

HHG carrier is liable for loss or damage to HHG to the extent provided in the Board's current released rates order. 49 CFR 375.201(b). There are additional provisions concerning limitations on HHG carriers' liability for perishable, dangerous, or hazardous articles in a shipment and for items valued at more than \$100 per pound. 49 CFR 375.203.

The Board's current released rates orders—*Released Rates of Motor Common Carriers of Household Goods*, 5 S.T.B. 1147 (2001), and *Released Rates of Motor Common Carriers of Household Goods*, Amendment No. 4 to Released Rates Decision No. MC-999 (STB served April 22, 2002)<sup>1</sup>—authorize HHG carriers to limit their liability for damage or loss of the goods in their care through a written declaration of the shipper. Under these orders, HHG carriers may offer their shippers two options concerning the level of cargo liability to be assumed by the carrier, depending upon the level of the rate that the shipper wishes to pay for the transportation of its goods. Under one option, the carrier's cargo liability may be limited to 60 cents per pound, per article, if the shipper writes a valuation of "60 cents per pound" on the bill of lading. In that event, the shipper pays only a base rate for the shipment. Alternatively, for an additional charge, the shipper may obtain "full value protection" for the shipped goods, meaning that the carrier is liable for the replacement value of the lost or damaged goods (up to the pre-declared value of the shipment) or, at the carrier's option, for restoring damaged goods to their prior condition.

In directing a review of the current liability protection for shippers of HHG, Congress asked the Board to address:

- (1) Whether the current regulations provide adequate protection;
- (2) The benefits of purchase by a shipper of insurance to supplement the carrier's limitations on liability; and
- (3) Whether there are abuses of the current regulations that leave the shipper unprotected in the event of loss and damage to a shipment of HHG.

The Board seeks public comment on these issues.

Decided: May 16, 2006.

<sup>1</sup> Board decisions and notices are available on the Board's Web site at <http://www.stb.dot.gov>. The Board recently sought comments on a proposed change to the current released rates orders. See *Released Rates of Motor Common Carriers of Household Goods*, Amendment No. 4 to Released Rates Decision No. MC-999 (STB served and published April 13, 2006) (71 FR 19234-35).

By the Board, Chairman Buttrey and Vice Chairman Mulvey.

**Vernon A. Williams,**  
Secretary.

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34856]

#### Four Rivers Transportation, Inc.— Control Exemption—Appalachian & Ohio Railroad, Inc.

Four Rivers Transportation, Inc. (Four Rivers), a noncarrier, has filed a verified notice of exemption to permit Four Rivers to acquire control of the Appalachian & Ohio Railroad, Inc. (A&O) by purchasing 100% of the outstanding stock of A&O from Watco Companies, Inc. (Watco), the noncarrier corporate parent of A&O.<sup>1</sup> A&O is a Class III rail carrier and operates by lease between specified points in West Virginia.<sup>2</sup>

The transaction was scheduled to be consummated on or after May 5, 2006.

Four Rivers currently controls Paducah & Louisville Railway, Inc., a Class II rail carrier, which in turn controls the Evansville Western Railway, Inc., a Class III rail carrier.

Applicants state that: (i) The rail lines involved in this transaction do not connect with any rail lines now controlled, directly or indirectly, by Four Rivers; (ii) this transaction is not part of a series of anticipated transactions that would connect any of these rail lines with each other; and (iii) this transaction does not involve a Class I carrier. Therefore, this 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. Because the transaction involves at least one Class II and one or more Class III rail carriers, the exemption is subject to the labor protection requirements of 49 U.S.C. 11326(b).

<sup>1</sup> A redacted version of the draft stock purchase agreement between Four Rivers and Watco was filed with the notice of exemption. The full version of the draft agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for protective order. A protective order was served on May 12, 2006.

<sup>2</sup> See *Appalachian & Ohio Railroad, Inc.—Lease and Operation Exemption—CSX Transportation, Inc.*, STB Finance Docket No. 34653 (STB served March 11, 2005).

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. 34856, 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 William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Avenue, NW., Suite 300, Washington, DC 20037.

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

Decided: May 16, 2006.

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

**Vernon A. Williams,**  
Secretary.

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## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0265]

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-21), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before June 22, 2006.

**FOR FURTHER INFORMATION CONTACT:** Denise McLamb, Records Management Service (005G2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565-8374, FAX (202) 565-6950 or e-mail [denise.mclamb@mail.va.gov](mailto:denise.mclamb@mail.va.gov). Please refer to "OMB Control No. 2900-0265." Send comments and recommendations concerning any aspect of the information collection to VA's OMB