

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board**

[STB Ex Parte No. 290 (Sub-No. 5) (2006-4)]

**Quarterly Rail Cost Adjustment Factor****AGENCY:** Surface Transportation Board, DOT.**ACTION:** Approval of rail cost adjustment factor.

**SUMMARY:** The Board has approved the fourth quarter 2006 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The fourth quarter 2006 RCAF (Unadjusted) is 1.250. The fourth quarter 2006 RCAF (Adjusted) is 0.591. The fourth quarter 2006 RCAF-5 is 0.562.

**DATES:** Effective Date: October 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mac Frampton, (202) 565-1541. [Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision, which is available on our Web site <http://www.stb.dot.gov>. To purchase a copy of the full decision, write to, e-mail or call the Board's contractor, ASAP Document Solutions; 9332 Annapolis Rd., Suite 103, Lanham, MD 20706; e-mail [asapdc@verizon.net](mailto:asapdc@verizon.net); phone (202) 306-4004. [Assistance for the hearing impaired is available through FIRS: 1-800-877-8339.]

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

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

*Decided:* September 14, 2006.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 06-8099 Filed 9-21-06; 8:45 am]

BILLING CODE 4915-01-P

**DEPARTMENT OF THE TREASURY****Office of the Comptroller of the Currency****Agency Information Collection Activities: Proposed Information Collection; Comment Request****AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury.**ACTION:** Notice and request for comment.

**SUMMARY:** The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OCC is soliciting comment concerning its information collection titled, "Privacy of Consumer Financial Information (12 CFR part 40)."

**DATES:** You should submit written comments by November 21, 2006.

**ADDRESSES:** You should direct your comments to:

Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 1-5, Attention: 1557-0216, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874-4448, or by electronic mail to [regs.comments@occ.treas.gov](mailto:regs.comments@occ.treas.gov). You can inspect and photocopy the comments at the OCC's Public Information Room, 250 E Street, SW., Washington, DC 20219. You can make an appointment to inspect the comments by calling (202) 874-5043.

Additionally, you should send a copy of your comments to OCC Desk Officer, 1557-0216, by mail to U.S. Office of Management and Budget, 725, 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395-6974.

**FOR FURTHER INFORMATION CONTACT:** You can request additional information or a copy of the collection from Mary Gottlieb, OCC Clearance Officer, or Camille Dickerson, (202) 874-5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

**SUPPLEMENTARY INFORMATION:** The OCC is proposing to extend OMB approval of the following information collection:

*Title:* Privacy of Consumer Financial Information (12 CFR part 40).

*OMB Number:* 1557-0216.

*Description:* This submission covers an existing regulation and involves no change to the regulation or to the information collection requirements. The OCC requests only that OMB approve its revised estimates.

The information collection requirements in part 40 are as follows:

*§ 40.4(a)—Disclosure (institution)—Initial privacy notice to consumers requirement—*A bank must provide a

clear and conspicuous notice that accurately reflects its privacy policies and practices to customers and consumers.

*§ 40.5(a)—Disclosure (institution)—Annual privacy notice to customers requirement—*A bank must provide a clear and conspicuous notice to customers that accurately reflects its privacy policies and practices not less than annually during the continuation of the customer relationship.

*§ 40.8—Disclosure (institution)—Revised privacy notices—*If a bank wishes to disclose information in a way that is inconsistent with the notices previously given to a consumer, the bank must provide consumers with a revised notice of the bank's policies and procedures and a new opt out notice.

*§ 40.7(a)—Disclosure (institution)—Form of opt out notice to consumers; opt out methods—Form of opt out notice—*If a bank is required to provide an opt-out notice under § 40.10(a), it must provide a clear and conspicuous notice to each of its consumers that accurately explains the right to opt out under that section. The notice must state:

- That the bank discloses or reserves the right to disclose nonpublic personal information about its consumer to a nonaffiliated third party.
- That the consumer has the right to opt out of that disclosure.
- A reasonable means by which the consumer may exercise the opt out right.

The bank must provide reasonable opt out means by—

- Designating check-off boxes on the relevant forms with opt out notice.
- Including reply form with opt out notice.
- Providing electronic means to opt out.
- Providing a toll-free number to opt out.

*§§ 40.10(a)(2) and 40.10(c)—Consumers must take affirmative actions to exercise their rights to prevent financial institutions from sharing their information with nonaffiliated parties—*

- Opt out—Consumers may direct that the bank not disclose nonpublic personal information about them to a nonaffiliated third party, other than permitted by §§ 40.13-40.15.
- Partial opt out—Consumer may also exercise partial opt out rights by selecting certain nonpublic personal information or certain nonaffiliated third parties with respect to which the consumer wishes to opt out.

*§§ 40.7(f) and (g)—Reporting (consumer)—Consumers may exercise continuing right to opt out—Consumer may opt out at any time—*A consumer's direction to opt out is effective until the

consumer revokes it in writing or, if the consumer agrees, electronically. When a customer relationship terminates, the customer's opt out direction continues to apply.

The OCC issued part 40, including the consumer opt-out provisions, in 2000 to implement new requirements imposed by the Gramm-Leach-Bliley Act. At the time part 40 was promulgated, the OCC used nominal burden estimates. Because the requirements were new, both the OCC and national banks lacked experience concerning how institutions would comply with the opt-out requirements and the extent to which consumers would exercise their ability to opt out. The OCC is now revisiting its estimates to determine how they could be made more accurate.

The OCC does not require its institutions to report the percentage of consumers choosing to opt out. Absent this information, we estimate that between 2% and 12% of consumers with new mortgages or credit cards and 1% of consumers with deposit accounts under \$100,000 will opt out under part 40. While we understand that an increase in the number of consumers opting out is likely to increase the burden on the industry due to the processing time associated with the additional opt outs, we have not adjusted our burden estimates for the industry because we do not have reliable figures about the rate of opt outs.

Therefore, we estimate that between 3 and 17.9 million consumers will opt out. Our estimates set forth in this notice reflect the midpoint of 9 million. We invite comment on our estimates for both consumers and the industry and welcome any other information—particularly information about consumer opt-out rates—that might assist us in making them more accurate.

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

*Affected Public:* Businesses or other for-profit; individuals.

*Estimated Annual Number of Institution Respondents:* Initial Notice, 118; Annual Notice and Change in Terms, 1,960; Opt-out Notice, 371.

*Estimated Average Time Per Response Per Institution:* Initial Notice, 80 hours; Annual Notice and Change in Terms, 8 hours; Opt-out Notice, 8 hours.

*Estimated Subtotal Annual Burden Hours for Institutions:* 28,088 hours.

*Estimated Annual Number of Consumer Respondents:* 9,000,000.

*Estimated Average Time Per Consumer Response:* 0.25 hours.

*Estimated Subtotal Annual Burden Hours for Consumers:* 2,250,000 hours.

*Estimated Total Annual Burden Hours:* 2,278,088 hours.

Comments submitted in response to this notice will be summarized and 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 has 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 on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 19, 2006.

**Stuart Feldstein,**

*Assistant Director, Legislative and Regulatory Activities Division.*

[FR Doc. 06-8154 Filed 9-21-06; 8:45 am]

**BILLING CODE 4810-33-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Notice 2006-XX

**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 Notice 2006-XX, Fuel Cell Motor Vehicle Credit.

**DATES:** Written comments should be received on or before November 21, 2006 to be assured of consideration.

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

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622-3179, at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at ([Larnice.Mack@irs.gov](mailto:Larnice.Mack@irs.gov)).

#### SUPPLEMENTARY INFORMATION:

*Title:* Fuel Cell Motor Vehicle Credit.

*OMB Number:* 1545-2028.

*Form Number:* Notice 2006-XX.

*Abstract:* This Notice will be used to determine whether the vehicle for which the credit is claimed under § 30B by a taxpayer is property that qualifies for the credit. The collection of information is required to obtain a benefit. The likely respondents are corporations and partnerships.

*Current Actions:* There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

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

*Affected Public:* Individuals and Households, Businesses and other for-profit organizations.

*Estimated Number of Respondents:* 7.

*Estimated Time per Respondent:* 40 hours.

*Estimated Total Annual Burden Hours:* 280.

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