

Appendix B—Proposed Certificate of Compliance

Certificate of Compliance

Effective as of the date hereof, the undersigned hereby certifies and covenants to the Federal Transit Administration (“FTA”) as follows:

1. *Title.* Subject to the obligations and conditions set forth in 49 CFR 18.31, as amended, title to real property acquired under a grant or subgrant for FTA Project Number _____, [insert project title here] (the “Project”), shall vest in the undersigned or subgrantee thereof (collectively or individually, as the case may be, the “Grantee”).

2. *Use.* Except as otherwise provided by Federal statutes, real property shall only be used for the originally authorized purposes (which may include Joint Development purposes that generate program income, both during and after the award period and used to support public transportation activities) as long as needed for such purposes, and that the Grantee shall not dispose of or encumber its title or other interests.

3. *Disposition.* When real property acquired with funds provided by FTA for the Project is no longer needed for the purpose originally authorized by FTA, the Grantee shall request disposition instructions from FTA and shall agree that, unless otherwise authorized by FTA, such disposition shall be made in accordance with applicable law, including without limitation 49 U.S.C. 5334(h) and 49 CFR 18.31.

4. *Federal Interest.* The Federal Government retains a Federal interest in any real property, equipment, and supplies financed with Federal assistance (“Project Property”) until, and to the extent that, the Federal Government relinquishes its Federal interest in such Project Property.

5. *Incidental Use.* Any incidental use of Project Property, as determined by FTA, shall not exceed that permitted under applicable Federal laws, regulations, and directives, including the requirements of FTA’s Master Agreement.

6. *Encumbrance of Project Property.* The Grantee covenants to FTA as follows:

a. *Written Transactions.* The Grantee agrees that it will not execute any transfer of title to the Project Property or enter into an instrument legally binding on the Grantee that would encumber Federal Interest in the Project Property.

b. *Oral Transactions.* The Grantee agrees that it will not obligate itself in any manner to any third party with respect to Project Property.

7. *Notice to Joint Development Partner.* The undersigned has delivered to the Joint Development Partner a duly executed copy of

this certificate, dated as of the date hereof, receipt of which has been acknowledged by the Joint Development Partner in writing to the undersigned on or before the date of execution of the Joint Development Agreement.

8. *Other Actions.* The Grantee (a) agrees that it will not take any action that encumbers the Federal Interest in the Project Property and (b) hereby affirms that each of its representations and warranties set forth in the Master Agreement is true and correct in all material respects as of the date hereof. The Grantee agrees that nothing herein shall supersede, amend, modify or otherwise affect the provisions, terms or conditions set forth in the Master Agreement.

9. Definitions.

a. “FTA” shall have the meaning provided in the preamble of this certificate.

b. “Grantee” shall have the meaning provided in section (2) of this certificate.

c. “Joint Development” shall mean a capital project as defined by 49 U.S.C. 5302(a)(1)(G) that is eligible for funding pursuant to the terms and conditions set forth in [insert new Joint Development circular number].

d. “Joint Development Partner” shall mean [insert definition].

e. “Master Agreement” shall mean that certain Master Agreement by and between FTA and the Grantee, as authorized by 49 U.S.C. 53, Title 23, United States Code (Highways), the National Capital Transportation Act of 1969, as amended, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, the Transportation Equity Act for the 21st Century, as amended, or other Federal laws that FTA administers, as the same may be lawfully revised, superseded or supplemented from time to time.

f. “Project” shall have the meaning provided in section (1) of this certificate.

g. “Project Property” shall have the meaning provided in section (4) of this certificate.

10. *No Estoppel.* The undersigned agrees that acceptance of this Certificate of Compliance by FTA shall not estop the Federal government from initiating or conducting, and shall not be used as a defense for, any investigation, audit or inquiry by the Federal government following approval by FTA of the project.

Issued on the 5th day of September, 2006.

James S. Simpson,
Administrator.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration Office of Hazardous Materials Safety

Notice of Delays in Processing of Special Permit Applications

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: List of application delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT: Ann Mazzullo, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001, (202) 366–4535.

Key to “Reason for Delay”

1. Awaiting additional information from applicant.
2. Extensive public comment under review.
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.
4. Staff review delayed by other priority issues or volume of special permit applications.

Meaning of Application Number Suffixes

N—New application.
M—Modification request.
X—renewal.
PM—Party to application with modification request.

Issued in Washington, DC, on September 6, 2006.

R. Ryan Posten,

Chief, Special Permits Program, Office of Hazardous Materials Safety, Special Permits & Approvals.

NEW SPECIAL PERMIT APPLICATIONS

Application No.	Applicant	Reason for delay	Estimated date of completion
13563–N	Applied Companies, Valencia, CA	1	09–30–2006
14229–N	Senex Explosives, Inc., Cuddy, PA	4	09–30–2006
14232–N	Luxfer Gas Cylinders—Composite Cylinder Division, Riverside, CA	4	09–30–2006
14239–N	Marlin Gas Transport, Inc., Odessa, FL	1	09–30–2006
14237–N	Advanced Technology Materials, Inc. (ATMI), Danbury, CT	1	09–30–2006

NEW SPECIAL PERMIT APPLICATIONS—Continued

Application No.	Applicant	Reason for delay	Estimated date of completion
14285-N	INO Therapeutics LLC., Port Allen, LA	4	09-30-2006
14298-N	Air Products and Chemicals, Inc., Allentown, PA	4	09-30-2006
14316-N	VOTG North America, Inc., West Chester, PA	4	09-30-2006
14310-N	Praxair, Danbury, CT	4	09-30-2006
14314-N	North American Automotive Hazmat Action Committee	4	09-30-2006
14318-N	Lockheed Martin Technical Operations, Vandenberg AFB, CA	4	09-30-2006
14289-N	City Machine & Welding, Inc., Amarillo, TX	4	09-30-2006
14257-N	Origin Energy American Samoa, Inc., Pago Pago, AS	4	09-30-2006
14266-N	NCF Industries, Inc., Santa Maria, CA	3	09-30-2006
14277-N	Ascus Technologies, Ltd., Cleveland, OH	3, 4	09-30-2006

MODIFICATION TO SPECIAL PERMITS

Application No.	Application	Reason for delay	Estimated date of completion
12677-M	Austin Powder Illinois Company, Cleveland, OH	1	09-30-2006
5749-M	E.I. DuPont de Nemours, Wilmington, DE	4	09-30-2006
10481-M	M-I Engineering Limited, Bradford, West Yorkshire	4	09-30-2006

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BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Submission for OMB Review;
Comment Request

September 6, 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 October 12, 2006 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545-1606.*Type of Review:* Extension.*Title:* Qualified Zone Academy Bond Credit.*Form:* 8860.

Description: A qualified zone academy bond is a taxable bond issued after 1997 by a state or local government, with the proceeds used to improve certain eligible public schools. In lieu of receiving interest payments from the issuer, an eligible holder of the bond is generally allowed an annual

income tax credit. Eligible holders of qualified zone academy bonds use Form 8860 to figure and claim this credit.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 204 hours.

OMB Number: 1545-1593.*Type of Review:* Extension.*Title:* U.S. Income Tax Return for Qualified Funeral Trusts.*Form:* 1041-QFT.

Description: IRC section 685 allows the trustee of a qualified funeral trust to elect to report and pay the tax for the trust. Data is used to determine that the trustee filed the proper return and paid the correct tax.

Respondents: Business and other for-profit institutions, and not-for-profit institutions.

Estimated Total Burden Hours: 270,150 hours.

OMB Number: 1545-0098.*Type of Review:* Extension.*Title:* Application for Tentative Refund.*Form:* 1045.

Description: Form 1045 is used by individuals, estates, and trusts to apply for a quick refund of taxes due to carryback of a new operating loss, unused general business credit, or claim of right adjustment under section 1341(b). The information obtained is used to determine the validity of the application.

Respondents: Individuals or Households.

Estimated Total Burden Hours: 614,888 hours.

OMB Number: 1545-1016.*Type of Review:* Revision.

Title: Empowerment Zone Employment Credit.

Form: 8613.

Description: Form 8613 is used by regulated investment companies to compute and pay the excise tax on undistributed income imposed under section 4982. IRS uses the information to verify that the correct amount of tax has been reported.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 365,904 hours.

OMB Number: 1545-1842.*Type of Review:* Extension.*Title:* Health Coverage Tax Credit Registration Form.*Form:* 13441.

Description: Form 13441, Health Coverage Tax Credit Registration Form, will be directly mailed to all individuals who are potentially eligible for the HCTC. Potentially eligible individuals will use this form to determine if they are eligible for the Health Coverage Tax Credit and to register for the HCTC program. Participation in this program is voluntary. This form will be submitted by the individual to the HCTC program office in a postage-paid, return envelope. We will accept faxed forms, if necessary.

Respondents: Individuals or Households.

Estimated Total Burden Hours: 900 hours.

OMB Number: 1545-0192.*Type of Review:* Extension.*Title:* Tax on Accumulation Distribution of Trusts.*Form:* 4970.

Description: Form 4970 is used by a beneficiary of a domestic or foreign trust