

Issued on: August 28, 2009.

**Jeffrey P. Michael,**

*Associate Administrator for Research and Program Development.*

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BILLING CODE 4910-59-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2005-21254]

#### Qualification of Drivers; Exemption Renewals; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA previously announced its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 7 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mary D. Gunnels, Director, Medical Programs, (202)-366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at <http://www.regulations.gov>.

##### Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. The comment period ended on August 13, 2009.

#### Discussion of Comments

FMCSA received no comments in this proceeding.

#### Conclusion

The Agency has not received any adverse evidence on any of these drivers that indicates that safety is being compromised. Based upon its evaluation of the 7 renewal applications, FMCSA renews the Federal vision exemptions for Andrew B. Clayton, Kenneth D. Daniels, Donald M. Jenson, Dean A. Maystead, Donald L. Murphy, Carl V. Murphy, Jr., and Thomas D. Reynolds.

In accordance with 49 U.S.C. 31136(e) and 31315, each renewal exemption will be valid for 2 years unless revoked earlier by 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. 31136 and 31315.

Issued on August 27, 2009.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. E9-21197 Filed 9-1-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35287]

#### The Indiana Rail Road Company—Trackage Rights Exemption—CSX Transportation, Inc.

Pursuant to a written trackage rights agreement entered into between CSX Transportation, Inc. (CSXT), and The Indiana Rail Road Company (INRD), CSXT has agreed to grant non-exclusive, limited overhead trackage rights to INRD over CSXT's line of railroad between the connection of CSXT and INRD trackage at Sullivan, IN, at approximately CSXT milepost OZA 204.5, and the connection between CSXT's line and tracks leading to the Oaktown Fuels Mine No. 1, LLC loading facility (Oaktown facility) at Oaktown, IN, at approximately CSXT milepost OZA 219.05, a distance of approximately 14.5 miles (Line).<sup>1</sup>

<sup>1</sup> A portion of the subject line is also at issue in STB Finance Docket No. 35137, *The Indiana Rail Road Company—Trackage Rights Exemption—CSX Transportation, Inc.*, which pertains to CSXT's grant of non-exclusive, limited local trackage rights to INRD between mileposts OZA 204.5 and OZA 214.5. A revocation proceeding is pending.

According to INRD, the trackage rights will be used to permit INRD to move loaded coal trains and empty hopper trains: (1) between the Oaktown facility, located on the Line at approximately milepost OZA 219.05, and INRD's interchange with Indiana Southern Railroad Company (ISRR) at Beehunter, IN, to the Vectren power plant at Culley, IN, and to the Indianapolis Power & Light's (IP&L) power plant at Petersburg, IN, and (2) between the Oaktown facility and IP&L's Harding Street power plant in Indianapolis, IN, located on INRD's line.

The transaction is scheduled to be consummated on September 17, 2009.

The purpose of the trackage rights is to permit INRD to move loaded coal trains and empty hopper trains in single-line service between the Oaktown facility and INRD's interchange with ISRR at Beehunter for onward movement to the power plants at Culley and Petersburg, and also between the Oaktown facility and the power plant in Indianapolis, thus enhancing operational efficiency.<sup>2</sup>

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). 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 effectiveness of the exemption. Stay petitions must be filed by September 9, 2009 (at least 7 days before the exemption becomes effective).

Pursuant to the Consolidated Appropriations Act, 2008, Public Law No. 110-161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing, or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting, and shredding). The term "solid waste" is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

An original and 10 copies of all pleadings, referring to STB Finance

<sup>2</sup> The trackage rights at issue here were set forth as a supplemental agreement to a May 15, 2008 agreement between INRD and CSXT. See Exhibit 2 of INRD's verified notice of exemption.

Docket No. 35287, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John Broadley, John H. Broadley & Associates, P.C., 1054 31st Street, NW., Suite 200, Washington, DC 20007.

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

Decided: August 26, 2009.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

**Kulunie L. Cannon,**  
Clearance Clerk.

[FR Doc. E9-21077 Filed 9-1-09; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

August 27, 2009.

The Department of the Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13 on or after the date of publication of this notice. 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, and 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

**Dates:** Written comments should be received on or before October 2, 2009 to be assured of consideration.

#### Internal Revenue Service (IRS)

**OMB Number:** 1545-2011.

**Type of Review:** Extension.

**Title:** Certification of Intent to Adopt a Pre-approved Plan.

**Description:** Use Form 8905 to treat an employer's plan as a pre-approved plan and therefore eligible for the six-year remedial amendment cycle of Part IV of Revenue Procedure 2005-66, 2005-37 I.R.B. 509. This form is filed with other document(s).

**Respondents:** Businesses or other for-profits.

**Estimated Total Burden Hours:** 110,490 hours.

**OMB Number:** 1545-0239.

**Type of Review:** Extension.

**Form:** 5754.

**Title:** Statement by Person(s) Receiving Gambling Winnings.

**Description:** Section 3402(q)(6) of the IRC requires a statement by the person receiving certain gambling winnings when that person is not the winner or is one of a group of winners. It enables the payer to properly apportion the winnings and withheld tax on Form W-2G. We use the information on Form W-2G to ensure that recipients are properly reporting their income.

**Respondents:** Businesses or other for-profits.

**Estimated Total Burden Hours:** 40,800 hours.

**OMB Number:** 1545-0025.

**Type of Review:** Extension.

**Form:** 851.

**Title:** Affiliations Schedule.

**Description:** Form 851 provides IRS with information to ascertain (1) The names and identification numbers of the members of the affiliated group included in the consolidated return, (2) taxes paid by each member of the group, and (3) stock ownership; changes in stock ownership and other information to determine that each corporation is a qualified member of the affiliated group as defined in section 1504 of the Code.

**Respondents:** Businesses or other for-profits.

**Estimated Total Burden Hours:** 51,040 hours.

**OMB Number:** 1545-1426.

**Type of Review:** Extension.

**Title:** INTL-21-91 (Temporary and Final) Section 6662—Imposition of the Accuracy-Related Penalty.

**Description:** These regulations provide guidance about substantial and gross valuation misstatements as defined in sections 6662(e) and 6662(h). They also provide guidance about the reasonable cause and good faith exclusion. The regulations apply to taxpayers who have transactions between persons described in section 482 and not section 482 transfer price adjustments.

**Respondents:** Businesses or other for-profits.

**Estimated Total Burden Hours:** 20,125 hours.

**OMB Number:** 1545-1973.

**Type of Review:** Extension.

**Form:** Schedule C-EZ (Form 1040).

**Title:** Net Profit from Business.

**Description:** Schedule C-EZ (Form 1040) is used by individuals to report their employment taxes. The data is used to verify that the items reported on the form are correct and also for general statistical use.

**Respondents:** Businesses or other for-profits.

**Estimated Total Burden Hours:** 1,027,515 hours.

**OMB Number:** 1545-0495.

**Type of Review:** Revision.

**Form:** 4506A.

**Title:** Request for Public Inspection or Copy of Exempt or Political Organization IRS Form.

**Description:** Internal Revenue Code section 6104 states that if an organization described in section 501(c) or (d) is exempt from taxation under section 50(a) for any taxable year, the application for exemption is open for public inspection. This includes all supporting documents, any letter or other documents issued by the IRS concerning the application, and certain annual returns of the organization. Form 4506-A is used to request public inspection or a copy of these documents.

**Respondents:** Businesses or other for-profits.

**Estimated Total Burden Hours:** 20,200 hours.

**OMB Number:** 1545-1800.

**Type of Review:** Extension.

**Form:** 8886.

**Title:** Reportable Transaction Disclosure Statement.

**Description:** Regulation section 1.6011-4 requires certain taxpayers to disclose reportable transactions in which they directly or indirectly participated.

**Respondents:** Businesses or other for-profits.

**Estimated Total Burden Hours:** 8,904 hours.

**OMB Number:** 1545-0771.

**Type of Review:** Extension.

**Title:** EE-63-88 (Final and temporary regulations) Taxation of Fringe Benefits and Exclusions from Gross Income for Certain Fringe Benefits; IA-140-86 (Temporary) Fringe Benefits; Listed Property.

**Description:** EE-63-88. This regulation provides guidance on the tax treatment of taxable and nontaxable fringe benefits and general and specific rules for the valuation of taxable fringe benefits in accordance with Code sections 61 and 132. The regulation also provides guidance on exclusions from gross income for certain fringe benefits. IA-140-86. This regulation provides guidance relating to the requirement that any deduction or credit with respect to business travel, entertainment, and gift expenses be substantiated with adequate records in accordance with Code section 274(d).

**Respondents:** Businesses or other for-profits.

**Estimated Total Burden Hours:** 37,922,688 hours.

**OMB Number:** 1545-1131.

**Type of Review:** Extension.

**Title:** INTL-485-89 (Final) Taxation of Gain or Loss from Certain