

comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at <http://www.regulations.gov> by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

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:* September 13, 2010.

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

Issued on: August 6, 2010.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 2010-19877 Filed 8-11-10; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35380]

#### San Luis & Rio Grande Railroad— Petition for a Declaratory Order

**AGENCY:** Surface Transportation Board, DOT.

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

**SUMMARY:** In response to a petition filed by the San Luis & Rio Grande Railroad (SLRG), the Board is instituting a declaratory order proceeding under 5 U.S.C. 554(e) and 49 U.S.C. 721 to determine whether the Board's jurisdiction preempts the land use code of Conejos County, Colo. (County) that might otherwise apply to SLRG's proposed operation of a containerized truck-to-rail solid waste transload

facility at Antonito, Colo. No responses to the petition have been filed. As discussed below, the Board will provide SLRG an opportunity to supplement its filing and will seek public comments in response, with a particular focus on, but not limited to, issues related to the Clean Railroads Act of 2008, 49 U.S.C. 10501(c)(2), 10908-10910 (CRA).

**DATES:** SLRG's opening statement is due August 27, 2010. Comments are due September 27, 2010. SLRG's reply to comments is due October 12, 2010.<sup>1</sup>

**ADDRESSES:** Filings may be submitted either via the Board's e-filing format or in traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's Web site at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies referring to Docket No. FD 35380 to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, one copy of each comment filed in this proceeding must be sent (and may be sent by e-mail only if service by e-mail is acceptable to the recipient) to SLRG's representative, John D. Heffner, 1750 K Street, NW., Suite 200, Washington, DC 20006. When SLRG files its reply to comments, one copy of that filing must be sent (and may be sent by e-mail only if service by e-mail is acceptable to the recipient) to each commenter.

Copies of written comments will be available for viewing and self-copying at the Board's Public Docket Room, Room 131, and will be posted to the Board's Web site. FOR FURTHER INFORMATION, CONTACT: Joseph H. Dettmar, (202) 245-0395. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877-8339.]

**SUPPLEMENTARY INFORMATION:** SLRG's petition for declaratory order concerns its transload facility in the County. SLRG explains that it has hired a contractor, Alcon Construction, Inc. (Alcon), to operate the facility. According to SLRG, Alcon intends to transfer sealed containers or bags of contaminated dirt from trucks originating at Los Alamos National Laboratory in New Mexico to railcars. SLRG would then transport the dirt from Antonito to an interchange with

Union Pacific Railroad at Walsenburg, Colo., for movement to its final destination at Clive, Utah. SLRG states that Alcon would function as its agent and that SLRG would be responsible for marketing, liabilities, expenses, safety, security, and compliance with applicable laws.

There has been citizen opposition to the facility, and SLRG's efforts to reach an agreement with the County have failed. According to SLRG, County officials have indicated that compliance with the local land use code could take an indefinite amount of time. The facility is ready, and SLRG had planned to begin operations there on May 25, 2010. The County, however, filed a complaint on May 24, 2010, in County Court, Conejos County, seeking to enjoin operations at the facility. That complaint has since been removed to Federal court, where it remains pending. In the complaint, the County claims that SLRG has violated the County's land use code.

SLRG seeks an order from the Board declaring that, due to Federal preemption under 49 U.S.C. 10501(b), the facility is not subject to the County's land use code. According to SLRG, the facility meets the requirements for § 10501(b) preemption because the proposed activities are transportation and they would be performed under the auspices of a rail carrier. SLRG argues that transportation includes activities integrally related to transportation, such as its plans here to load, unload, and temporarily store materials. Further, SLRG asserts that it is a rail carrier, as the Board authorized it to acquire and operate a line of railroad in 2003.

In addition, petitioner argues that the proposed operations at its facility are not subject to the CRA, which, if applicable, would restrict the Board's jurisdiction over the facility. See 49 U.S.C. 10501(c)(2)(B), 10908-10910. First, SLRG argues that the dirt would remain in its original shipping containers (sealed bags) and that the CRA only applies to activities outside of original shipping containers. 49 U.S.C. 10908(e)(1)(H)(i). Second, SLRG claims that the dirt is not subject to the CRA because it is "government-generated dirt" as opposed to industrial waste.

Under 5 U.S.C. 554(e), the Board has discretionary authority to issue a declaratory order to terminate a controversy or remove uncertainty. As there is a controversy here, a declaratory order proceeding is being instituted to obtain supplemental information from petitioner and to invite public comment on the issues. Filings should focus particularly on whether SLRG's containers are original shipping

<sup>1</sup> SLRG's petition included a proposed expedited schedule for presentation of evidence and legal argument. Because of the novel issues raised in this proceeding, however, the Board has chosen to seek public comment. A decision in the matter will be issued after thorough consideration of all submissions.

containers under § 10908(e)(1)(H)(i) and whether the dirt SLRG plans to transload and transport is subject to the CRA, but evidence and argument are not limited to those issues.

Board decisions, notices, and filings in this and other Board proceedings are available on our Web site at <http://www.stb.dot.gov>.

Decided: August 6, 2010.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Kulunie L. Cannon,**  
*Clearance Clerk.*

[FR Doc. 2010-19896 Filed 8-11-10; 8:45 am]

**BILLING CODE 4915-01-P**

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## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

**ACTION:** Notice; correction.

**SUMMARY:** The Department of the Treasury published a document in the **Federal Register** on July 28, 2010, inviting comments on collections of information submitted to the Office of Management and Budget (OMB) for review. This document contained incorrect references.

#### Correction

In the **Federal Register** of July 28, 2010, in FR Doc. 2010-18522, make the following corrections:

- Page 44308, in the third column, under *OMB Number: 1545-0047, Estimated Total Burden Hours:* replace “4,126,068” with “25,710,979”.
- page 44308, in the third column, under *OMB Number: 1545-0092, Estimated Total Burden Hours:* replace “27,478,960” with “375,066,475”.
- Page 44310, in the second column, under *OMB Number: 1545-1668, Type of Review:* replace “Extension without change” with “Revision”.
- Page 44310, in the second column, under *OMB Number: 1545-1668, Estimated Total Burden Hours:* replace “296,124” with “245,074”.
- Page 44311, in the first column, under *OMB Number: 1545-2042, Type of Review:* replace “Extension without change” with “Revision”.
- Page 44311, in the first column, under *OMB Number: 1545-2042, Estimated Total Burden Hours:* replace “2,025” with “2,635”.

Dated: August 6, 2010.

**Dawn D. Wolfgang,**  
*Treasury PRA Clearance Officer.*

[FR Doc. 2010-19915 Filed 8-11-10; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form TD F 90-22.1

**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 Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts.

**DATES:** Written comments should be received on or before October 12, 2010 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Gerald Shields, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at (202) 622-6665, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at [Allan.M.Hopkins@irs.gov](mailto:Allan.M.Hopkins@irs.gov).

**SUPPLEMENTARY INFORMATION: Title:** Report of Foreign Bank and Financial Accounts.

*OMB Number:* 1545-2038.

*Form Number:* TD F 90-22.1.

*Abstract:* This information is collected because of its high degree of usefulness in criminal, tax or regulatory investigations or procedures or in the conduct of intelligence of counterintelligence activities, including analysis, to protect against international terrorism. Respondents include all United States persons who have financial interest in or signature or other authority over foreign financial accounts with an aggregate value over \$10,000.

*Current Actions:* There are no changes being made to the form at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households, business or other for-profit and not-for-profit institutions, farms, and state, local or tribal government.

*Estimated Number of Responses:* 281,762.

*Estimated Time per Response:* 20 min.  
*Estimated Total Annual Burden Hours:* 93,921.

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: August 3, 2010.

**Gerald Shields,**

*Supervisory Tax Analyst.*

[FR Doc. 2010-19871 Filed 8-11-10; 8:45 am]

**BILLING CODE 4830-01-P**

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[REG-143797-06]

#### 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