

Issued in Washington, DC, on September 21, 2005.

**Theodore L. Willke,**

*Deputy Associate Administrator for Pipeline Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-05-21314; Notice 2]

#### Pipeline Safety: Grant of Waiver; BOC Gases

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation (DOT).

**ACTION:** Grant of Waiver; BOC Gases.

**SUMMARY:** BOC Gases (BOC) petitioned PHMSA for a waiver from the pipeline safety standards at 49 CFR 195.306(c)(5) to allow the use of inert gas or carbon dioxide as the test medium for pressure testing its existing carbon dioxide pipeline.

**SUPPLEMENTARY INFORMATION:** The hazardous liquid pipeline safety regulation at 49 CFR 195.306(c)(5) allows an operator of a carbon dioxide pipeline to use inert gas or carbon dioxide as the test medium if the pipe involved is new pipe having a longitudinal joint factor of 1.00.

BOC is requesting the waiver to use carbon dioxide as the test medium in its carbon dioxide pipeline system. The BOC carbon dioxide pipeline system is approximately 14 miles northwest of Green River, Wyoming and located in Sweetwater County. (The County is a remote, uninhabited area that does not lie within any city or other populated limits.) The pipeline was constructed in February 1995 and is 7 miles in length. The line is constructed of 3.5-inch diameter, American Petroleum Institute (API) API 5L, Grade B seamless pipe, and has a wall thickness of 0.300-inches.

BOC calculated the pipe's internal design pressure to be 4,320 pounds per square inch gauge (psig) using the formula in § 195.106 and pressure tested the pipe after construction. The minimum pressure was 3,575 psig and the pipe was tested for 2 hours. The pipeline is effectively coated and has had a sacrificial anode cathodic protection system since its construction.

In justification for this waiver, BOC proposed the following testing procedure:

- BOC will use liquid carbon dioxide to pressure test the entire 7 mile pipeline;
- BOC will maintain a minimum test pressure of 3,575 psig or 60% of the pipeline's specified minimum yield strength (SMYS) for at least 4 hours;
- BOC will test the pipeline for an additional 4 hours at a minimum pressure of 3,146 psig or 48% of SMYS;
- BOC will station personnel along the pipeline to observe any conditions which might indicate leakage during the test;
- BOC personnel will be in constant communication with its personnel who will supervise and conduct the pressure test; and
- BOC's building facilities will be unoccupied and its personnel will be stationed along the pipeline where it parallels the State highway whenever the test pressure exceeds 50% SMYS during the pressure test.

BOC asserts that this pipeline does not pose a risk to the public or the environment because it is in a remote location, in excellent condition, and will be tested and operated at a low percentage of SMYS.

After reviewing the waiver request, PHMSA published a notice inviting interested persons to comment on whether a waiver should be granted (70 FR 40780; July 14, 2005). No comments were received from the public in response to the notice.

For the reasons explained above and in the July 14, 2005 Notice, PHMSA finds that the requested waiver is not inconsistent with pipeline safety and that an equivalent level of safety can be achieved. Therefore, BOC's request for waiver of compliance from 49 CFR 195.306(c)(5) is granted on the condition that BOC follow its proposed testing procedure for testing its carbon dioxide pipeline system.

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34729]

#### Saginaw Bay Southern Railway Company—Acquisition and Operation Exemption—Rail Line of CSX Transportation, Inc.

Saginaw Bay Southern Railway Company (SBS), a noncarrier, has filed

a verified notice of exemption under 49 CFR 1150.31 to acquire and operate approximately 67 miles of rail line owned by CSX Transportation, Inc. (CSXT) in Bay, Saginaw, Genesee, and Midland Counties, MI, as follows: (1) From milepost CC 0.0 at the Saginaw Station to milepost CC 26.2 at the Mt. Morris Station; (2) from milepost CB 0.0 at the Saginaw Station to milepost CB 17.37 at the Midland Station; (3) from milepost CBB 0.0 at the Saginaw Station to milepost CBB 16.7 at the Essexville Station; (4) from milepost CBC 0.0 to milepost CBC 2.0 both at the Saginaw Station; (5) from milepost CBD 2.2 to milepost CBD 4.5 both at the Saginaw Station; (6) from milepost CSF 0.0 to milepost CSF 0.82 both at the Saginaw Station; and (7) from milepost CBE 7.72 to milepost CBE 10.09 both at the Paines Station.

Under this transaction, SBS will purchase the track along the line from CSXT and will lease the underlying right-of-way. SBS plans to provide service over the line through the use of a contract operator, Lake State Railway Company, although only SBS will hold responsibility for providing common carrier rail service over the line.

SBS certifies that its projected revenues will not exceed those that would qualify it as a Class III carrier. However, because the projected annual revenues of the rail line to be operated will exceed \$5 million following consummation of this transaction, SBS has certified to the Board, on August 19, 2005, as amended August 26, 2005, that it posted the required notice of its rail line acquisition at the workplace of the employees of CSXT and served the notice on the national offices of all labor unions with employees on the affected line. See 49 CFR 1150.32(e).

The transaction is expected to be consummated on or after October 28, 2005 (which is 60 days or more after SBS' certification to the Board that it had complied with the Board's regulation at 49 CFR 1150.32(e)).

This transaction is related to STB Finance Docket No. 34730, *James George and J&JG Holding Company, Inc.—Continuance in Control Exemption—Saginaw Bay Southern Railway Company*, wherein James George and J&JG Holding Company, Inc. seek authorization through a petition for exemption, to continue in control of SBS upon SBS' becoming a Class III rail carrier.

If the notice 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. 34729, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Andrew B. Kolesar III, Slover & Loftus, 1224 17th Street, NW., Washington, DC 20036.

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

Decided: September 19, 2005.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 05-19138 Filed 9-26-05; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 3949-A

**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 3949-A, Information Referral.

**DATES:** Written comments should be received on or before November 28, 2005 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 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 R. Joseph Durbala, (202) 622-3634, at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at [RJoseph.Durbala@irs.gov](mailto:RJoseph.Durbala@irs.gov).

#### **SUPPLEMENTARY INFORMATION:**

*Title:* Information Referral.

*OMB Number:* 1545-1960.

*Form Number:* 3949-A.

**Abstract:** Form 3949-A is used by certain taxpayer/investors to wishing to report alleged tax violations. The form will be designed capture the essential information needed by IRS for an initial evaluation of the report. Upon return, the Service will conduct the same back-end processing required under present IRM guidelines.

Submission of the information to be included on the form is entirely voluntary on the part of the caller and is not a requirement of the Tax Code.

**Current Actions:** There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

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

**Affected Public:** Individuals and Households.

**Estimated Number of Respondents:** 215,000.

**Estimated Time Per Respondent:** 15 minutes.

**Estimated Total Annual Burden Hours:** 53,750.

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: September 20, 2005.

**Glenn P. Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. 05-19221 Filed 9-26-05; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Open Meeting of the Area 2 Taxpayer Advocacy Panel (Including the States of Delaware, North Carolina, South Carolina, New Jersey, Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia)

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

**ACTION:** Amended notice (due to tropical storm Rita).

**SUMMARY:** An open meeting of the Area 2 Taxpayer Advocacy Panel will be conducted (via teleconference).

The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Tuesday, September 27, 2005, from 1:30 p.m. to 3 p.m. ET.

**FOR FURTHER INFORMATION CONTACT:** Inez E. De Jesus at 1-888-912-1227, or 954-423-7977.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10 (a) (2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 2 Taxpayer Advocacy Panel will be held Tuesday, September 27, 2005 from 1:30 p.m. to 3 p.m. ET via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1-888-912-1227 or 954-423-7977, or write Inez E. De Jesus, TAP Office, 1000 South Pine Island Rd., Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Inez E. De Jesus. Ms. De Jesus can be reached at 1-888-912-1227 or 954-423-7977, or post comments to the Web site: <http://www.improveirs.org>.

The agenda will include the following: Various IRS issues.

Dated: September 20, 2005.

**Martha Curry,**

*Acting Director, Taxpayer Advocacy Panel.*

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