

increases in the cost of fuel for the particular movement to which the surcharge is applied, the Board arguably could consider that as a possible unreasonable practice.<sup>1</sup> Thus, it is that aspect of the shippers' concerns—whether railroad fuel surcharges are being set in such a manner as to insure that they are used only to recover the increased cost of fuel for the particular movements to which the surcharge is applied—that will be the subject of this hearing. Railroads are asked to present (individual not collective) testimony on how they set fuel surcharges, and whether their fuel surcharges fairly reflect the increasing fuel costs of the particular movements to which they are applied.

We are holding this hearing based on the Board's authority to inquire into the management of railroads and to obtain information that is needed to carry out the statute that the Board administers. 49 U.S.C. 721(b). To carry out its various statutory responsibilities, the Board requires railroads to collect and submit to the Board extensive cost and revenue information. 49 CFR parts 1200–1280. In this hearing, shippers and railroads are asked to comment on whether and how those reporting requirements should be adjusted to provide rail customers with better information on a carrier's fuel costs and the revenues collected through fuel surcharges. Making this information publicly available should enable shippers to better identify and protect against inappropriate surcharges and to more reliably forecast their future transportation costs.

Railroads have expressed concern that engaging in multi-carrier discussions regarding their fuel surcharge practices could expose them to potential liability under federal antitrust laws. This hearing will be structured to avoid such concerns. Railroads will be expected to submit separate, independent testimony at this hearing. They will not be asked to exchange information privately regarding their respective fuel surcharge practices or to agree upon a common method to calculate fuel surcharges. The agency is exercising its power to obtain from the regulated carriers information it needs to determine if a problem exists that requires agency action. 49 U.S.C. 721(b). Such a public conversation at the formal request of the agency should not implicate the federal antitrust laws. See *Eastern R.R. Presidents Conference*

*v. Noerr Motor Freight, Inc.*, 365 U.S. 127 (1961) (petitioning immunity); *United Mine Workers v. Pennington*, 381 U.S. 657 (1965) (*Noerr* immunity extends to petitioning government administrative agencies). Nor should any inference to the contrary be drawn merely from their participation at these hearings.

**Date of Hearing.** The hearing will begin at 9 a.m. on May 11, 2006, in the 7th floor hearing room at the Board's headquarters in Washington, DC, and will continue, with short breaks if necessary, until every person scheduled to speak has been heard.

**Board Releases and Live Audio Available Via the Internet.** Decisions and notices of the Board, including this notice, are available on the Board's Web site at <http://www.stb.dot.gov>. This hearing will be available on the Board's website by live audio streaming. To access the hearing, click on the "Live Audio" link under "Information Center" at the left side of the home page beginning at 9 a.m. on May 11, 2006.

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

Dated: March 13, 2006.

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

[FR Doc. E6–3931 Filed 3–16–06; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

March 13, 2006.

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 April 17, 2006 to be assured of consideration.

### Internal Revenue Service (IRS)

*OMB Number:* 1505–0170.  
*Type of Review:* Extension.

*Title:* Form for OFAC License Application to Unblock Funds Transfers.

*Form TD-Form 90–22.54.*

*Description:* Assets blocked pursuant to sanctions administered by Office of Foreign Assets Control (OFAC) may be released only through a specific license issued by OFCA. Since February 2000, use of this form to apply for the unblocking of funds transfers has been mandatory pursuant to 31 CFR 501.801(b)(2). Use of this form greatly facilitates and speeds applicants' submission and OFAC's processing.

*Respondents:* Business or other for-profit and Not-for-profit institutions.

*Estimated Total Burden Hours:* 1,500 hours.

*Clearance Officer:* Stephanie Petersen, Department of Treasury, Office of Foreign Assets Control, 1500 Pennsylvania Avenue, NW., Annex-2nd Floor, Washington, DC 20220. (202) 622–2500.

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

**Michael A. Robinson,**

*Treasury PRA Clearance Officer.*

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## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

March 13, 2006.

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 April 17, 2006 to be assured of consideration.

### Internal Revenue Service (IRS)

*OMB Number:* 1545–1530.

*Type of Review:* Extension.

*Title:* Tip Rate Determination Agreement (Gaming Industry); Gaming Industry Tip Compliance Agreement Program.

<sup>1</sup> If a complainant sought to challenge a particular fuel surcharge that applied to exempt classes of traffic, the complainant would have to seek revocation of the exemption (under 49 U.S.C. 10502(d)) to the extent necessary before the Board could take regulatory action with regard to that traffic.

*Description: Tip Rate Determination Agreement (Gaming Industry):* Information is required by the Internal Revenue Service in its Compliance efforts to assist employers and their employees in understanding and complying with section 6053(a), which requires employees to report all their tips monthly to their employers.  
*Gaming Industry Tip Compliance Agreement Program:* Taxpayers who operate gaming establishments may enter into an agreement with the

Internal Revenue Service to establish tip rates and occupational categories for all tipped employees of the taxpayer. The agreements will require substantiation of the tip rates as well as annual reporting of information such as sales, tips received, employee status etc.

*Respondents:* Business or other for-profit and individuals or households.

*Estimated Total Burden Hours:* 10,467 hours.

Clearance Officer: Glenn P. Kirkland, Internal Revenue Service, Room 6516,

1111 Constitution Avenue, NW., Washington, DC 20224. (202) 622-3428.

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

**Michael A. Robinson,**

*Treasury PRA Clearance Officer.*

[FR Doc. E6-3912 Filed 3-16-06; 8:45 am]

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