

*Respondents:* Medical examiners; Advanced Practice Nurses (APNs), Doctors of Chiropractic (DCs), Doctors of Osteopathy (DOs), Medical Doctors (MDs), and Physician Assistants (PAs) who are currently performing FMCSA physical examinations of CMV drivers.

*Estimated Number of Respondents:* 4,300 respondents [4,000 respondents for the survey + 300 respondents (150 medical examiners + 150 drivers per on-site observation) = 4,300 respondents].

*Estimated Time per Response:* 30 minutes to complete the survey and 5 minutes each for the medical examiner and driver to complete the observation consent forms.

*Expiration Date:* N/A. This is a new information collection.

*Frequency of Response:* This is a one-time survey.

*Estimated Total Annual Burden:* 2,025 hours. The estimated annual burden is 2,000 hours for the completion of the survey based on the following requirement for statistical significance: 800 responses from each of at least five of the medical examiner professional categories; [4,000 respondents per survey  $\times$  30 minutes/60 minutes per respondent = 2,000 hours]. Observation consent forms—The estimated annual burden is 25 hours for the completion of the observation consent forms based on the following requirement for statistical significance: [300 respondents (150 medical examiners + 150 drivers)  $\times$  5 minutes/60 minutes per on-site observation = 25 hours]. The estimated total annual burden is 2,025 hours [2,000 hours for completion of the survey + 25 hours for completion of the observation consent forms = 2,025 hours].

## Background

FMCSA estimates that there are approximately four to five million active interstate drivers subject to FMCSA's medical standards. Interstate CMV drivers are required to have a medical examination every two years at a minimum or more frequently at the discretion of the medical examiner. A medical certificate is typically valid for two years after the date of examination, so it is estimated that a minimum of two to three million medical examinations are conducted each year. In the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59, 119 Stat. 1144; August 10, 2005) Congress supports comprehensive improvements in the FMCSA medical program, including improving the quality of the interstate CMV driver physical qualification examination. There has been no research to date that

captures the decisionmaking and performance of medical examiners who determine the physical qualifications of CMV drivers operating throughout the United States. In addition, there has been no systematic consideration of medical examiner perceptions of difficulties or uncertainties associated with the examination process.

A Working Integrated Product Team (WIPT) of medical examiner peers experienced in conducting CMV driver physical qualification examinations will review the methodology and materials for the study, and data gained from 150 direct observations of physical examinations of CMV drivers. Results of the Medical Examiner Performance Study would ultimately be used to develop recommendations for improving the overall physical qualification process and achieve FMCSA's goals of reducing crash rates, injuries, and fatalities involving large trucks and buses.

This initiative is separate from the earlier National Registry of Certified Medical Examiner survey announced on September 29, 2005 (70 FR 56964), the primary intent of which is to identify those tasks most critical to competent job performance via a role delineation study.

*Public Comments Invited:* We particularly request comments on: The necessity of the collection of information for FMCSA to meet its goal of reducing truck and bus crashes and its usefulness to this goal; the accuracy of the estimate of the burden of the information collection; ways to enhance the quality, utility and clarity of the information collected; and ways to minimize the burden of the collection of information on respondents, including using automated collection techniques or other forms of information technology.

Issued on: March 20, 2007.

**Rose A. McMurray,**

*Chief Safety Officer, Assistant Administrator.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Research & Innovative Technology Administration

[Docket: OST-2007-26835]

### Agency Information Collection; Activity Under OMB Review; Report of Passengers Denied Confirmed Space—BTS Form 251

**AGENCY:** Research & Innovative Technology Administration (RITA),

Bureau of Transportation Statistics (BTS), DOT.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, Public Law 104-13, (44 U.S.C. 3501 et seq.) this notice announces that the Information Collection Request, abstracted below, is being forwarded to the Office of Management and Budget for extension of currently approved Report of Passengers Denied Confirmed Space. Earlier, a **Federal Register** Notice with a 60-day comment period was published on January 19, 2007 (72 FR 2591). The agency did not receive any comments to its previous notice.

**DATES:** Written comments should be submitted by May 2, 2007.

**FOR FURTHER INFORMATION CONTACT:** Bernie Stankus, Office of Airline Information, RTS-42, Room 4125, RITA, BTS, 400 Seventh Street, SW., Washington, DC 20590-0001, Telephone Number (202) 366-4387, Fax Number (202) 366-3383 or e-mail [bernard.stankus@dot.gov](mailto:bernard.stankus@dot.gov).

*Comments:* Comments should be sent to OMB at the address that appears below and should identify the associated OMB Approval Number 2138-0018 and Docket 26835.

### SUPPLEMENTARY INFORMATION:

#### OMB Approval No. 2138-0018

*Title:* Report of Passengers Denied Confirmed Space.

*Form No.:* BTS Form 251.

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

*Respondents:* Large certificated and foreign air carriers.

*Number of Respondents:* 100.

*Number of Responses:* 400 (annual).

*Total Annual Burden:* 1,670 hours.

*Needs and Uses:* BTS Form 251 is a one-page report on the number of passengers denied boarding (voluntarily and involuntarily), whether the bumped passengers were provided alternate transportation and/or compensation, and the amount of the payment. U.S. and foreign air carriers that operate scheduled passenger service with large aircraft (over 60-seats) must submit Form 251. In addition, carriers report data from inbound international flights because the protections of 14 CFR Part 250 Oversales do not apply to these flights. The report allows the Department to monitor the effectiveness of its oversales rule and take enforcement action when necessary. While the involuntarily denied-boarding rate has decrease from 4.38 per 10,000 passengers in 1980 to 1.04 for the nine months ended September 2006, the rate

is up from the 0.89 attained for the nine months ended September 2005. The publishing of the carriers' individual denied boarding rates has negated the need for more intrusive regulation. The rate of denied boarding can be examined as a continuing fitness factor. This rate provides an insight into a carrier's customer service policy and its compliance disposition. A rapid sustained increase in the rate of denied boarding often is an indicator of operational difficulty. Because the rate of denied boarding is released quarterly, travelers and travel agents can select carriers with low bumping incidents when booking a trip. This information is available in the *Air Travel Consumer Report* at: <http://airconsumer.ost.dot.gov/reports/index.htm>. The *Air Travel Consumer Report* is also sent to newspapers, magazines, and trade journals. Without Form 251, the Department would be unable to determine the effectiveness of the oversales rule.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC.

**Donald W. Bright,**

*Assistant Director, Airline Information,  
Bureau of Transportation Statistics.*

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BILLING CODE 4910-FE-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 279X)]

#### The Cincinnati, New Orleans and Texas Pacific Railway Company— Abandonment Exemption—in Scott County, TN

The Cincinnati, New Orleans and Texas Pacific Railway Company (CNOTP), a wholly owned subsidiary of Norfolk Southern Railway Company, has filed a notice of exemption<sup>1</sup> under

49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 12.44-mile line of railroad between milepost NR 0.00 at New River and milepost NR 12.44 at Sterling, in Scott County, TN.<sup>2</sup> The line traverses United States Postal Service Zip Code 37841, and includes the former stations of Highway Jct., Pemberton, Hunter, Slick Rock, Brimstone, and Sterling.<sup>3</sup>

CNOTP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line for at least 2 years and overhead traffic, if there were any, could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

is to be consummated. CNOTP initially indicated in its notice of exemption a proposed consummation date of May 1, 2007, but because the verified notice was filed on March 13, 2007, consummation may not take place prior to May 2, 2007. CNOTP has been informed by a Board staff member that consummation may not take place until May 2, 2007.

<sup>2</sup> In its verified notice of exemption filed on March 13, 2007, CNOTP also requested abandonment of a second line segment located between milepost NR 215.30 at Helenwood and milepost NR 218.60 at New River, in Scott County, a distance of 3.30 miles. By letters filed on March 20, 2007, and on March 21, 2007, CNOTP requests that the Board amend its notice. CNOTP indicates that, in its notice of exemption and environmental report, CNOTP stated that it did not have fee title to the entire right-of-way of the line. CNOTP states that the line segment between mileposts NR 215.30 and NR 218.60 is leased from the Trustees of the Cincinnati Southern Railway (CSR). According to CNOTP, the Trustees hold the CSR property on behalf of its owner, the City of Cincinnati, OH. CNOTP states that the Trustees are not required to file with the Board for authority to abandon this line segment or any other part of their line because the City, the Trustees, and CSR have never held themselves out as a common carrier to provide rail service nor have they operated any part of their line, but have always leased it to CNOTP. Accordingly, CNOTP's request to amend its March 13, 2007 notice of exemption will be granted. However, CNOTP has been notified that the request to discontinue the line segment between mileposts NR 215.30 and NR 218.60 requires a separate notice of exemption to be filed, accompanied by the appropriate filing fee. Therefore, a decision on the discontinuance will be handled in a separate decision.

<sup>3</sup> In another letter also filed on March 21, 2007 (March 21 letter), CNOTP clarified the Zip Codes and stations for the line segment that is being abandoned.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 2, 2007, unless stayed pending reconsideration.<sup>4</sup> Petitions to stay that do not involve environmental issues,<sup>5</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>6</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 12, 2007. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 23, 2007,<sup>7</sup> with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to CNOTP's representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

CNOTP has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by April 6, 2007. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by

<sup>4</sup> On March 15, 2007, Seaside Holdings, Inc. (Seaside), filed a notice of intent to file an OFA to purchase both line segments. However, because CNOTP has now amended its March 13, 2007 notice, only one line segment between mileposts NR 0.00 and NR 12.44 is being abandoned. The Board will address Seaside's request for this line segment, and any other requests that may be timely filed, in a separate decision.

<sup>5</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>6</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,300. See 49 CFR 1002.2(f)(25).

<sup>7</sup> CNOTP, in its March 21 letter, states that at least one parcel of the right-of-way is held by CNOTP by easement. Therefore, CNOTP contends that it does not have a continuous right-of-way that can be conveyed for public use.

<sup>1</sup> Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance