

catalyze redevelopment efforts along Telegraph Avenue, International Boulevard/E. 14th Street, and in each of the downtowns. The project would provide nodes for concentrations of jobs, services, and residences and a high level of access for individuals traveling to and from these locations.

- *Improve mobility of low income, ethnic and transit dependent populations.* The proportion of non-white residents in the study corridor is 50 percent greater than in the AC Transit District overall. The proportion of persons living below the poverty level is twice that of the District. Low income is a strong indicator of transit dependency. Transit investment in the corridor would contribute to improved mobility for residents and better access to jobs.

### III. Alternatives

Alternatives to be reviewed in the EIS/EIR include a No-Project Alternative; the East Bay BRT Alternative, with any alignment variations that are recommended for detailed evaluation; and any other reasonable alternatives that emerge from the scoping process. The No-Project Alternative assumes a 2025 condition of programmed land use; transit capital and service improvements that are programmed or planned to be implemented by AC Transit and other transit providers in the study area (e.g., the Bay Area Rapid Transit District, or BART, a regional rail service provider); and other transportation system improvements such roadway expansions or upgrades.

The East Bay BRT Alternative would include dedicated transit lanes within existing urban arterials, where practicable; sheltered, low-platform passenger stations with automated bus arrival passenger information signs, lighting, and fare ticketing machines; off-vehicle self-service fare vending and on-board proof-of-payment verification; and transit traffic signal priority to reduce bus delays at signalized intersections, among other features. AC Transit is procuring modern low-floor high-capacity vehicles that would be assigned to the BRT service. Passenger stations would be spaced on average every one-third to one-half mile. BRT transitway and stations improvements would be made entirely within existing public rights-of-way whenever possible; BRT transitway improvements and bus operations outside of existing public-rights of way are not anticipated with the possible exception of required expansion of existing bus storage and maintenance facilities.

### IV. Probable Effects

FTA and AC Transit will evaluate the transportation, environmental, social, and economic impacts of the alternatives. The Build Alternative is expected to increase bus transit ridership, improve mobility for area residents, many of whom are transit dependent, and enhance access to major employment and activity centers. Environmental impacts are anticipated in the following areas: traffic operations; parking; local access and circulation; visual and aesthetic effects; historic and cultural resources; disturbance of pre-existing hazardous wastes; and temporary construction-phase impacts. Impacts will be evaluated for both the construction period and for the long-term period of operation. Mitigation measures will be identified and evaluated for avoiding and reducing adverse effects.

To ensure the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments, suggestions, and questions concerning this proposed action and the EIS/EIR should be directed to the contacts listed above.

### V. FTA Procedures

In accordance with FTA policy, all federal laws, regulations and executive orders affecting project development, including but not limited to the regulations of the Council on Environmental Quality and FTA implementing NEPA (40 CFR parts 1500–1508 and 23 CFR part 771), the conformity requirements of the Clean Air Act, section 4040 of the Clean Water Act, Executive Orders 11988, 11990 and 12898 regarding floodplains, wetlands, and environmental justice, respectively, the National Historic Preservation Act, the Endangered Species Act, and section 4(f) of the Department of Transportation Act, will be addressed to the maximum extent practicable during the NEPA process. Prior transportation planning studies may be pertinent to establishing the purpose and need for the proposed action and the range of alternatives to be evaluated in detail in the EIS/EIR. The Draft EIS/EIR will be prepared simultaneously with conceptual engineering for the alternatives, including bus stop and alignment options. The Draft EIS/EIR process will address the potential use of federal funds for the proposed action, as well as assessing social, economic, and environmental impacts of the proposed East Bay BRT Project. The East Bay BRT Project will be refined to minimize and

mitigate any adverse impacts. After publication, the Draft EIS/EIR will be available for public and agency review and comment, and a public hearing will be held. Based on the Draft EIS/EIR and comments received, AC Transit will select a locally preferred alternative (LPA) for further assessment in the Final EIS/EIR, which will be based on preliminary engineering of the LPA and other remaining alternatives, and AC Transit will apply for FTA approval to initiate Preliminary Engineering of the preferred alternative.

Issued on: January 13, 2004.

**Leslie T. Rogers,**

*Regional Administrator, Region IX, Federal Transit Administration.*

[FR Doc. 04–1397 Filed 1–22–04; 8:45 am]

**BILLING CODE 4910–57–M**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2004–16876]

### Reports, Forms, and Recordkeeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Request for public comment on proposed collection of information.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

**DATES:** Comments must be received on or before March 23, 2004.

**ADDRESSES:** Comments must refer to the docket notice numbers cited at the beginning of this notice and be submitted to Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB Clearance Number. It is requested, but not required, that 2 copies of the comment be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m.

**FOR FURTHER INFORMATION CONTACT:**

Complete copies of each request for collection of information may be obtained at no charge from Gayle Dalrymple, NHTSA, 400 Seventh Street, SW., Room 5309, NVS-123, Washington, DC 20590. Ms. Dalrymple's telephone number is (202) 366-5559. Please identify the relevant collection of information by referring to its OMB Control Number.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

*Title:* Exemption for the Make Inoperative Prohibition.

*OMB Control Number:* 2127-0635.

*Affected Public:* Businesses that modify vehicles so that the vehicles may be used by persons with disabilities.

*Form Number:* None.

*Abstract:* On February 27, 2001, NHTSA published a final rule (66 FR 12638) to facilitate the modification of motor vehicles so that persons with disabilities can drive or ride in them as passengers. In that final rule, the agency issued a limited exemption from a statutory provision that prohibits specified types of commercial entities

from either removing safety equipment or features installed on motor vehicles pursuant to the Federal motor vehicle safety standards or altering the equipment or features so as to adversely affect their performance. The exemption is limited in that it allows repair businesses to modify only certain types of federally-required safety equipment and features, under specified circumstances. The regulation is found at 49 CFR part 595 subpart C—Vehicle Modifications to Accommodate People With Disabilities.

This final rule included two new "collections of information," as that term is defined in 5 CFR part 1320 Controlling Paperwork Burdens on the Public: modifier identification and a document to be provided to the owner of the modified vehicle stating the exemptions used for that vehicle and any reduction in load carrying capacity of the vehicle of more than 100 kg (220 lbs).

Modifiers who take advantage of the exemption created by this rule are required to furnish NHTSA with a written document providing the modifier's name, address, and telephone number, and a statement that the modifier is availing itself of the exemption. The rule requires:

**"S595.6 Modifier Identification**

(a) Any motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7 shall furnish the information specified in paragraphs (a)(1) through (3) of this section to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

(1) Full individual, partnership, or corporate name of the motor vehicle repair business.

(2) Residence address of the motor vehicle repair business and State of incorporation if applicable.

(3) A statement that the motor vehicle repair business modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7.

(b) Each motor vehicle repair business required to submit information under paragraph (a) of this section shall submit the information not later than August 27, 2001. After that date, each motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle

and intends to avail itself of the exemption provided in 49 CFR 595.7 shall submit the information required under paragraph (a) not later than 30 days after it first modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle. Each motor vehicle repair business who has submitted required information shall keep its entry current, accurate and complete by submitting revised information not later than 30 days after the relevant changes in the business occur."

This requirement is a one-time submission unless changes are made to the business as described in paragraph (b). NHTSA estimates that there are currently 471 businesses making modifications to motor vehicles to accommodate persons with disabilities. Of those 471, we estimate 85 percent will need to use the exemptions provided by 49 CFR 595.7 (400 businesses). The initial registration of modifiers wishing to use the exemptions occurred in 2001. Now, we assume that five percent of the 400 businesses currently modifying vehicles will need to change their information or new registrants will elect to use the exemptions. We estimate registrations from 20 businesses each year of: 20 businesses  $\times$  10 minutes/business = 3.33 hours.

We estimate the material cost associated with each submission to be 47 cents per responding business, or \$9.40 nationwide annually.

Burden means the total time, effort, or financial resources expended by person to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instruction; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information.

We seek comment on:

1. Is our estimate of 471 businesses engaged in vehicle modification to accommodate people with disabilities correct?

2. Are we correct in assuming that a maximum of 85 percent of those 471 businesses, or 400 businesses, will need to use the exemptions provided by 49 CFR 595.7?

3. Are our estimates of the burden hours and material cost of compliance with 49 CFR 595.6 reasonable?

Modifiers who avail themselves of the exemptions in 49 CFR 595.7 are required to keep a record, for each applicable vehicle, listing which standards, or portions thereof, no longer comply with the Federal motor vehicle safety standards and to provide a copy to the owner of the vehicle modified (see 49 CFR 595.7 (b) and (e) as published in the final rule).

We estimate that:

1. There are approximately 2,700 vehicles modified for persons with disabilities per year by 471 businesses,

2. If 85 percent of the 471 businesses use the exemptions provided by 49 CFR 595.7, those 400 businesses will modify 2300 vehicles annually, and

3. The burden for producing the record required by 49 CFR 595.7 in accordance with paragraph (e) for those vehicles will be 767 hours per year nationwide.

In the final rule we anticipated that the least costly way for a repair business to comply with this portion of the new rule would be to annotate the vehicle modification invoice as to the exemption, if any, involved with each item on the invoice. The cost of preparing the invoice is not a portion of our burden calculation, as that preparation would be done in the normal course of business. The time needed to annotate the invoice, we estimate, is 20 minutes. Therefore, the burden hours for a full year are calculated as: 2300 vehicles  $\times$  20 minutes/vehicle = 766.7 hours.

This burden includes the calculation required by 49 CFR 595.7(e)5, but not the gathering of the information required for the calculation. That information would be gathered in the normal course of the vehicle modification. The only extra burden required by the rule is the calculation of the reduction in load carrying capacity and conveying this information to the vehicle owner. Again we are assuming that annotation on the invoice is the least burdensome way to accomplish this customer notification.

There will be no additional material cost associated with compliance with this requirement since no additional materials need be used above those used to prepare the invoice in the normal course of business. We are assuming it is normal and customary in the course of vehicle modification business to prepare an invoice, to provide a copy of the invoice to the vehicle owner, and to keep a copy of the invoice for five years after the vehicle is delivered to the owner in finished form.

We seek comment on whether our assumptions about the following are reasonable:

1. The document required by 49 CFR 595.7(b) and specified in paragraph (e) will need to be prepared for approximately 2300 vehicles modified nationwide per year,

2. Annotation of each vehicle modification invoice as to which exemptions were used will take an average of 20 minutes, and

3. It is normal in the course of vehicle modification business to prepare an invoice, to provide a copy of the invoice to the vehicle owner, and to keep a copy of the invoice for five years after the vehicle is delivered to the owner in finished form.

*Estimated Annual Burden:* 770 hours, and \$9.40.

*Number of Respondents:* 400.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued on: January 16, 2004.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*  
[FR Doc. 04-1399 Filed 1-22-04; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

January 16, 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, Pub. L. 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 February 23, 2004 to be assured of consideration.

### Internal Revenue Service (IRS)

*OMB Number:* 1545-0159.

*Form Number:* IRS Form 3520.

*Type of Review:* Extension.

*Title:* Annual Return to Report Transactions With Foreign Trusts and Receipt of Certain Foreign Gifts.

*Description:* Form 3520 is filed by U.S. persons who create a foreign trust, transfer property to a foreign trust, receive a distribution from a foreign trust, or receive a large gift from a foreign source. IRS uses the form to identify U.S. persons who may have transactions that may trigger a taxable event in the future.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 2,000.

*Estimated Burden Hours Respondent/Recordkeeper:*

Recordkeeping—42 hr., 34 min.

Learning about the law or the form—4 hr., 38 min.

Preparing the form—6 hr., 28 min.

Sending the form to the IRS—18 min.

*Frequency of Response:* Annually.

*Estimated Total Reporting/Recordkeeping Burden:* 108,300 hours.

*OMB Number:* 1545-1224.

*Regulation Project Number:* INTL-112-88 Final.

*Type of Review:* Extension.

*Title:* Allocation and Apportionment of Deduction for State Income Taxes.

*Description:* This regulation provides guidance on when and how the deduction for state income taxes is to be allocated and proportioned between gross income from sources within and without the United States in order to determine the amount of taxable income from those sources. The reporting requirements in the regulation affect those taxpayers claiming foreign tax credits who elect to use an alternative method from that described in the regulation to allocate and apportion deductions for state income taxes.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents:* 1,000.

*Estimated Burden Hours Respondent:* 1 hour.

*Frequency of Response:* Annually.

*Estimated Total Reporting Burden:* 1,000 hours.

*OMB Number:* 1545-1566.

*Notice Number:* Notice 97-66.

*Type of Review:* Extension.

*Title:* Certain Payments Made Pursuant to a Securities Lending Transaction.

*Description:* Notice 97-66 modifies final regulations which are effective