

**ACTION:** Proposed adoption of a Railroad Cost Recovery Procedures productivity adjustment.

**SUMMARY:** The Surface Transportation Board proposes to adopt 1.035 (3.5%) as the measure of average change in railroad productivity for the 1999–2003 (5-year) period. The current value of 2.2% was developed for the 1998 to 2002 period.

**DATES:** Comments are due February 16, 2005.

**EFFECTIVE DATE:** The proposed productivity adjustment is effective March 3, 2005.

**ADDRESSES:** Send comments (an original and 10 copies) referring to STB Ex Parte No. 290 (Sub-No. 4) to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

**FOR FURTHER INFORMATION CONTACT:** H. Jeff Warren, (202) 565–1533. Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's decision, which is available on our Web site <http://www.stb.dot.gov>. To purchase a copy of the full decision, write to, e-mail or call the Board's contractor, ASAP Document Solutions; 9332 Annapolis Rd., Suite 103, Lanham, MD 20706; e-mail [asapdc@verizon.net](mailto:asapdc@verizon.net); phone (202) 306–4004. [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: January 25, 2005.

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

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

[FR Doc. 05–1909 Filed 2–1–05; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34652]

#### BNSF Railway Company<sup>1</sup>—Temporary Trackage Rights Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has agreed to grant temporary overhead trackage rights to the BNSF Railway Company (BNSF) over UP's rail line between Stockton, CA, UP milepost 88.90 (Fresno Subdivision) and Bakersfield, CA, UP milepost 313.6 (Mojave Subdivision), a distance of approximately 225 miles.

The transaction was scheduled to be consummated on January 23, 2005, and the temporary trackage rights are intended to expire on February 5, 2005. The purpose of the temporary trackage rights is to allow BNSF to bridge its train service while its main lines are out of service due to programmed track, roadbed, and structural maintenance.

As a condition to this exemption, any employee affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), and, in accordance with the decision of the United States Court of Appeals for the District of Columbia Circuit in *United Transportation Union—General Committee of Adjustment (GO-386) v. Surface Transportation Board*, No. 03–1212, 2004 U.S. App. LEXIS 6496 (D.C. Cir. Apr. 6, 2004), any employee affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). 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.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34652, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Sarah W.

<sup>1</sup>Effective January 20, 2005, the name of “The Burlington Northern and Santa Fe Railway Company” was changed to “BNSF Railway Company.”

Bailiff, The Burlington Northern and Santa Fe Railway Company, PO Box 961039, Fort Worth, TX 76161–0039.

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

Decided: January 26, 2005.

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

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

[FR Doc. 05–1908 Filed 2–1–05; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[REG–154000–04]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning proposed rulemaking regulations, REG–154000–04 Notice of Proposed Rulemaking) Diesel Fuel and Kerosene Excise Tax; Dye Injection.

**DATES:** Written comments should be received on or before April 4, 2005 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Paul Finger, Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at ([Larnice.Mack@irs.gov](mailto:Larnice.Mack@irs.gov)).

#### SUPPLEMENTARY INFORMATION:

*Title:* Notice of Proposed Rulemaking; Diesel Fuel and Kerosene Excise Tax; Dye Injection.

*OMB Number:* 1545–1418.

*Regulation Project Number:* REG–154000–04.

*Abstract:* In order for diesel fuel and kerosene that is used in a nontaxable use to be exempt from tax under section 4082(a), it must be indelibly dyed by use of a mechanical dye injection system that satisfies the requirements in the regulations.

*Current Actions:* There are no changes being made to this existing regulation.

*Type of Review:* Revision of currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 200.

*Estimated Time Per Respondent:* 5 hours.

*Estimated Total Annual Burden Hours:* 1,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material

in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 24, 2005.

**Paul Finger,**

*IRS Reports Clearance Officer.*

[FR Doc. 05-1950 Filed 2-1-05; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**Quarterly Publication of Individuals, Who Have Chosen to Expatriate, as Required by Section 6039G**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice.

**SUMMARY:** This notice is provided in accordance with IRC section 6039G, as amended, by the Health Insurance Portability and Accountability Act (HIPPA) of 1996. This listing contains the name of each individual losing United States citizenship (within the meaning of section 877(a)) with respect to whom the Secretary received information during the quarter ending December 31, 2004.

LNAME	FNAME	MNAME
KISPERS .....	IRMGARD.	
Woodell .....	Rebecca .....	G.
Browning .....	James .....	D.
HEIER .....	ROLF .....	OISTEN.
LEE .....	PAUL .....	SEUNG WHAN.
NELSON .....	GEORGE .....	NICHOLAS.
SKARHEIM .....	ODD .....	PETTER RICHEY.
WARDAK .....	TAJ .....	MOHAMAD.
JONES-WELLS .....	CAROLINE .....	MARGARETHE.
NILSEN .....	SHARI .....	EVELYN GERBER.
GOODEN .....	RONALD.	
DELCARPIO .....	JORGE.	
CHEUNG .....	TZE-LAN .....	JULIA.
FANG .....	FANG.	
DERMER .....	SAMMY.	
WU .....	LI-PEI.	
SNEED .....	CHRISTOPHER .....	ALAN.
REGAN .....	TIMOTHY .....	MARC.
FORLIVIO .....	DANIEL .....	MAXIMILIAN.
LEWIS .....	SHAWN .....	ALAN.
NEWHALL .....	LESLIE .....	ANN.
SMOOTZ .....	MARY .....	FRANCES.
CLUNE .....	CHRIS.	
GJELLAND .....	SANDRA .....	LOUISE.
MENZEL .....	CAROLINE .....	ELEONORE.
COTTEN .....	LUCENA .....	ELIZABETH.
COTTEN .....	ANN .....	MARIE.
RODRIGUEZ .....	SOLVEIG.	
DI LUZIO .....	KARI .....	FLOYD.
BURROUGH .....	IRENE .....	MARY.
WINDRUM .....	ELIZABETH .....	BALLANTYNE.
LEVIN .....	DANIEL .....	JOSEPH.
LEVIN .....	AGILE.	
FURUHAMA .....	AYAKO.	
FALL .....	OLGA.	
WILLIAMS .....	LOUISE .....	CROUCHLEY.
OJJEH .....	LIA .....	MYRIAM.
MAZUMDER .....	RAQUIB .....	RAHMAN.
AL ZAKI .....	AJLAN WAHEED .....	HASAN IBRAHIM ABDULLA.
LARSEN .....	PER .....	JAN.
RUSHTON .....	HENRY .....	RICHARD LEEPER.