

influences on the outcome. While this appears to be largely accomplished based on an examination of the various types of validity, there remained an additional potential threat to the validity of the results. Relative to this, it had been argued that the drivers in the various waiver programs have lower crash rates because they were aware of being monitored, and monitoring is a strong motivation to exercise care. To address this possible threat, the agency conducted a follow-up assessment after the waived drivers were given grandfather rights in March 1996 and were no longer monitored. Conducted in June 1998, the agency made an assessment of the drivers' crash experience for the period from March to December 1996. The results, on file in docket FMCSA-99-5578, showed that the drivers who had been in the program continued to have a crash rate that was lower than the national norm.

In regard to their third issue, Advocates believes that the agency misinterpreted the current law on exemptions by considering it slightly more lenient than the previous law. Regardless of how one characterizes the new exemption language, the FMCSA strictly adheres to the statutory standard for granting an exemption. In short, we determine whether granting the exemption is likely to achieve an equal or greater level of safety than exists without the exemption.

Advocates' final point suggesting that the Supreme Court decision, *Albertsons, Inc. v. Kirkingburg*, 119 S.Ct. 2162 (June 22, 1999) affects the legal validity of vision exemptions is without support. Vision exemptions are granted under FMCSA's statutory authority and standards, which were not at issue in the case.

### Conclusion

Based upon its evaluation of the 28 exemption applications, the FMCSA exempts Eddie Alejandro, Eldred S. Boggs, David F. Breuer, James T. Butler, Roger K. Cox, Richard S. Cummings, Joseph A. Dean, Donald P. Dodson, Jr., William H. Goss, Eric W. Gray, James K. Holmes, Daniel L. Jacobs, Jose M. Limon-Alvarado, Robert S. Loveless, Jr., Eugene R. Lydick, John W. Montgomery, Danny R. Pickelsimer, Zeljko Popovac, Juan Manuel M. Rosas, Francis L. Savell, Richie J. Schwendy, David M. Stout, Artis Suitt, Gregory E. Thompson, Kerry W. VanStory, Harry S. Warren, Carl L. Wells, and Prince E. Williams from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31315 and 31136(e), each exemption will be valid for 2 years unless revoked earlier by the FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136. If the exemption is still effective at the end of the 2-year period, the person may apply to the FMCSA for a renewal under procedures in effect at that time.

Issued on: March 28, 2005.

**Rose A. McMurray,**

*Associate Administrator, Policy and Program Development.*

[FR Doc. 05-6476 Filed 3-31-05; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34631]

#### **Union Pacific Railroad Company— Acquisition and Operation Exemption—Line of Denver Terminal Railroad Company, d/b/a Denver Rock Island Railroad**

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice of exemption.

**SUMMARY:** Under 49 U.S.C. 10502, the Board is granting a petition for exemption from the prior approval requirements of 49 U.S.C. 11323-25 for Union Pacific Railroad Company to acquire and operate approximately 3.23 miles of rail line of the Denver Terminal Railroad Company, d/b/a Denver Rock Island Railroad (DRIR), extending from DRIR milepost 0.72 near Sandown to DRIR milepost 3.95 at Belt Junction, in Denver, CO, subject to standard labor protective conditions.

**DATES:** The exemption will be effective on May 1, 2005. Petitions to stay must be filed by April 18, 2005. Petitions to reopen must be filed by April 26, 2005.

**ADDRESSES:** Send an original and 10 copies of all pleadings referring to STB Finance Docket No. 34631 to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, send one copy of all pleadings to petitioner's representative, Robert T. Opal, General Commerce Counsel, 1400 Douglas Street, Stop 1580, Omaha, NE 68179-0001.

**FOR FURTHER INFORMATION CONTACT:** Eric S. Davis, (202) 565-1608. (Assistance for

the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.)

#### **SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, e-mail, or call: ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706; e-mail [asapdc@verizon.net](mailto:asapdc@verizon.net); telephone (202) 306-4004. (Assistance for the hearing impaired is available through FIRS at 1-800-877-8339.)

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

Decided: March 24, 2005.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 05-6277 Filed 3-31-05; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### **Submission for OMB Review; Comment Request**

March 24, 2005.

The Department of the 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 May 2, 2005 to be assured of consideration.

#### **Financial Management Service (FMS)**

*OMB Number:* 1510-0047.

*Form Number:* TFS 2211.

*Type of Review:* Extension.

*Title:* List of Data (A) and List of Data (B).

*Description:* Information from insurance companies to provide Treasury a basis to determine acceptability of companies applying for a Certificate of Authority to write or reinsure Federal surety bonds or an Admitted Reinsurer (not on excess risks to U.S.).

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents:* 30.

*Estimated Burden Hours Per Respondent:* 18 hours.

*Frequency of Response:* On occasion, Other (applications).

*Estimated Total Reporting Burden:* 540 hours.

*Clearance Officer:* Giovannah L. Diggs, Financial Management Service, Administrative Programs Division, Records and Information Management Program, 3700 East West Highway, Room 144, Hyattsville, MD 20782, (202) 874-7662.

*OMB Reviewer:* Joseph F. Lackey, Jr., Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, (202) 395-7316.

**Lois K. Holland,**

*Treasury PRA Clearance Officer.*

[FR Doc. 05-6468 Filed 3-31-05; 8:45 am]

**BILLING CODE 4810-35-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[IA-195-78]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, IA-195-78 (TD 8426), Certain Returned Magazines, Paperbacks or Records (§ 1.458-1).

**DATES:** Written comments should be received on or before May 31, 2005 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Allan Hopkins, at (202) 622-6665, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224, or through

the Internet, at [Allan.M.Hopkins@irs.gov](mailto:Allan.M.Hopkins@irs.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* Certain Returned Magazines, Paperbacks, or Records.

*OMB Number:* 1545-0879.

*Regulation Project Number:* IA-195-78.

*Abstract:* The regulations provide rules relating to an exclusion from gross income for certain returned merchandise. The regulations provide that in addition to physical return of the merchandise, a written statement listing certain information may constitute evidence of the return. Taxpayers who receive physical evidence of the return may, in lieu of retaining physical evidence, retain documentary evidence of the return. Taxpayers in the trade or business of selling magazines, paperbacks, or records, who elect a certain method of accounting, are affected.

*Current Actions:* There is no change to this existing regulation.

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

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 19,500.

*Estimated Time Per Respondent:* 25 minutes.

*Estimated Total Annual Burden Hours:* 8,125 hours.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of

information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 27, 2005.

**Glenn Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. E5-1471 Filed 3-31-05; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 12884

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 12884, Survey Questionnaire.

**DATES:** Written comments should be received on or before May 31, 2005 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the forms and instructions should be directed to Allan Hopkins, at (202) 622-6665, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at [Allan.M.Hopkins@irs.gov](mailto:Allan.M.Hopkins@irs.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* Survey Questionnaire.

*OMB Number:* 1545-1922.

*Form Number:* Form 12884.

*Abstract:* This form will be completed by applicants to collect statistical data regarding advertising media and to collect RNO information that is recorded in the TIMIS database for EEO statistics and reporting.

*Current Actions:* This is a new collection.

*Type of Review:* This is a new collection.