

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****[STB Finance Docket No. 34746]****Kansas & Oklahoma Railroad, Inc.—  
Acquisition Exemption—Rail Line of  
Union Pacific Railroad Company**

Kansas & Oklahoma Railroad, Inc. (K&O), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire (by purchase) from Union Pacific Railroad Company (UP) a 27-mile rail line between milepost 485.0 at Newton, KS, and milepost 512.0, at McPherson, KS. K&O has leased and operated the line under an agreement with UP since September 2002.<sup>1</sup>

K&O certifies that its projected annual revenues as a result of this transaction will not result in K&O becoming a Class II or Class I rail carrier. K&O also states that its current annual revenues exceed \$5 million. This triggers the 60-day advance labor notice requirement at 49 CFR 1150.42(e). However, K&O requested a waiver of that requirement which was granted by the Board in a decision in this proceeding served on September 15, 2005.

As a result of the grant of the waiver, the earliest this transaction could have been consummated was on or after September 15, 2005, the service date of the waiver decision, because the Board's grant of the waiver had the effect of making the exemption effective on September 15, 2005.

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. 34746, 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, Of Counsel, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

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

Decided: September 15, 2005.

<sup>1</sup> See *Kansas & Oklahoma Railroad, Inc.—Lease Exemption—Union Pacific Railroad Company*, STB Finance Docket No. 34232 (STB served Oct. 1, 2002).

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

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 05-18788 Filed 9-20-05; 8:45 am]

**BILLING CODE 4915-01-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****Office of the General Counsel;  
Appointment of Members of the Legal  
Division to the Performance Review  
Board, Internal Revenue Service**

Under the authority granted to me as Chief Counsel of the Internal Revenue Service by the General Counsel of the Department of the Treasury by General Counsel Order No. 21 (Rev. 4), pursuant to the Civil Service Reform Act, I have appointed the following persons to the Legal Division Performance Review Board, Internal Revenue Service Panel:

1. Chairperson, James Carroll, Deputy General Counsel
2. Deborah N. Nolan, Commissioner, Large and Midsize Business
3. Eric Solomon, Deputy Assistant Secretary for Regulatory Affairs

This publication is required by 5 U.S.C. 4314(c)(4).

Dated: September 13, 2005.

**Donald L. Korb,**

*Chief Counsel, Internal Revenue Service.*

[FR Doc. 05-18802 Filed 9-20-05; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****Office of the General Counsel;  
Appointment of Members of the Legal  
Division to the Performance Review  
Board, Internal Revenue Service**

Under the authority granted to me as Chief Counsel of the Internal Revenue Service by the General Counsel of the Department of the Treasury by General Counsel Order No. 21 (Rev. 4), pursuant to the Civil Service Reform Act, I have appointed the following persons to the Legal Division Performance Review Board, Internal Revenue Service Panel:

1. Chairperson, Donald T. Rocen, Deputy Chief Counsel (Operations)
2. William D. Alexander, Associate Chief Counsel (Corporate)
3. Peter Labelle, Division Counsel (Large and Mid-Size Business)
4. Catherine Livingston, Assistant Chief Counsel (Exempt Organizations/ Employment/ Tax/Government Entities)

5. Patricia Donahue, Area Counsel, Division Counsel (Small Business/ Self-Employed) This publication is required by 5 U.S.C. 4314(c)(4).

Dated: September 13, 2005.

**Donald L. Korb,**

*Chief Counsel, Internal Revenue Service.*

[FR Doc. 05-18803 Filed 9-20-05; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF VETERANS  
AFFAIRS****[OMB Control No. 2900-0556]****Agency Information Collection  
Activities Under OMB Review**

**AGENCY:** Veterans Health 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 Health Administration (VHA), 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 and includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before October 21, 2005.

**FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT:** Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-8030, FAX (202) 273-5981 or e-mail to: [denise.mclamb@mail.va.gov](mailto:denise.mclamb@mail.va.gov). Please refer to "OMB Control No. 2900-0556."

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395-7316. Please refer to "OMB Control No. 2900-0556" in any correspondence.

**SUPPLEMENTARY INFORMATION:**

*Title:* VA Advance Directive: Living Will and Durable Power of Attorney for Health Care, VA Form 10-0137.

*OMB Control Number:* 2900-0556.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* Claimants admitted to a VA medical facility complete VA Form 10-0137 to appoint a health care agent to

make decision about his or her medical treat and to record specific instructions about their treatment preferences in the event they no longer can express their preferred treatment. VA's health care professionals use the data to carry out the claimant's wish.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 29, 2005, at pages 22391–22392.

*Affected Public:* Individuals or Households.

*Estimated Total Annual Burden:* 128,127 hours.

*Estimated Average Burden Per Respondent:* 30 minutes.

*Frequency of Response:* One time.

*Estimated Number of Respondents:* 256,253.

Dated: September 9, 2005.

By direction of the Secretary.

**Denise McLamb,**

*Program Analyst, Records Management Service.*

[FR Doc. 05–18874 Filed 9–20–05; 8:45 am]

BILLING CODE 8320–01–P

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0031]

### 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. 3501–3521), 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 October 21, 2005.

**FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT:** Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374 or FAX (202) 565–5950 or e-mail:

*denise.mclamb@mail.va.gov*. Please refer to “OMB Control No. 2900–0031.”

Send comments and recommendations concerning any aspect of the information collection to VA's Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to “OMB Control No. 2900–0031” in any correspondence.

#### SUPPLEMENTARY INFORMATION:

*Title:* Veteran's Supplemental Application for Assistance in Acquiring Specially Adapted Housing, VA Form 26–4555c.

*OMB Control Number:* 2900–0031.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* Veterans complete VA Form 26–4555c to apply for specially adapted housing grant. VA uses the data collected to determine if it is economically feasible for a veteran to reside in specially adapted housing and to compute the proper grant amount.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on May 3, 2005 at page 22997.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 150 hours.

*Estimated Average Burden Per*

*Respondent:* 15 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 600.

Dated: September 12, 2005.

By direction of the Secretary.

**Denise McLamb,**

*Program Analyst, Records Management Service.*

[FR Doc. 05–18875 Filed 9–20–05; 8:45 am]

BILLING CODE 8320–01–P

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0171]

### Proposed Information Collection Activity: Proposed Collection; Comment Request

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

**ACTION:** Notice

**SUMMARY:** The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an

opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine an applicant's eligibility for tutorial assistance.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before November 21, 2005.

**ADDRESSES:** Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *irmnkess@vba.va.gov*. Please refer to “OMB Control No. 2900–0171” in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Application and Enrollment Certification for Individualized Tutorial Assistance (38 U.S.C. Chapters 30, 31, 32, 35; 10 U.S.C. Chapter 1606; Section 903 of Pub. L. 96–342, and the Omnibus Diplomatic Security and Antiterrorism Act of 1986), VA Form 22–1990t.

*OMB Control Number:* 2900–0171.