

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision. To purchase a copy of the full decision, call ASAP Document Solutions at (301) 577-2600. [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: June 17, 2004.

By the Board, Chairman Nober, Commissioner Mulvey, and Commissioner Buttrey.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 04-14236 Filed 6-22-04; 8:45 am]

**BILLING CODE 4915-01-P**

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

[STB Finance Docket No. 34502]

**American Orient Express Railway Company LLC—Petition for Declaratory Order**

**AGENCY:** Surface Transportation Board.

**ACTION:** Institution of declaratory order proceeding; request for comments.

**SUMMARY:** The Surface Transportation Board is instituting a declaratory order proceeding and requesting comments on the petition of American Orient Express Railway Company LLC's (AOERC) for an order declaring that AOERC is not a common carrier by rail subject to the Board's jurisdiction.

**DATES:** Any interested person may file with the Board written comments concerning this issue by July 13, 2004.

**ADDRESSES:** Send an original and 10 copies of any comments referring to STB Finance Docket No. 34502 to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, send one copy of any comments to: Robert Bergen, Holland & Knight LLP, 195 Broadway, New York, NY 10007.

**FOR FURTHER INFORMATION CONTACT:** Eric S. Davis, (202) 565-1608. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877-8339.]

**SUPPLEMENTARY INFORMATION:** By petition filed on April 30, 2004, AOERC asks the Board to issue an order

declaring that it is not a common carrier by rail subject to the Board's jurisdiction.

On February 9, 2001, the Railroad Retirement Board (RRB) issued a decision concluding that AOERC is a covered employer for purposes of the Railroad Retirement Act, 45 U.S.C. 231 *et seq.* (2004), and Railroad Unemployment Insurance Act, 45 U.S.C. 351 *et seq.* (2004) (collectively Railroad Retirement Acts) because it determined that AOERC was a "reincarnation" of a previously covered sleeper car carrier. AOERC sought a reconsideration of that decision. The RRB appointed a Hearing Examiner, who, on May 21, 2002, held a hearing on the petition for reconsideration. On May 16, 2003, the Hearing Examiner issued a recommendation to the RRB suggesting that AOERC is a covered employer not because it was a "reincarnation" of a covered sleeper car carrier but because it provides common carrier rail transportation and, therefore, is under the Board's jurisdiction. The RRB has not acted on the petition for a reconsideration or on the Hearing Examiner's recommendation because the scope of the Board's jurisdiction over AOERC is the only issue on which the questions of coverage depends. The RRB has stayed its reconsideration proceeding until July 1, 2004, to allow the Board to rule on the question of jurisdiction.

AOERC is a land excursion company that uses restored vintage railroad coaches, diners and sleepers as the central feature of its vacation packages. It does not own or operate any locomotives or railroad track. Rather, it contracts with the National Passenger Railroad Corporation (Amtrak) to provide all railroad related services including locomotive power and train and engine crews (Amtrak Contract). As part of the vacation packages, specially tailored meals, luxury accommodations, on and off the train, and various excursions, including walking tours of historic and natural sites, lectures and live music are included. AOERC operates seasonally and does not have set routes. AOERC's trips and itineraries change annually depending on its negotiations with Amtrak. Additionally, AOERC may cancel a planned excursion if there are not enough customers or it may add a charter trip on a different route. Most of AOERC's employees are part-time seasonal employees, and AOERC states that it does not employ traditional rail workers because it provides only non-railroad amenities and services.

Amtrak does not own most of the track over which it operates; it obtains

trackage rights from other railroads to provide service to AOERC. Amtrak pulls AOERC's vintage rail cars pursuant to a schedule for each excursion that meets Amtrak's and the host railroad's (the track owner or operator) availability. AOERC proposes itineraries to Amtrak, usually 2 years in advance, so that Amtrak can determine, based on its own schedule and the availability of the track routes requested, whether they are possible. AOERC cannot offer itineraries that have not been approved by Amtrak. Even if an itinerary has been approved, the Amtrak Contract does not guarantee that the chosen route will be served. Amtrak has the right to cancel or change scheduled routes, stops or entire trips. According to AOERC, Amtrak has exercised this right on more than one occasion.

Under the Amtrak Contract, AOERC is responsible for providing its car consists in good order and on time to meet Amtrak's and host railroads' schedules. Additionally, the train consists must be submitted to Amtrak for inspection at the beginning of each touring season and before each trip. Amtrak may refuse to pull cars that do not pass its inspections.

Under 49 U.S.C. 10501(b), the Board has exclusive jurisdiction over transportation by rail carriers. The term "rail carrier" is defined as "a person providing common carrier railroad transportation for compensation" under 49 U.S.C. 10102(5). AOERC asserts that it does not meet the definition of a "railroad" under 49 U.S.C. 10102(6) because it does not own or operate any of the listed equipment; it does not own or operate any road or railroad right-of-way; and it does not own or operate any of the listed facilities or equipment. AOERC maintains that it cannot be considered a "rail carrier" subject to the Board's jurisdiction because it does not meet the definition of a "railroad."

Moreover, AOERC argues that it does not fit the definition of a common carrier because it does not hold itself out to the general public as a company engaged in the business of transporting persons or property from place to place for compensation. AOERC maintains that it does not provide scheduled transportation service on a regular basis between points. It claims that, in order to move its cars, it must rely entirely on Amtrak and the railroad owners of the track it uses for permission to travel. Additionally, AOERC asserts that its schedules are based entirely on the availability of Amtrak locomotives and crews and railroad trackage, all of which is determined by Amtrak and the owners of the track.

Finally, AOERC asserts that its excursion business has certain similarities to sleeping car service, express service and car rental companies all of which, AOERC asserts, are outside of the Board's jurisdiction.

Accordingly, by this notice, the Board is requesting comments on this matter.

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

Decided: June 17, 2004.

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

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 04-14237 Filed 6-22-04; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

June 10, 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 July 23, 2004, to be assured of consideration.

#### Bureau of the Public Debt (PD)

*OMB Number:* 1535-0069.

*Form Numbers:* PD F 5178, 5179, 5179-1, 5180, 5181, 5182, 5188, 5189, 5191, 5201, 5235, 5236, 5261, and 5381.

*Type of Review:* Extension.

*Title:* Treasury Direct Forms.

*Description:* These forms are used to purchase and maintain Treasury Bills, Notes and Bonds.

*Respondents:* Individuals or households.

*Estimated Number of Respondents:* 431,632.

*Estimated Burden Hours Per*

*Respondent:* 10 minutes per form.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden Hours:* 58,628 hours.

*Clearance Officer:* Vicki S. Thorpe, (304) 480-6553, Bureau of the Public Debt, 200 Third Street, Parkersburg, West VA 26106-1328.

*OMB Reviewer:* Joseph F. Lackey, Jr., (202) 395-7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Treasury PRA Clearance Officer.*

[FR Doc. 04-13794 Filed 6-22-04; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Treasury Inspector General for Tax Administration; Privacy Act of 1974: Computer Matching Program

**AGENCY:** Treasury Inspector General for Tax Administration, Treasury.

**ACTION:** Notice.

**SUMMARY:** Pursuant to 5 U.S.C. 552a, the Privacy Act of 1974, as amended, notice is hereby given of the agreement between the Treasury Inspector General for Tax Administration (TIGTA) and the Internal Revenue Service (IRS) concerning the conduct of TIGTA's matching program.

**DATES:** *Effective Date:* June 23, 2004.

**ADDRESSES:** Comments or inquiries may be mailed to the Treasury Inspector General for Tax Administration, 1125 15th Street, NW., Washington, DC 20005.

#### FOR FURTHER INFORMATION CONTACT:

Disclosure Officer, Treasury Inspector General for Tax Administration, (202) 622-4068.

**SUPPLEMENTARY INFORMATION:** TIGTA's computer matching program will enable TIGTA to prevent and detect fraud and abuse in the programs and operations of the IRS and related entities. TIGTA's computer matching program is also designed to proactively detect indicators of misconduct and to discourage/deter the perpetration of illegal acts and misconduct by IRS employees. Further, this program will utilize computer matches to identify alleged misconduct and criminal violations. Computer matching is the most feasible method of performing comprehensive analysis of data.

*Name of Source Agency:* Internal Revenue Service.

*Name of Recipient Agency:* Treasury Inspector General for Tax Administration.

#### *Beginning and Completion Dates:*

This program of computer matches is expected to commence on June 1, 2004, but not earlier than the fortieth day after copies of the Computer Matching Agreement are provided to the Congress and OMB unless comments dictate otherwise. The program of computer

matches is expected to conclude on February 28, 2006.

*Purpose:* This program is designed to deter and detect fraud, waste, and abuse in Internal Revenue Service programs and operations, to identify employees who have violated or are violating laws, rules, or regulations, and to protect against attempts to corrupt or threaten the IRS and/or its employees.

**Authority:** The Inspector General Act of 1978, 5 U.S.C. appendix 3 and Treasury Order 115-01.

*Categories of Individuals Covered:* Current and former employees of the Internal Revenue Service as well as individuals and entities about whom information is maintained in the systems of records listed below.

#### *Categories of Records Covered:*

Included in this program of computer matches are records from the following forty-seven (47) Treasury or Internal Revenue Service systems.

a. Treasury Integrated Management Information System (TIMIS) [Treasury/DO.002].

b. FinCEN Data Base [Treasury/DO.200].

c. Treasury Integrated Financial Management and Revenue System [Treasury/DO.210].

d. Suspicious Activity Reporting System [Treasury/DO.212].

e. Bank Secrecy Act Reports System [Treasury/DO.213].

f. Correspondence Files (including Stakeholder Relationship files) and Correspondence Control Files [Treasury/IRS 00.001].

g. Correspondence Files/Inquiries About Enforcement Activities [Treasury/IRS 00.002].

h. Taxpayer Advocate Service and Customer Feedback and Survey Records System [Treasury/IRS 00.003].

i. Foreign Information System (FIS) [Treasury/IRS 22.027].

j. Individual Returns Files, Adjustments and Miscellaneous Documents Files [Treasury/IRS 22.034].

k. Unidentified Remittance File [Treasury/IRS 22.059].

l. Automated Non-Master File (ANMF) [Treasury/IRS 22.060].

m. Information Return Master File (IRMF) [Treasury/IRS 22.061].

n. Combined Account Number File, Taxpayer Services [Treasury/IRS 24.013].

o. Individual Account Number File (IANF) [Treasury/IRS 24.029].

p. CADE Individual Master File (IMF) [Treasury/IRS 24.030].

q. CADE Business Master File (BMF) [Treasury/IRS 24.046].

r. Audit Underreporter Case File [Treasury/IRS 24.047].