

*Application Type:* Impose and use a PFC.

*PFC Level:* \$4.50.

*Total PFC Revenue Approved in This Decision:* \$2,336,432.

*Earliest Charge Effective Date:* October 1, 2003.

*Estimated Charge Expiration Date:* June 1, 2010.

*Class of Air Carriers Not Required To Collect PFC's:* Air taxi/commercial operators filing FAA Form 1800-31.

*Determination:* Approved. Based on information contained in the public agency's application, the FAA has

determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Helena Regional Airport.

*Brief Description of Projects Approved for Collection and Use:*

Disabled passenger access lift acquisition.

Phase I—southside taxi lane construction.

Phase II—southside taxi lane construction.

Runway 9 perimeter access road.

Terminal building expansion and remodel.

Snow removal equipment acquisition. Aircraft rescue and firefighting equipment acquisition.

*Brief Description of Project Partially Approved for Collection and Use:* Loop road and parking lot improvements.

*Determination:* The total project cost, and thus the portion to be paid by PFC revenue, was reduced after the application was submitted and before the FAA ruled on the decision.

*Decision Date:* July 29, 2003.

*For Further Information Contact:* David S. Stelling, Helena Airports District Office, (406) 449-5271.

#### AMENDMENTS TO PFC APPROVALS

Amendment No. city, State	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
98-03-C-03-DSM, Des Moines, IA .....	05/08/03	\$7,899,744	\$8,782,783	05/01/04	05/01/04
03-06-C-01-GPT, Gulfport, MS .....	07/02/03	3,922,709	5,976,506	09/01/12	03/01/17
03-05-C-01-BUR, Burbank, CA .....	07/10/03	17,509,405	20,135,816	11/01/09	03/01/10
92-01-C-03-MGW, Morgantown, WV .....	07/14/03	63,044	54,022	01/01/94	09/01/93
95-02-C-06-STL, St. Louis, MO .....	07/17/03	91,640,971	75,131,773	11/01/97	07/01/97
97-03-U-04-STL, St. Louis, MO .....	07/17/03	NA	NA	11/01/97	07/01/97
01-07-C-01-STL, St. Louis, MO .....	07/17/03	99,103,000	81,330,000	03/01/15	12/01/16
*03-04-C-01-JAN, Jackson, MS .....	07/22/03	5,101,722	5,101,722	06/01/10	01/01/08
99-01-C-02-AEX, Alexandria, LA .....	07/31/03	5,378,352	10,284,927	11/01/20	12/01/22

**Note:** The amendment denoted by an asterisk (\*) includes a change to the PFC level charged from \$3.00 per enplaned passenger to \$4.50 per enplaned passenger. For Jackson, MS, this change is effective on January 1, 2006.

Issued in Washington, DC, on August 19, 2003.

**David S. Stelling,**

*Acting Manager, Financial Analysis and Passenger Facility Charge Branch.*

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**BILLING CODE 4910-13-M**

#### DEPARTMENT OF TRANSPORTATION

##### Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA-98-3298 and FMCSA-98-3299]

##### Programmatic Environmental Impact Statement and General Conformity Evaluation for Proposed North American Free Trade Agreement Regulations

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FMCSA is issuing this notice to advise the public a Programmatic Environmental Impact Statement (PEIS) will be prepared pursuant to the National Environmental Policy Act of 1969 (NEPA) and a General Conformity Evaluation will be made pursuant to the Clean Air Act (CAA) before promulgation of the

FMCSA's proposed regulations regarding (1) the application process for Mexico-domiciled motor carriers desiring to operate beyond the U.S.-Mexico border commercial zones and (2) the safety monitoring system applicable to all Mexico-domiciled motor carriers.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles Rombro, Analysis Division, Office of Information Management, (202) 366-1861, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

**SUPPLEMENTARY INFORMATION:** The FMCSA is responsible for ensuring the safe operation of commercial motor vehicles within the United States. In carrying out these responsibilities, the FMCSA proposed regulations in May 2001 prescribing procedures for applications and safety monitoring for Mexico-domiciled carriers seeking authority to operate within the United States beyond the border commercial zones pursuant to the North American Free Trade Agreement and the anticipated modification by the President of the statutory moratorium on the grant of operating authority to these carriers. The proposed rules are commonly referred to as the "Application" and "Safety Monitoring" rules.

The FMCSA conducted a Programmatic Environmental Assessment (PEA) for the Application and Safety Monitoring rules. Based on the PEA, FMCSA concluded a PEIS was not required for these rules because the rules did not significantly affect the quality of the human environment. The FMCSA issued interim final Application and Safety Monitoring rules on March 7, 2002 (see 67 FR 12702 and 67 FR 12758). The FMCSA placed the PEA and Finding of No Significant Impact in the respective dockets.

On March 19, 2002, the FMCSA issued an interim final rule establishing certification standards for motor carrier safety auditors, investigators and inspectors (67 FR 12776). This rule (commonly referred to as the "Certification" rule) applied to all safety audits, inspections and reviews within the FMCSA's jurisdiction, not just those involving Mexico-domiciled carriers. Congress mandated this rule as part of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31148). However, Congress, as part of the Department of Transportation Appropriations Act for fiscal year 2002, also made issuance of the Certification rule one of several conditions that had to be met before FMCSA could expend appropriated funds to process applications filed by

Mexico-domiciled carriers seeking authority to operate in the United States beyond the border commercial zones. The FMCSA determined the Certification rule was not subject to environmental analysis due to a categorical exclusion.

A group of labor, industry, and environmental organizations sought review of the regulations in the United States Court of Appeals for the Ninth Circuit, alleging FMCSA had violated NEPA and the CAA. The Ninth Circuit ruled a PEIS and General Conformity Evaluation under the CAA were required. The Court also determined the Certification rule did not fall within any of the existing DOT categorical exclusions and therefore, the court held DOT acted arbitrarily and capriciously by failing to conduct any environmental analysis.

In light of the Ninth Circuit's opinion, the FMCSA intends to prepare a PEIS pursuant to NEPA and perform a General Conformity Evaluation pursuant to the CAA for the Application and Safety Monitoring rules. The PEIS will be developed pursuant to the Council on Environmental Quality (CEQ) regulations, 40 CFR 1500 *et seq.*, and DOT Order 5610.1C, which supplements the CEQ regulations by applying them to DOT programs. The General Conformity Evaluation will be conducted pursuant to the U.S. Environmental Protection Agency's general conformity regulations, 40 CFR parts 51 and 93.

The FMCSA is currently preparing an Environmental Assessment (EA) for the Certification rule. Should the EA determine an EIS is required for the Certification rule, a supplemental Notice of Intent will be issued.

A letter describing the proposed regulations and soliciting comments will be sent to all appropriate Federal, State, local, and tribal agencies, as well as to private organizations and individuals who have expressed an interest in this matter. Interagency and public scoping meetings will be scheduled in the near future. Public notice will be given, providing the time and place of the meetings.

To ensure the full range of issues related to these proposed regulations are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed regulations and the PEIS should be directed to the FMCSA at the above address.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction, and Number 20.218 National Motor Carrier Safety (MCSAP). The

regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: August 20, 2003.

**Annette M. Sandberg,**

*Administrator.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Federal Railroad Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

**DATES:** Comments must be received no later than October 27, 2003.

**ADDRESSES:** Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590, or Ms. Debra Steward, Office of Information Technology and Productivity Improvement, RAD-20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number \_\_\_\_\_." Alternatively, comments may be transmitted via facsimile to (202) 493-6230 or (202) 493-6170, or E-mail to Mr. Brogan at [robert.brogan@fra.dot.gov](mailto:robert.brogan@fra.dot.gov), or to Ms. Steward at [debra.steward@fra.dot.gov](mailto:debra.steward@fra.dot.gov). Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292) or Debra Steward, Office of Information Technology and Productivity Improvement, RAD-20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6139). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Pub. L. No. 104-13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(i)-(iv); 5 CFR 1320.8(d)(1)(i)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.