. 34615, *Patrick D. Broe and OmniTRAX, Inc.—Continuance in Control Exemption—Alabama & Tennessee River Railway, LLC*, wherein Patrick D. Broe and OmniTRAX, Inc., seek to continue in control of ATN upon ATN's becoming a Class III rail carrier.

ATN certifies that its projected revenues as a result of this transaction will not result in ATN becoming a Class II or Class I rail carrier. But, because ATN's projected annual revenues will exceed \$5 million, ATN certified to the Board on November 1, 2004, that, on that date, it sent the required notice of the transaction to the national offices of all labor unions representing employees on the affected lines and posted a copy of the notice at the workplace of the employees on the affected lines. See 49 CFR 1150.32(e).

The transaction is expected to be consummated on or shortly after

December 31, 2004 (which is 60 days or more after ATN's certification to the Board that it had complied with the Board's regulation at 49 CFR 1150.32(e)).

If the 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. 34611, 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 Karl Morell, Suite 225, 1455 F St., NW., Washington, DC 20005.

Board decisions and notices are available on our Web site at <http://WWW.STB.DOT.GOV>.

Decided: December 9, 2004.

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

Vernon A. Williams,
Secretary.

[FR Doc. 04-27627 Filed 12-16-04; 8:45 am]

BILLING CODE 4910-01-P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

Agency Information Collection; Activity Under OMB Review; Report of Traffic and Capacity Statistics—The T-100 System

AGENCY: Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104-13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of DOT requiring U.S. and foreign air carriers to file traffic and capacity data pursuant to 14 CFR 241.19 and part 217, respectively. These reports are used to measure air transportation activity to, from, and within the United States.

DATES: Written comments should be submitted by February 15, 2005.

ADDRESSES: Comments should be directed to: Office of Airline Information, K-14, Room 4125, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590-0001, fax no. 366-3383 or e-mail bernard.stankus@bts.gov.

Comments: Comments should identify the OMB # 2138-0040. Persons wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on OMB # 2138-0040. The postcard will be date/time stamped and returned.

FOR FURTHER INFORMATION CONTACT: Bernie Stankus Office of Airline Information, K-14, Room 4125, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590-0001, (202) 366-4387.

SUPPLEMENTARY INFORMATION: OMB Approval No.: 2138-0040.

Title: Report of Traffic and Capacity Statistics—The T-100 System.

Form No.: Schedules T-100 and T-100(f).

Type of Review: Extension of a currently approved collection.

Respondents: Certificated, commuter and Foreign air carriers that operate to, from or within the United States.

Number of Respondents: 330.

Total Burden per Response: 6 hours.

Total Annual Burden: 24,180 hours.

Needs and Uses:

Airport Improvement

The Federal Aviation Administration uses enplanement data for U.S. airports to distribute the annual Airport Improvement Program (AIP) entitlement funds to eligible primary airports, *i.e.*, airports which account for more than 0.01 percent of the total passengers enplaned at U.S. airports. Enplanement data contained in Schedule T-100/T-100(f) are the sole data base used by the FAA in determining airport funding. U.S. airports receiving significant service from foreign air carriers operating small aircraft could be receiving less than their fair share of AIP entitlement funds. Collecting Schedule T-100(f) data for small aircraft operations will enable the FAA to more fairly distribute these funds.

Air Carrier Safety

The FAA uses traffic, operational and capacity data as important safety indicators and to prepare the air carrier traffic and operation forecasts that are used in developing its budget and staffing plans, facility and equipment funding levels, and environmental impact and policy studies. The FAA monitor changes in the number of air carrier operations as a way to allocate inspection resources and in making decisions as to increased safety surveillance. Similarly, airport activity statistics are used by the FAA to develop airport profiles and establish priorities for airport inspections.