

*Description of Respondents:* U.S. citizens who own foreign-registered vessels.

*Annual Responses:* 80 responses.

*Annual Burden:* 40 hours.

*Comments:* Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street Southwest, Washington, DC 20590. Comments also may be submitted by electronic means via the Internet at <http://dms.dot.gov/submit>. Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. EDT (or EST), Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at <http://dms.dot.gov>.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

(Authority: 49 CFR 1.66.)

Dated: October 4, 2005.

By Order of the Maritime Administrator,  
**Joel C. Richard**,  
*Secretary, Maritime Administration.*  
[FR Doc. 05-20359 Filed 10-7-05; 8:45 am]  
**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. 2005 22651]

#### Requested Administrative Waiver of the Coastwise Trade Laws

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel *Indigo Star*.

**SUMMARY:** As authorized by Public Law 105-383 and Public Law 107-295, the

Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-built requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket 2005-22651 at <http://dms.dot.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Public Law 105-383 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**DATES:** Submit comments on or before November 10, 2005.

**ADDRESSES:** Comments should refer to docket number MARAD-2005 22651. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Sharon Cassidy, U.S. Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5506.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel *Snow Goose* is:

*Intended Use:* "Sightseeing, educational, and other charters involving the conveyance of paying passengers."

*Geographic Region:* Great Lakes, Mississippi River, its tributaries, and all

rivers and their tributaries east of the Mississippi River, harbors and other inland waterways east of the Mississippi River, and the coastal, intercoastal canals and near coastal waters of the East Coast (Atlantic Ocean) and Gulf Coast (Gulf of Mexico).

Dated: October 4, 2005.

By order of the Maritime Administrator.

**Joel C. Richard**,

*Secretary, Maritime Administration.*

[FR Doc. 05-20358 Filed 10-7-05; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2005-22118; Notice 2]

#### Eaton Aeroquip, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

Eaton Aeroquip, Inc. (Eaton) has determined that the end fittings that it produced for nylon air brake hoses do not comply with S7.2.2(d) of 49 CFR 571.106, Federal Motor Vehicle Safety Standard (FMVSS) No. 106, "Brake hoses." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Eaton has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports." Notice of receipt of a petition was published, with a 30-day comment period, on August 25, 2005, in the **Federal Register** (70 FR 49972). NHTSA received no comments.

Affected are a total of approximately 7,784,614 end fittings produced from 2001 to June 30, 2005, plus an indeterminate number of end fittings produced prior to 2001 for which records are not available (Eaton acquired the end fitting manufacturing business on November 1, 2002). S7.2.2(d) of FMVSS No. 106 requires that each fitting shall be etched, embossed, or stamped with

(d) The \* \* \* outside diameter of the plastic tubing to which the fitting is properly attached expressed in inches or fractions of inches or in millimeters followed by the letters OD \* \* \*.

The subject end fittings are missing the letters OD from their labels.

Eaton believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Eaton states that the purpose of the letters OD on the label is to indicate that the measurement refers to the outside

diameter of a plastic tube as opposed to the inside diameter. Eaton points out that if the end user was to assume that the measurement referred to the inside diameter because of the absence of the letters OD, it "would be physically impossible, for example, to insert a 1/2 inch inside diameter hose into an end fitting made for 1/2 inch outside diameter plastic tubing." According to Eaton, "if an end-user were to mistakenly attempt to use the mislabeled end fittings with a hose, instead of plastic tubing, the incompatibility would be obvious because the diameters would not match." Eaton states that therefore, "there is no potential that the mislabeled end fittings could be used improperly, and there could be no resulting issue of motor vehicle safety."

NHTSA agrees with Eaton that the noncompliance is inconsequential to motor vehicle safety. Should someone mistakenly assume the outside diameter size marking was an inside diameter size marking, it would be physically impossible to mismatch the hose and the end fitting. Therefore a safety issue would not arise from this noncompliance. Eaton has corrected the problem.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Eaton's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

**Authority:** (49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8).

Issued on: October 4, 2005.

**Ronald L. Medford,**

*Senior Associate Administrator for Vehicle Safety.*

[FR Doc. 05-20356 Filed 10-7-05; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34763]

#### The Columbus & Ohio River Rail Road Company—Trackage Rights Exemption—Ohio Rail Development Commission and Ohi-Rail Corporation

Ohi-Rail Corporation (ORC), a Class III rail carrier, and the Ohio Rail Development Commission (ORDC)<sup>1</sup>

have agreed to grant nonexclusive trackage rights to The Columbus & Ohio River Rail Road Company (CUOH),<sup>2</sup> a Class III rail carrier, over a portion of a line of railroad known as the Piney Fork Line, between approximately milepost 74.0 at the Pan Interchange, near Hopedale, OH, where it connects with CUOH's line, and approximately milepost 66.1 at the point 2 miles north of the Apex Landfill switch, a distance of approximately 7.9 miles.<sup>3</sup> The transaction was scheduled to be consummated on or about October 1, 2005.

The purpose of the trackage rights is to permit CUOH to provide rail service to the Apex Landfill in Springfield Township, Jefferson County, OH, via its east-west line between Bowerston and Mingo Junction, OH.

This notice is filed under 49 CFR 1180.2(d)(7). If it 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.

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. Section 11326(c), however, does not provide for labor protection for transactions under section 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34763, 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 Andrew B. Kolesar III, Slover & Loftus, 1224 17th Street, NW., Washington, DC 20036.

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

Decided: October 3, 2005.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 05-20246 Filed 10-7-05; 8:45 am]

**BILLING CODE 4915-01-P**

<sup>2</sup> CUOH is a wholly owned subsidiary of Summit View, Inc., a noncarrier holding company.

<sup>3</sup> The Piney Fork Line extends between approximately milepost 43.5 in Minerva, OH, on the north, and approximately milepost 77.7 in Hopedale, OH, on the south.

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

October 4, 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 November 10, 2005 to be assured of consideration.

#### Internal Revenue Service (IRS)

*OMB Number:* 1545-1028.

*Type of Review:* Extension.

*Title:* INTL-941-86 (NPRM) and INTL-655-87 (Temporary) Passive Foreign Investment Companies.

*Description:* These regulations specify how U.S. persons who are shareholders of Passive Foreign Investment Companies (PFIC's) make elections with respect to their PFIC stock.

*Respondents:* Business or other for-profit.

*Estimated Total Burden Hours:* 112,500 hours.

*OMB Number:* 1545-1209.

*Type of Review:* Extension.

*Title:* IA-83-90 (Final) Disclosure of Tax Return Information for Purposes of Quality or Peer Review; Disclosure of Tax Return Information Due to Incapacity or Death of Tax Return Preparer.

*Description:* These regulations govern the circumstances under which tax return information may be disclosed for purposes of conducting quality or peer reviews and disclosure that are necessary because of the tax return preparer's death or incapacity.

*Respondents:* Business or other for-profit.

*Estimated Total Burden Hours:* 250,000 hours.

*OMB Number:* 1545-1421.

*Type of Review:* Extension.

*Title:* IA-62-93 (Final) Certain Elections under the Omnibus Budget Reconciliation Act of 1933.

*Description:* These regulations establish various elections enacted by the Omnibus Budget Reconciliation Act of 1993 (Act). The regulations provide

<sup>1</sup> ORC operates the involved line, which is owned by ORDC, an independent commission within the Ohio Department of Transportation.