

applications as the Medical Review Board work continues.

## V. Conclusion

The Department and the Agency are committed to making our Nation's highways safer by ensuring CMVs are being operated by medically qualified drivers.

Issued on: September 27, 2005.

**Warren E. Hoemann,**

*Deputy Administrator.*

[FR Doc. 05-19726 Filed 9-30-05; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favour of relief.

#### Eureka & Palisade Railroad— Locomotive Number 4

[Docket Number FRA-2005-21966]

The Eureka & Palisade Railroad (EPR), a three-foot gage insular railroad, seeks a waiver of compliance from the requirements of Title 49 Code of Federal Regulations (CFR) § 230.17 One thousand four hundred seventy-two (1472) service day inspection for their locomotive number (EPR) 4. This locomotive was built by the Baldwin Locomotive Works, Philadelphia, Pennsylvania in 1875, and is one of only three remaining narrow gage "American" type (with a wheel arrangement of 4-4-0) steam locomotives. The others are in the Smithsonian Institute in Washington, DC (Jupiter) and the California State Railroad Museum (Sonoma). The Eureka is the only one operational.

The EPR is not engaged in general railroad transportation, providing only railroad tourist excursions on a limited schedule. The Eureka is normally on static display with limited operations on railroads, such as the Durango & Silverton Narrow Gage Railroad for special events such as their "Railfest".

This waiver requests relief from the requirements of 49 CFR part 230 Inspection and Maintenance Standards for Steam Locomotives, specifically 49

CFR 230.17(a) General. FRA requires that before any steam locomotive is initially put in service or brought out of retirement, and after every 1472 service days or 15 years, which ever is earlier, a 1472 Service day inspection shall be performed. In the Eureka's case, only 126 service days have accumulated over the past 15 years, as the locomotive is only used one or two weeks per year. The locomotive is given the required annual inspections, stored in side a building, with the washout plugs removed to promote airflow and mitigate rust and wastage. The required new FRA Form 4 (boiler specification) was prepared, and is on file with the FRA. The thickness of the sheets was verified using non-destructive inspection methods, and a new front tube sheet was installed, with other minor repairs, at the time the tubes were installed.

In summary, the EPR requests that this petition be granted because the tubes have very little service time, the number 4's dry indoor storage conditions are nearly ideal for locomotive storage, and the financial burden on the individual that owns the locomotive to perform 1472 Service day inspection on a locomotive with only 126 service days since a major overhaul.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2005-21966) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room Pl-401, Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at DOT Central Docket Management Facility, Room Pl-401 (Plaza Level), 400 Seventh Street SW., Washington. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

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 19377-78). The statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC, on September 27, 2005.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 05-19736 Filed 9-30-05; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2005-22554; Notice 1]

#### Michelin North America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

Michelin North America, Inc. (Michelin) has determined that certain tires it produced in 2005 do not comply with S4.3(d) and S4.3(e) of 49 CFR 571.109, Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New pneumatic tires." Michelin has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Michelin has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Michelin's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Michelin produced approximately 9,816 BFGoodrich Radial T/A tires during the period from February 20, 2005 through April 7, 2005 that do not comply with FMVSS No. 109, S4.3(d) and S4.3(e). S4.3 of FMVSS No. 109 requires that "each tire shall have permanently molded into or onto both sidewalls \* \* \* (d) The generic name of each cord material used in the plies \* \* \* of the tire" and "(e) Actual number of plies in the sidewall, and the actual number of plies in the tread area if different." The noncompliant tires

were marked "tread plies 2 polyester + 2 steel; sidewall plies 2 polyester + 1 nylon." The correct marking should read "tread plies 2 polyester + 2 steel + 1 nylon; sidewall plies 2 polyester."

Michelin believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Michelin states that NHTSA has consistently found that ply labeling noncompliances are inconsequential to motor vehicle safety and has consistently granted inconsequential noncompliance petitions on that basis. Michelin also states that all load and inflation pressure markings are present and the noncompliant tires meet or exceed all of the FMVSS No. 109 minimum performance requirements.

Interested persons are invited to submit written data, views, and arguments on the petition described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods. Mail: Docket Management Facility, U.S. Department of Transportation, Nassif Building, Room PL-401, 400 Seventh Street, SW., Washington, DC, 20590-0001. Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays. Comments may be submitted electronically by logging onto the Docket Management System Web site at <http://dms.dot.gov>. Click on "Help" to obtain instructions for filing the document electronically. Comments may be faxed to 1-202-493-2251, or may be submitted to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: November 2, 2005.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8.

Issued on: September 27, 2005.

**Ronald L. Medford,**

*Senior Associate Administrator for Vehicle Safety.*

[FR Doc. 05-19667 Filed 9-30-05; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

September 26, 2005.

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 2, 2005 to be assured of consideration.

#### United States Mint

*OMB Number:* 1505-0195.

*Type of Review:* Revision.

*Title:* Race and National Origin Identification.

*Form:* Department of Treasury form TDF 35-08.

*Description:* This form will be used to collect applicant race and national origin information electronically. The data will be used to help Treasury Bureaus identify barriers to selection and determine the demographics of the overall applicant pool.

*Respondents:* Individuals and households.

*Estimated Number of Respondents:* 160,000.

*Estimated Total Reporting Burden:* 8,000 hours.

*Clearance Officer:* Tracey Orrison (202) 622-0814, Department of the Treasury, 1750 Pennsylvania Avenue, NW., Suite 13446, Washington, DC 20220.

*OMB Reviewer:* Alexander T. Hunt (202) 395-7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**Michael A. Robinson,**

*Treasury PRA Clearance Officer.*

[FR Doc. 05-19668 Filed 9-30-05; 8:45 am]

**BILLING CODE 4811-16-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

September 26, 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 November 2, 2005 after publication in the **Federal Register** to be assured of consideration.

#### Internal Revenue Service (IRS)

*OMB Number:* 1545-0238.

*Type of Review:* Extension.

*Title:* Certain Gambling Winnings.

*Form:* IRS form W-2G.

*Description:* IRC section 6041 requires payers of certain gambling winnings to report them to IRS. If applicable, section 3402(g) and section 3406 requires tax withholding on these winnings. IRS uses the information to ensure taxpayer income reporting compliance.

*Respondents:* Business or other for-profit, not-for-profit institutions, State, Local or Tribal Government.

*Estimated Total Burden Hours:* 1,272,479 hours.

*OMB Number:* 1545-0928.

*Type of Review:* Extension.

*Title:* REG-124667-02 (Final)

Disclosure of Relative Values of Optional Forms of Benefit; EE-35-85 (Final) Income Tax: Taxable Years Beginning after December 31, 1953; OMB Control Number Under the Paperwork Reduction Act; Survivor Benefits, Distribution Restriction and Various Other Issues Under the Retirement Equity Act of 1984.

*Description:* These final regulations are required by statute and must be provided by employers to retirement plan participants to inform participants of their rights under the plan or under the law. Failure to timely notify participant of their rights may result in loss of plan benefits.

*Respondents:* Business or other for-profit, not-for-profit institutions.

*Estimated Total Burden Hours:* 385,000 hours.

*OMB Number:* 1545-1424.