

accordance with the HMR when the cylinders were not subjected to testing. During property seizure proceedings, MDEP took possession of numerous cylinders owned by Harry J. Smith, Jr., and his daughter, Dawn Smith, of Meddybemps, Maine, in accordance with a state mandated environmental clean-up of the Smiths' property. RSPA has gathered evidence that suggests the high-pressure DOT specification industrial gas cylinders owned by the Smiths may have been marked, certified and returned to service when the cylinders had not been properly requalified in accordance with the Hazardous Materials Regulations (HMR).

A hydrostatic retest and visual inspection are used to verify the structural integrity of compressed gas cylinders. If a hydrostatic retest and visual inspection are not performed within the time period required by the HMR, cylinders with compromised structural integrity may be returned to service when they should be condemned. Extensive property damage, serious personal injury, or death could result from rupture of a cylinder.

SUPPLEMENTARY INFORMATION: Through its investigation, RSPA believes that an undetermined number of DOT specifications cylinders owned by the Smiths may have been marked as having been requalified in accordance with the HMR, without being properly requalified by an authorized retest facility. The HMR require that a cylinder requalification facility hold a current Retester Identification Number (RIN) issued by RSPA. The Smiths have never applied for or received a RIN, therefore they are not an authorized cylinder requalification facility.

Cylinders in the Smiths' possession were marked as having been requalified years after the corresponding RIN numbers had expired. RINs that expire and are not renewed by the authorized holder are never reissued to any other party. So far, RSPA discovered at least four examples of expired RIN markings during the course of its investigation. These RINs are as follows: (1) RIN B773, which expired on August 28, 1995 and was not renewed by the RIN holder, was marked on a cylinder represented as having been requalified in June 1999 and on a cylinder represented as having been requalified in July 1999; (2) RIN B775, which expired on December 4, 1991 and was not renewed, was marked on a cylinder represented as having been requalified in August 1999; (3) RIN B872, which expired on July 31, 1995 and was not renewed, was marked on cylinders represented as having been

requalified in May 2000, May 2001, July 2001 and January 2002; and (4) A012, which expired on November 7, 1998 and was not renewed, was marked on a cylinder represented as having been requalified in September 1999.

The RIN and date of retest are marked on the shoulders of cylinders in the following pattern:

A 8
M Y
30

M is the month of retest (*e.g.*, 12), and Y is the year of the retest (*e.g.*, 04).

A RIN is read in a clockwise manner. For example, the above RIN pattern is for RIN A803.

This safety advisory covers all high-pressure DOT specification cylinders obtained from the Smiths or serviced by the Smiths at any time in the past. These cylinders may pose a safety risk to the public and should be considered unsafe for use in hazardous materials service until requalified by an authorized retest facility. Furthermore, cylinders described in this safety advisory must not be filled with a hazardous material unless the cylinders are first properly retested by an authorized retest facility. A list of authorized requalification facilities sorted by state or by RIN number may be obtained at RSPA's Web site: http://hazmat.dot.gov/files/approvals/hydro/hydro_retesters.htm.

FOR FURTHER INFORMATION CONTACT: Anthony Lima, Senior Hazardous Materials Enforcement Specialist, Eastern Region, Office of Hazardous Materials Enforcement, Research and Special Programs Administration, U.S. Department of Transportation, 820 Bear Tavern Road, Suite 306, West Trenton, NJ 08628. Telephone: (609) 989-2252.

Issued in Washington, DC on January 21, 2005.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 656]

Motor Carrier Bureaus—Periodic Review Proceeding

AGENCY: Surface Transportation Board.

ACTION: Changes to prior notice issued in this proceeding and extension of filing dates.

SUMMARY: The Surface Transportation Board is correcting its notice served on December 13, 2004, and published in the *Federal Register* on December 17, 2004, to inform the public that Board authorization has not expired for the bureau agreements of two motor carrier rate bureaus—the Nationwide Bulk Trucking Association, Inc., and the Machinery Haulers Association, Inc. The Board is also amending its procedural schedule set forth in that notice to extend the deadlines for filing comments, by approximately 2 weeks, as shown below.

DATES: Opening comments may be filed by the motor carrier bureaus and any interested member of the public by March 2, 2005. Reply comments may be filed by April 1, 2005. Rebuttal comments may be filed by April 21, 2005.

ADDRESSES: Any filing submitted in this proceeding must refer to STB Ex Parte No. 656 and must be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should comply with the instructions found on the Board's <http://www.stb.dot.gov> Web site, at the "E-FILING" link. Any person submitting a filing in the traditional paper format should send an original and 10 paper copies of the filing (and also an IBM-compatible floppy disk with any textual submission in any version of either Microsoft Word or WordPerfect) to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. Because all comments will be posted to the Board's Web site, persons filing them with the Board need not serve them on other participants but must furnish a hard copy on request to any participant.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 565-1609. (Federal Information Relay Service for the hearing impaired: 1-800-877-8339.)

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. 13703, the Board may authorize motor carriers (including motor carriers of passengers and household goods) to enter into "bureau" agreements for the collective establishment of rates, fares,

classifications, and certain ancillary activities. Board authorization immunizes activities taken under the approved agreements from the antitrust laws. Under section 13703(c), the Board must, every 5 years, institute a proceeding to review the motor carrier bureau agreements previously approved under section 13703 and shall change the conditions of approval of an agreement or terminate it when necessary to protect the public interest. Invoking this provision in a notice served on December 13, 2004, and published in the **Federal Register** at 69 FR 75597 on December 17, 2004, the Board commenced the statutorily required review proceeding.

In its notice, the Board expressed a desire to update its records as to which bureaus are still operating. The Board stated that its records indicate that approvals for the agreements of the following bureaus have expired for lack of timely compliance with the conditions on renewal imposed by the Board during the prior review cycle:¹ Machinery Haulers Association, Inc.; Motor Carriers Traffic Association; Nationwide Bulk Trucking Association, Inc.; New England Motor Rate Bureau; and Willamette Tariff Bureau, Inc. The Board asked each affected bureau to notify the agency if its records are incorrect.

On December 29, 2004, two of the aforementioned bureaus—the Nationwide Bulk Trucking Association, Inc., and the Machinery Haulers Association, Inc.—filed information showing that the Board's prior assessment of their compliance status was incorrect and that, therefore, Board authorization of their bureau agreements has not expired. By this notice, the Board is notifying the public that its records have been corrected to show that the antitrust immunity for these bureaus continues in force.

Concerning the extension of the deadlines for comments, the Board is taking this action at the request of the National Motor Freight Traffic Association and its subsidiary, the National Classification Committee, by motion filed on January 6, 2005. They state that the extension is necessary to provide sufficient time to make sure that their comments properly reflect the views of their members.

¹ In *EC-MAC Motor Carriers Service Association, Inc., et al.*, STB Section 5a Application No. 118 (Sub-No. 2), *et al.* (STB served Oct. 16, 2003), the Board summarily approved the agreements of certain bureaus after noting their full compliance with the required conditions, and, for other bureaus, the Board listed the specific steps required for individual bureau compliance.

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

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

Decided: January 19, 2005.

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

Vernon A. Williams,
Secretary.

[FR Doc. 05-1401 Filed 1-26-05; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

January 19, 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 February 28, 2005, to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545-1624.

Notice Number: Notice 98-52.

Regulation Project Number: REG-108639-99 Final.

Type of Review: Extension.

Title: Notice 98-52 Cash or Deferred Arrangements; Nondiscrimination; REG-108639 Final Retirement Plans; Cash or Deferred Arrangements Under Section 401(k) and Matching Contributions or Employee Contributions Under Section 401(m).

Description: Section 1433(a) of the Small Business Job Protection Act of 1996 requires that the Service provide nondiscriminatory safe harbors with respect to section 401(k)(12) and section 401(m)(11) for plan years beginning after December 31, 1998. This notice implements that statutory requirement.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 60,000.

Estimated Burden Hours Respondent: 1 hour, 20 minutes.

Frequency of response: On occasion.

Estimated Total Reporting Burden: 80,000 hour.

OMB Number: 1545-1640.

Regulation Project Number: REG-104492-98 NPRM.

Type of Review: Extension.

Title: Mark to Market Accounting for Dealers in Commodities and Traders in Securities or Commodities.

Description: The collection of information in this proposed regulation is required by the Internal Revenue Service to determine whether an exemption from mark-to-market treatment is properly claimed. This information will be used to make that determination upon audit of taxpayers' books and records. The likely record keepers are businesses or other for-profit institution.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents: 1,000.

Estimated Burden Hours Respondent: 1 hour.

Estimated Total Reporting Burden: 1,000 hours.

OMB Number: 1545-1739.

Form Number: IRS Forms 9460 and 9477.

Type of Review: Extension.

Title: Tax Forms Inventory Report.

Description: These forms are designed to collect tax forms inventory information from post offices, libraries, and other entities that distribute federal tax forms. Data is collected detailing the quantities and types of tax forms remaining at the end of the filing season. This data is combined with shipment data for each account and used to establish forms distribution guidelines for the following year. Source data is collected to verify that the different entities received tax forms with the correct code.

Respondents: Business or other for-profit, Not-for-profit institutions, Federal Government.

Estimated Number of Respondents: 14,000.

Estimated Burden Hours Respondent: Form 9460—10 minutes, Form 9477—15 minutes.

Frequency of response: Annually.

Estimated Total Reporting Burden: 1 hour.

OMB Number: 1545-1770.

Regulation Project Number: REG-115054-01.

Type of Review: Extension.

Title: REG-115054-01 Final Treatment of Community Income for Certain Individuals Not Filing Joint Returns.