

equalizing excise tax imposed by Florida on processed orange and processed grapefruit products pursuant to Section 601.155 of the Florida Statutes. The panel was established on October 1, 2002. Chile, the European Communities ("EC"), Mexico, and Paraguay have notified the WTO of their intention to participate as third parties.

#### Major Issues Raised and Legal Basis of the Complaint

Brazil alleges that the equalizing excise tax imposed by the State of Florida pursuant to Section 601.155 of the Florida Statutes, as amended effective July 1, 2002, is inconsistent with certain obligations of the United States under GATT 1994. Brazil asserts that Section 601.155 levies an excise tax on the privilege of processing, reprocessing, blending, or mixing processed orange products or processed grapefruit products into retail or instituted size containers in Florida. Products on which an equivalent tax is levied pursuant to § 601.15 of the Florida Statutes are exempt from the tax imposed by § 601.155. Brazil asserts that the Florida equalizing excise tax is inconsistent with United States obligations under Articles III:1, III:2 and III:4 of GATT 1994.

Specifically, Brazil alleges, *inter alia*, that the equalizing excise tax (a) is applied to the Brazilian product so as to afford production; (b) exceeds internal taxes and charges applied to like domestic products; and (c) accords Brazilian products treatment less favorable than that accorded to like products of U.S. origin, particularly in regard to the use of the proceeds of the equalizing excise tax for advertising and promotion of Florida citrus and citrus products.

#### Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. Persons submitting comments may either send one copy by U.S. mail, first class, postage prepaid, to Sandy McKinzy at the address listed above or transmit a copy electronically to [FR007@ustr.gov](mailto:FR007@ustr.gov), with "DS250" in the subject line. For documents sent by U.S. mail, the submitter should provide a confirmation copy, either electronically or by fax to (202) 395-3640.

USTR encourages the submission of documents in Adobe PDF format, as attachments to an electronic mail. Interested persons who make submissions by electronic mail should not provide separate cover letters; information that might appear in a cover

letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page of the submission.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(b)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitting person believes that information or advice may qualify as such, the submitting person—

- (1) Must so designate the information or advice;
- (2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" at the top and bottom of the cover page and each succeeding page of the submission; and
- (3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room, which is located at 1724 F Street, NW., Washington, DC 20508. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; the U.S. submissions to the panel in the dispute, the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the dispute, as well as the report of the panel; and, if applicable, the report of the Appellate Body. An appointment to review the public file may be made by calling the USTR Reading Room at (202) 395-6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

**Daniel E. Brinza,**

*Assistant United States Trade Representative for Monitoring and Enforcement.*

[FR Doc. 03-12037 Filed 5-13-03; 8:45 am]

**BILLING CODE 3190-01-M**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34339]

#### Huron & Eastern Railway Company, Inc.-Corporate Family Merger Exemption-Saginaw Valley Railway Company, Inc.

Huron & Eastern Railway Company, Inc. (HESR)<sup>1</sup> and the Saginaw Valley Railway Company, Inc. (SGVY),<sup>2</sup> both of which are subsidiaries of RailAmerica, Inc., have filed a verified notice of exemption with respect to a proposed corporate restructuring, through which SGVY will merge into HESR, with HESR as the surviving entity. Under the agreement and plan of merger, HESR will own all of the assets of SGVY and will be responsible for all debts, liabilities, and obligations of SGVY.

The transaction was scheduled to be consummated on or after April 21, 2003, the effective date of the exemption (7 days after the exemption was filed).

The purpose of the transaction is to reduce corporate overhead and duplication and save state taxes.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under that statute, may not impose labor protective conditions for this transaction.

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. 34339 must be filed with the

<sup>1</sup> HESR, a Class III rail carrier, owns and operates approximately 171 miles of railroad in the State of Michigan.

<sup>2</sup> SGVY, a Class III rail carrier, owns and operates approximately 56.72 miles of railroad in the State of Michigan.

Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Louis E. Gitomer, Of Counsel, BALL JANIK LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

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

Decided: May 8, 2003.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 03-12002 Filed 5-13-03; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

May 8, 2003.

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, Pub. L. 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 June 13, 2003, to be assured of consideration.

#### Internal Revenue Service (IRS)

*OMB Number:* 1545-0233.

*Form Number:* IRS Form 7004.

*Type of Review:* Extension.

*Title:* Application for Automatic Extension of Time to File Corporation Income Tax Return.

*Description:* Form 7004 is used by corporations and certain non-profit institutions to request an automatic 6-month extension of time to file their income tax returns. The information is needed by IRS to determine whether Form 7004 was timely filed so as not to impose a late filing penalty in error and also to insure that the proper amount of tax was computed and deposited.

*Respondents:* Business or other for-profit, not-for-profit institutions.

*Estimated Number of Respondents/Recordkeepers:* 1,081,045.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

Recordkeeping—5 hr., 44 min.

Learning about the law or the form—1 hr., 33 min.

Preparing the form—2 hr., 39 min.

Copying, assembling, and sending the form to the IRS—16 min.

*Frequency of Response:* Annually.

*Estimated Total Reporting/*

*Recordkeeping Burden:* 11,048,280 hours.

*OMB Number:* 1545-0887.

*Form Number:* IRS Form 8281.

*Type of Review:* Extension.

*Title:* Information Return for Publicly Offered Original Issue Discount Instruments.

*Description:* Form 8281 is filed by the issuer of a publicly offered debt instrument having Original Issue Discount (OID). The information is used to update Publication 1212, "List of Original Issue Discount Instruments."

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 500.

*Estimated Burden Hours Per*

*Respondent/Recordkeeper:*

Recordkeeping—5 hr., 1 min.

Learning about the law or the form—30 min.

Preparing, copying, assembling and sending the form to the IRS—36 min.

*Frequency of Response:* On occasion, annually.

*Estimated Total Reporting/*

*Recordkeeping Burden:* 3,060 hours.

*OMB Number:* 1545-1131.

*Regulation Project Number:* INTL-485-89 Final.

*Type of Review:* Extension.

*Title:* Taxation of Gain or Loss from Certain Nonfunctional Currency Transactions (Section 988 Transactions).

*Description:* Sections 988(c)(1)(D) and (E) require taxpayers to make certain elections which determine whether section 988 applies. In addition sections 988(a)(1)(B) and 988(d) require taxpayers to identify transactions which generate capital gain or loss or which are hedges of other transactions.

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

*Estimated Number of Respondents/Recordkeepers:* 5,000.

*Estimated Burden Hours Per*

*Respondent/Recordkeeper:* 40 minutes.

*Frequency of Response:* Annually.

*Estimated Total Reporting/*

*Recordkeeping Burden:* 3,333 hours.

*OMB Number:* 1545-1241.

*Regulation Project Number:* PS-92-90 Final.

*Type of Review:* Extension.

*Title:* Special Valuation Rules.

*Description:* Section 2701 of the Internal Revenue Code allows various

elections by family members who make gifts of common stock or partnership interests and retain senior interests. The elections affect the value of the gifted interests and the retained interests.

*Respondents:* Individuals or households.

*Estimated Number of Respondents:* 1,200.

*Estimated Burden Hours Per*

*Respondent:* 25 minutes.

*Frequency of Response:* Other (one-time election).

*Estimated Total Reporting Burden:* 496 hours.

*OMB Number:* 1545-1260.

*Regulation Project Number:* CO-62-89 Final.

*Type of Review:* Extension.

*Title:* Final Regulations Under Section 382 of the Internal Revenue Code of 1986; Limitations on Corporate Net Operating Loss Carryforwards.

*Description:* The reporting requirement concerns the election a taxpayer may make to treat as the change date the effective date of a plan of reorganization in a title II or similar case rather than the confirmation date of a plan.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents:* 10.

*Estimated Burden Hours Per*

*Respondent:* 1 hour.

*Frequency of Response:* Other (once).

*Estimated Total Reporting Burden:* 1 hour.

*OMB Number:* 1545-1344.

*Regulation Project Number:* CO-30-92 Final.

*Type of Review:* Extension.

*Title:* Consolidated Returns—Stock Basis and Excess Loss Accounts, Earnings and Profits, Absorption of Deductions and Losses, Joining and Leaving Consolidated Groups, Worthless Stock Loss, Non-applicability of Section 357(c).

*Description:* The reporting requirements affect consolidated taxpayers who will be making elections (if made) to treat certain loss carryovers as expiring and an election (if made) allocating items between returns. The information will facilitate enforcement of consolidated return regulations.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents:* 52,049.

*Estimated Burden Hours Per*

*Respondent:* 45 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 18,600 hours.

*OMB Number:* 1545-1426.