

Strasburger & Price, LLP, 1700 K Street NW., Suite 640, Washington, DC 20006.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

*It is ordered:*

1. The delegation of authority to the Director of the Office of Proceedings under 49 CFR 1011.7(a)(2)(x)(A) to determine whether to issue a notice of exemption in this proceeding is revoked.

2. This decision is effective on the date of service.

Decided: June 26, 2012.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Begeman. Vice Chairman Mulvey approved with a separate expression.

Vice Chairman Mulvey, commenting:

Interchange commitments have the potential to limit or, in some cases, to effectively eliminate, competition between rail carriers. Because this can result in long-term harm to shippers, I believe that the Board should be carefully scrutinizing transactions that include interchange commitments. Typically, such scrutiny is not possible within the Notice of Exemption process due to its short time-frames. I have long urged the Board to require that such transactions be analyzed using more detailed processes that allow the Board to consider (1) the nature of the interchange commitment, (2) how many shippers and carloads will be impacted by the interchange commitment, and (3) what competitive routing options are being foreclosed during the term of the lease.

In this case, however, there appears to be no need for concern regarding competitive harm. Toledo has confirmed that it will not connect physically to any carrier other than NSR, the carrier from whom it is leasing the line. Although the lease contains a rental credit based on the number of cars Toledo interchanges with NSR, because Toledo physically cannot interchange cars with a third-party carrier in any event, there will be no adverse competitive impact from the interchange commitment. Accordingly, I vote to approve the Notice of Exemption process for this transaction.

**Derrick A. Gardner,**

*Clearance Clerk.*

[FR Doc. 2012-16003 Filed 6-28-12; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### Alcohol and Tobacco Tax and Trade Bureau

#### Proposed Information Collections; Comment Request

**AGENCY:** Alcohol and Tobacco Tax and Trade Bureau; Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, we invite comments on the proposed or continuing information collections listed below in this notice.

**DATES:** We must receive your written comments on or before August 28, 2012.

**ADDRESSES:** You may send comments to Mary A. Wood, Alcohol and Tobacco Tax and Trade Bureau, at any of these addresses:

- P.O. Box 14412, Washington, DC 20044-4412;
- 202-453-2686 (facsimile); or
- [formcomments@ttb.gov](mailto:formcomments@ttb.gov) (email).

Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form or recordkeeping requirement number, and OMB number (if any) in your comment. If you submit your comment via facsimile, send no more than five 8.5 x 11 inch pages in order to ensure electronic access to our equipment.

**FOR FURTHER INFORMATION CONTACT:** To obtain additional information, copies of the information collection and its instructions, or copies of any comments received, contact Mary A. Wood, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 14412, Washington, DC 20044-4412; or telephone 202-453-2265.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Department of the Treasury and its Alcohol and Tobacco Tax and Trade Bureau (TTB), as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on the proposed or continuing information collections listed below in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this notice will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the

public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether this information collection is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the information collection's burden; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the information collection's burden 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 the requested information.

#### Information Collections Open for Comment

Currently, we are seeking comments on the following forms and recordkeeping requirements:

*Title:* Authorization to Furnish Financial Information and Certificate of Compliance.

*OMB Control Number:* 1513-0004.

*TTB Form Number:* 5030.6.

*Abstract:* The Right to Financial Privacy Act of 1978 limits access to records held by financial institutions and provides for certain procedures to gain access to the information. TTB F 5030.6 serves as both a customer authorization for TTB to receive such information and as the required certification to the financial institution.

*Current Actions:* We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

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

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 2,000.

*Estimated Total Annual Burden Hours:* 500.

*Title:* Formula and Process for Wine.

*OMB Control Number:* 1513-0010.

*TTB Form Number:* 5120.29.

*Abstract:* TTB F 5120.29 is used to determine the classification of wines for labeling and consumer protection purposes. The form describes the person filing, the type of product to be made, and any restrictions to labeling and manufacture. The form is also used to audit a product's compliance with the relevant regulations.

*Current Actions:* We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

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

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 600.

*Estimated Total Annual Burden Hours:* 1,200.

*Title:* Application for an Industrial Alcohol User Permit.

*OMB Number:* 1513-0028.

*TTB Form Number:* 5150.22.

*Abstract:* TTB F 5150.22 is used to determine the eligibility of the applicant to engage in certain operations and the extent of the operations for the production and distribution of specially denatured spirits (alcohol/um). This form identifies the location of the premises and establishes whether the premises will be in conformity with Federal laws and regulations.

*Current Actions:* We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

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

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 738.

*Estimated Total Annual Burden Hours:* 738.

*Title:* Distilled Spirits Records and Monthly Report of Production Operations.

*OMB Number:* 1513-0047.

*TTB Form Number:* 5110.40.

*TTB Recordkeeping Number:* 5110/01.

*Abstract:* This information collected is used to account for a proprietor's excise tax liability, adequacy of bond coverage, and protection of the revenue. The information also provides TTB with data to analyze trends in the industry, plan efficient allocation of field resources, audit plant operations, and compile statistics for government economic analysis.

*Current Actions:* We are submitting this information collection as a revision. Changes in the supporting statement and form reflects changes to regulatory section numbers as recodified in the final rule for the revision of 27 CFR Part 19, Distilled Spirits Plants. The estimated number of respondents and estimated total annual burden hours remain unchanged.

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

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 1,800.

*Estimated Total Annual Burden Hours:* 3,600.

*Title:* Registration of Distilled Spirits Plants and Miscellaneous Requests and Notices for Distilled Spirits Plants.

*OMB Control Number:* 1513-0048.

*TTB Form Number:* 5110.41.

*Abstract:* The information provided by the applicants assists TTB in determining eligibility and providing for registration. These eligibility requirements are for persons who wish to establish distilled spirits plant operations. However, both statutes and regulations allow variances from regulations, and this information provides data to permit a variance.

*Current Actions:* We are submitting this information collection as a revision. Changes in the supporting statement and form reflects changes to regulatory section numbers as recodified in the final rule for the revision of 27 CFR Part 19, Distilled Spirits Plants.

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

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 1,109.

*Estimated Total Annual Burden Hours:* 1,265.

*Title:* Letterhead Applications and Notices Relating to Wine.

*OMB Control Number:* 1513-0057.

*TTB Recordkeeping Number:* 5120/2.

*Abstract:* Letterhead applications and notices relating to wine are required to ensure that the intended activity will not jeopardize the revenue or defraud consumers.

*Current Actions:* We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

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

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 1,650.

*Estimated Total Annual Burden Hours:* 826.

*Title:* Airlines Withdrawing Stock from Customs Custody.

*OMB Control Number:* 1513-0074.

*TTB Recordkeeping Number:* 5620/2.

*Abstract:* Airlines may withdraw tax-exempt distilled spirits, wine, and beer from Customs custody for foreign

flights. The required record shows the amount of spirits and wine withdrawn, flight identification, and Customs certification. The records enable TTB to verify that tax is not due, allows spirits and wines to be traced, maintains accountability, and protects tax revenue. This collection of information is contained in 27 CFR 28.280 and 28.281.

*Current Actions:* We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

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

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 25.

*Estimated Total Annual Burden Hours:* 2,500.

*Title:* Alcohol, Tobacco, and Firearms Tax Returns, Claims, and Related Documents.

*OMB Control Number:* 1513-0088.

*TTB Recordkeeping Number:* 5000/24.

*Abstract:* TTB is responsible for the collection of the Federal excise taxes on firearms, ammunition, distilled spirits, wine, beer, various tobacco products, and cigarette papers and tubes. Alcohol, tobacco, firearms, and ammunition excise taxes, and tobacco special (occupational) taxes are required to be collected on the basis of a return. Section 5555 of title 26 of the United States Code (26 U.S.C. 5555) authorizes the Secretary of the Treasury to prescribe regulations requiring all persons liable for these taxes to prepare records, statements, or returns as necessary to protect the revenue.

*Current Actions:* We are submitting this information collection as a revision. Change in the supporting statement reflect changes to regulatory section numbers as recodified in the final rule for the revision of 27 CFR Part 19, Distilled Spirits Plants. The estimated number of respondents and estimated total annual burden hours remain unchanged.

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

*Affected Public:* Business or other for profit; Not-for-profit institutions; Individuals or households.

*Estimated Number of Respondents:* 503,921.

*Estimated Total Annual Burden Hours:* 503,921.

*Title:* Liquors and Articles from Puerto Rico or the Virgin Islands.

*OMB Control Number:* 1513-0089.

*TTB Recordkeeping Number:* 5530/3.

*Abstract:* This information collection applies to persons bringing nonbeverage

products into the United States from Puerto Rico and the Virgin Islands. These recordkeeping requirements are for the verification of claims for drawback of distilled spirits excise tax paid on nonbeverage products.

*Current Actions:* We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

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

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 20.

*Estimated Total Annual Burden Hours:* 160.

*Title:* Certificate of Taxpaid Alcohol.

*OMB Control Number:* 1513-0131.

*TTB Form Number:* 5100.4.

*Abstract:* This form is required by a Port Director of Customs and Border Patrol (Customs) to support refunding taxes paid on nonbeverage products that are exported. When the nonbeverage product is exported, the industry member submits TTB F 5100.4 and supporting documentation to TTB. TTB certifies the form and then submits it to Customs.

*Current Actions:* We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated total annual burden hours remain unchanged.

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

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 10.

*Estimated Total Annual Burden Hours:* 1,000.

Dated: June 26, 2012.

**Amy Greenberg,**

*Assistant Director, Regulations and Rulings Division.*

[FR Doc. 2012-16008 Filed 6-28-12; 8:45 am]

**BILLING CODE 4810-31-P**

## DEPARTMENT OF THE TREASURY

### Fiscal Service

#### Prompt Payment Interest Rate; Contract Disputes Act

**AGENCY:** Bureau of the Public Debt, Fiscal Service, Treasury.

**ACTION:** Notice.

**SUMMARY:** For the period beginning July 1, 2012, and ending on December 31, 2012, the prompt payment interest rate is 1¾ per centum per annum.

**ADDRESSES:** Comments or inquiries may be mailed to Dorothy Dicks, Reporting Team Leader, Federal Borrowings Branch, Division of Accounting Operations, Office of Public Debt Accounting, Bureau of the Public Debt, Parkersburg, West Virginia 26106-1328. A copy of this Notice is available at <http://www.treasurydirect.gov>.

**DATES:** Effective July 1, 2012, to December 31, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Brant McDaniel, Manager, Federal Borrowings Branch, Office of Public Debt Accounting, Bureau of the Public Debt, Parkersburg, West Virginia 26106-1328, (304) 480-5114; Dorothy Dicks, Reporting Team Leader, Federal Borrowings Branch, Division of Accounting Operations, Office of Public Debt Accounting, Bureau of the Public Debt, Parkersburg, West Virginia 26106-1328, (304) 480-5115; Paul Wolfteich, Chief Counsel, Office of the Chief Counsel, Bureau of the Public Debt, (202) 504-3705; or Brenda L. Hoffman, Attorney-Advisor, Office of the Chief

Counsel, Bureau of the Public Debt, (202) 504-3706.

**SUPPLEMENTARY INFORMATION:** An agency that has acquired property or service from a business concern and has failed to pay for the complete delivery of property or service by the required payment date shall pay the business concern an interest penalty. 31 U.S.C. 3902(a). The Contract Disputes Act of 1978, Sec. 12, Public Law 95-563, 92 Stat. 2389, and the Prompt Payment Act, 31 U.S.C. 3902(a), provide for the calculation of interest due on claims at the rate established by the Secretary of the Treasury.

The Secretary of the Treasury has the authority to specify the rate by which the interest shall be computed for interest payments under section 12 of the Contract Disputes Act of 1978 and under the Prompt Payment Act. Under the Prompt Payment Act, if an interest penalty is owed to a business concern, the penalty shall be paid regardless of whether the business concern requested payment of such penalty. 31 U.S.C. 3902(c)(1). Agencies must pay the interest penalty calculated with the interest rate, which is in effect at the time the agency accrues the obligation to pay a late payment interest penalty. 31 U.S.C. 3902(a). "The interest penalty shall be paid for the period beginning on the day after the required payment date and ending on the date on which payment is made." 31 U.S.C. 3902(b).

Therefore, notice is given that the Secretary of the Treasury has determined that the rate of interest applicable for the period beginning July 1, 2012, and ending on December 31, 2012, is 1¾ per centum per annum.

**Richard L. Gregg,**

*Fiscal Assistant Secretary.*

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