

the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Jeffrey O. Moreno, Esq., Thompson Hine LLP, 1920 N Street, NW., Suite 800, Washington, DC 20036-1600.

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

Decided: September 30, 2004.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 04-22703 Filed 10-7-04; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Bureau of Transportation Statistics

[Docket No. BTS-2004-19241]

#### Request for Public Comments on Reporting Requirements

**AGENCY:** Bureau of Transportation Statistics (BTS), DOT.

**ACTION:** Request for public comments.

**SUMMARY:** As part of our data quality review, we have contacted Federal Express (FedEx Express) concerning the carrier's compliance with the Department's mail reporting requirements. FedEx Express states that due to the structure and operation of its transportation agreement with the United States Postal Service, it is no longer in a position to comply with the mail reporting requirements. BTS is seeking public comments on the merits of the FedEx Express position and views on whether the Department's mail reporting requirements should be retained, amended, supplemented, replaced, or removed.

**DATES:** Comments must be received by December 7, 2004.

**ADDRESSES:** You may submit comments (identified by DMS Docket Number BTS-2004-19241) through the following methods:

*Web Site:* <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.

*Fax:* 1-202-493-2251.

*Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

*Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Federal Rulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Instructions:* All submissions must include the agency name and docket number. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. You should know that 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>.

*Docket:* For access to the docket to read background documents or comments, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Bernie Stankus, Office of Airline Information, Bureau of Transportation Statistics, Department of Transportation, Room 4125, 400 Seventh Street, SW., Washington, DC, 20590-0001, (202) 366-4387; [bernard.stankus@bts.gov](mailto:bernard.stankus@bts.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to 14 CFR part 241, certain air carriers are required to file quarterly BTS Schedule P-1.2 Statement of Operations. This schedule has a separate line item for mail revenues. The schedule requires that reporting air carriers use account code 3905 for their mail revenues. According to BTS, FedEx Express has been reporting large amounts of mail as freight using account code 3906. In addition, pursuant to 14 CFR 214.19-5, certain air carriers are required to report the tons of mail carried on each nonstop segment flown using account code 239 and tons of mail enplaned using account code 219. According to BTS, rather than report all its mail traffic using these account codes, FedEx Express reported a large volume of mail as freight using account codes 237 and 217.

Following an April 1, 2004 meeting with BTS representatives, FedEx Express submitted an April 23 letter explaining its position. In its letter, FedEx Express asserted that because of its unique relationship with the United States Postal Service (USPS) it could not report its mail traffic in the format required by the regulation. According to

FedEx Express, its transportation agreement with USPS is based on "linehaul space" and is not based on weight. Under this agreement, USPS purchases cubic feet of space in an aircraft. According to FedEx Express, USPS can use the space for the U.S. mail or shipping USPS supplies. In addition, the agreement allows FedEx to place its own items in those containers which have additional space. Thus, according to FedEx Express, it does not segregate the USPS product and weigh it separately. Therefore, according to FedEx Express, it does not have the data required by the part 241 regulation.

FedEx Express is also claiming that the reporting codes are not applicable to its operations because the codes only apply to "scheduled service" and the services provided to USPS are "not part of services performed pursuant to published flight schedules."

FedEx Express also stated that to collect the required data would be "extremely burdensome". According to FedEx Express, "[i]f the Department were to insist that FedEx Express generate the information, FedEx Express would have to unload containers, analyze the contents, sort the mail from freight, separate priority from non-priority mail, and weigh each group separately."

FedEx Express also claimed that the disclosure of this required data would cause "serious competitive harm" to FedEx Express. FedEx Express stated that disclosure of the required data elements "would enable competitors to undercut [its] pricing or rates in future negotiations with USPS." Finally, FedEx Express asserted that the data serve no official DOT purpose.

#### Request for Public Comments

We are treating FedEx Express' April 23rd letter as a waiver request (see 14 CFR part 241, Section 1-2 and 14 CFR 385.19(c)). Thus, we are inviting public comments on the FedEx Express request and views on whether the Department's mail reporting requirements should be retained, amended, supplemented, replaced, or removed. Based on the public comments and a review of the waiver request, BTS will consider a future rulemaking to amend, supplement, replace, or remove the relevant regulations.

We are posing a series of questions in the hope that the public comments will address several issues in particular:

- (1) Do you use BTS' mail data elements required under part 241 and, if so, how do you use the information?
- (2) Should BTS consider these mail data elements as confidential business information which, if disclosed to the

public, would cause significant competitive harm to the supplier of the information?

(3) Should BTS change the manner in which it collects these mail data elements?

(4) Should BTS continue to collect the mail data elements under part 241?

(5) Would it be in the public interest for BTS to grant FedEx Express' waiver request?

(6) If your company is subject to the current part 241 reporting requirements, is it an extreme burden for your company to comply with those requirements? If so, please explain, in detail.

Issued in Washington, DC, on September 30, 2004.

**Don Bright,**

*Assistant Director, Office of Airline Information.*

[FR Doc. 04-22625 Filed 10-7-04; 8:45 am]

**BILLING CODE 4910-62-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

September 28, 2004.

The Department of 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 8, 2004 to be assured of consideration.

### Alcohol and Tobacco Tax and Trade Bureau (TTB)

*OMB Number:* 1513-0109.

*Form Number:* TTB F 5013.1.

*Type of Review:* Extension.

*Title:* Electronic filing User Access Enrollment Form.

*Description:* TTB F 5013.1 will be used in a pilot program for electronic filing of TTB forms. The pilot is being developed by TTB and Treasury's Financial Management Service. Participants will need to complete the form to be granted a password to access the e-filing system.

*Respondents:* Business of other for-profit.

*Estimated Number of Respondents:* 25.

*Estimated Burden Hours Per*

*Respondent:* 18 minutes.

*Frequency of Response:* Annually.

*Estimated Total Reporting Burden:* 7 hours.

*Clearance Officer:* William H. Foster, Alcohol and Tobacco Tax and Trade Bureau, Room 200 East, 1310 G Street, NW., Washington, DC 20005, (202) 927-8210.

*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.*

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**BILLING CODE 4810-31-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

September 29, 2004.

The Department of 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 8, 2004 to be assured of consideration.

### Alcohol and Tobacco Tax and Trade Bureau (TTB)

*OMB Number:* 1513-0025.

*Form Number:* TTB F 5200.

*Type of Review:* Reinstatement.

*Title:* Notice of Release of Tobacco Products, Cigarette Papers, or Cigarette Tubes.

*Description:* The form documents releases of tobacco products and cigarette papers and tubes from customs custody and returns of each article to a manufacturer or export warehouse shipment for use in the United States. The form is also used to ensure compliance with laws and regulations at the time of transactions and for post audit examination.

*Respondents:* Business of other for-profit.

*Estimated Number of Respondents:* 153.

*Estimated Burden Hours per*

*Respondent:* 15 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 306 hours.

*OMB Number:* 1513-0058.

*Recordkeeping Requirement ID*

*Number:* TTB REC 5130/1.

*Type of Review:* Reinstatement.

*Title:* Usual and Customary Business Records Maintained by Brewers.

*Description:* TTB audits brewers' records to verify production of beer and cereal beverage and to verify the quantity of beer removed subject to tax and removed without payment of tax.

*Respondents:* Business of other for-profit.

*Estimated Number of Respondents:* 1,400

*Estimated Burden Hours per*

*Respondent:* 1 hour.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 1 hour.

*OMB Number:* 1513-0110.

*Form Number:* None.

*Type of Review:* Reinstatement.

*Title:* Recordkeeping for Tobacco

Products Removed in Bond from Manufacturers Premises for Experimental Purposes—27 CFR 270.232(d).

*Description:* The prescribed records apply to manufacturers who ship tobacco products in bond for experimental purposes. TTB can examine these records to determine that the proprietor has complied with law and regulations that allow such tobacco products to be shipped in bond for experimental purposes without payment of the excise tax.

*Respondents:* Business of other for-profit.

*Estimated Number of Respondents:* 165.

*Estimated Burden Hours per*

*Respondent:* 1 hour.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 1 hour.

*Clearance Officer:* William H. Foster, Alcohol and Tobacco Tax and Trade Bureau, Room 200 East, 1310 G. Street, NW., Washington, DC 20005, (202) 927-8210.

*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.*

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