

in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

**DATES:** Comments must be received on or before November 3, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Stephanie Swann, Program Manager, Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174. Telephone Number: (734) 229-2945/FAX Number: (734) 229-2950. Documents reflecting this FAA action may be reviewed at this same location or at Mansfield Lahm International Airport, Mansfield, Ohio.

**SUPPLEMENTARY INFORMATION:** Following is a legal description of the property located in Franklin Township, County of Richland, State of Ohio, and described as follows:

**Legal Description of Property**

Being a part of the southwest quarter of section 33, township 22, range 18 and being more particularly described as follows:

Beginning at the base of an 8" wood fence post found at the northeast corner of said southwest quarter, referenced by a 5/8" rebar found bearing N 89°-12'-33" E, 0.79 feet;

Thence with the following eight courses:

S 00°-08'-51" E, 508.28 feet along the east line of said southwest quarter to a 5/8 inch rebar found at the northeast corner of a conveyed to Charles R. and Dorothy A. Miller, Trustees by official record volume 177, page 252;

N 84°-13'-51" W, 148.00 feet along the northerly line of said land of Charles R. and Dorothy A. Miller to a 5/8 inch rebar found in the northwest corner of said land.

S 00°-08'-51" E, 296.00 feet along the west line of said land of Charles R. and Dorothy A. Miller to a 5/8 inch rebar with plastic cap stamped "Richland Eng. RLS 7209" in the southwest corner of said land.

S 89°-12'-33" W, 1,244.71 feet to an iron pin set; S 00°-08'-51" E, 1,825.57 feet to an iron pin set; S 89°-28'-00" W, 1,262.88 feet to an iron set in the west line of said southwest quarter;

N 00°-38'-10" W, 2,607.11 feet along said west line of said southwest quarter to a inch water pipe found in the northwest corner of said southwest quarter and passing through an iron pin found at 21.04 feet;

Thence, N 89°-12'-33" E, 2,677.09 along the north line of said southwest quarter to the place of beginning, containing 100.521 acres, more or less of which 1,689 acres are in the southwest quarter of section 33, Franklin Township and 96.832 acres are in the City of Mansfield and subject to all legal highways and easements of record.

Bearings: Survey X-230.

According to a survey made in September 2007 by Roger L. Stevens, Ohio Registered surveyor NO: 7052.

All iron pins set are 5/8 inch diameter rod with plastic cap stamped "S.J.L. INC."

Issued in Romulus, Michigan on July 28, 2008.

**Matthew J. Thys,**

*Manager, Detroit Airports District Office, FAA, Great Lakes Region.*

[FR Doc. E8-22982 Filed 10-1-08; 8:45 am]

**BILLING CODE 4910-13-M**

## 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 approval of the following 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 December 1, 2008.

**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-21.1, Federal Railroad Administration, 1200 New Jersey Ave., SE., Room Number W33-497, Washington, DC 20590, or Ms. Nakia Jackson, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., SE., Room Number W34-204, 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 2130-New."

Alternatively, comments may be transmitted via facsimile to (202) 493-6216 or (202) 493-6170, or via e-mail to Mr. Brogan at [robert.brogan@dot.gov](mailto:robert.brogan@dot.gov), or to Ms. Jackson at [nakia.jackson@dot.gov](mailto:nakia.jackson@dot.gov). Please refer to the assigned OMB control number or information collection title 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-21.1, Federal Railroad Administration, 1200 New Jersey Ave., SE., Room Number W33-497, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Nakia Jackson, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., SE., Room Number W34-204, Washington, DC 20590 (telephone: (202) 493-6073). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law 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 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.

Below is a brief summary of proposed new information collection activities that FRA will submit for clearance by OMB as required under the PRA:

*Title:* Factors for Selection of Railroads for Evaluation of Bridge Management Practices.

*OMB Control Number:* 2130–New.

*Abstract:* The Federal Railroad Administration (FRA) has conducted a Railroad Bridge Safety Program at various levels of effort ever since the enactment of the Railroad Safety Act of 1970. FRA is authorized under that act to issue regulations addressing a wide variety of subjects regarding railroad safety, but FRA has found that bridge safety has been well served by a non-regulatory policy.

The resulting Statement of Agency Policy on the Safety of Railroad Bridges, published in the **Federal Register** in 2000, is based on the findings of a survey conducted by FRA in 1992 and 1993. That survey showed that a large majority of railroads were managing their bridges in a manner which promoted the immediate safety of those bridges. FRA therefore adopted that Bridge Safety Policy, which incorporates non-regulatory guidelines. The non-regulatory guidelines of the Bridge Safety Policy are promulgated as Appendix C of the Federal Track Safety Standards, Title 49 Code of Federal Regulations, Part 213.

Since the initial bridge management survey was completed, FRA has continued to conduct evaluations of the bridge management practices of the Nation's railroads. Regular, continuing contact has been in place between FRA

and the larger railroads (Class I and major passenger carriers). However, the selection of smaller railroads (Class III short lines and smaller Class II regional railroads) has been on an ad hoc basis. FRA has based decisions to evaluate individual smaller railroads on recommendations from FRA regional staff, complaints from the public, and the small number of bridge-related train accidents.

The Government Accountability Office (GAO) in 2006 and 2007 conducted a study to evaluate the safety and serviceability of our Nation's railroad bridges and tunnels. GAO reported to the Congress on that study in August 2007. That report, "RAILROAD BRIDGES AND TUNNELS—Federal Role in Providing Safety Oversight and Freight Infrastructure Investment Could Be Better Targeted" includes the following recommendation:

To enhance the effectiveness of its bridge and tunnel safety oversight function, we recommend that the Secretary of Transportation direct the Administrator of the Federal Railroad Administration to devise a systematic, consistent, risk-based methodology for selecting railroads for its bridge safety surveys to ensure that it includes railroads that are at higher risk of not following the FRA's bridge safety guidelines and of having bridge and tunnel safety issues." FRA agrees with that recommendation, and is implementing it.

A vital part of that methodology is the development of information on which to base the factors by which railroads will be selected for surveys and evaluations. The factors developed by FRA, in conjunction with the railroads themselves, include such statistics as the length of a railroad in miles, the number, types and total length of its bridges, its level of traffic, the presence of hazardous material traffic, the operation of passenger trains, and the railroad's record of train accidents. Several of those factors, particularly regarding the railroad's bridge population, are not found in data already held or collected by FRA.

An attempt to characterize the selection factors without incorporating

that data on a railroad's bridge population would seriously compromise the accuracy and usefulness of the information. FRA has, therefore, determined that the effectiveness of its bridge safety program depends on this data, and has identified two options for collecting it. In one case, FRA inspectors could visit each railroad in turn, interview the managers of the railroad, and record the information presented. In the other case, FRA could request that each railroad provide its data to FRA in a convenient format.

FRA believes that the second option, self-reporting by the railroads, is more convenient for the responding universe, and that it represents the most efficient use of agency resources. Railroad managers will be able to gather the data on their own time schedules, within reason, and FRA would not have to devote employee time and travel expenses to visit the responding railroads.

FRA will use the data received in this project to rank individual railroads for scheduling bridge program evaluations by FRA's Bridge Safety Staff. The data will be analyzed against weighting factors, and railroads will be prioritized according to the resulting scores. The weighting factors are presently being reviewed by a committee of the American Short Line and Regional Railroad Association (ASLRRA). FRA will consider the recommendation of ASLRRA in this regard, and will make the weighting factors available to the respondent universe and the public as part of this project.

It should be noted that a high selection ranking of any railroad by FRA will not necessarily indicate that the railroad has a bridge safety problem. That determination, one way or the other, will only be made by FRA during its evaluation of that railroad's bridge management practices.

*Form Number(s):* FRA F 6180.129.

*Affected Public:* Railroads.

*Respondent Universe:* 567 Railroads.

*Frequency of Submission:* On occasion.

*Reporting Burden:*

Form No.	Respondent universe	Total annual responses	Average time per response (hours)	Total annual burden hours	Total annual burden cost
Form FRA F 6180.129 .....	567 Railroads .....	475 forms .....	3	1,425	\$57,000

*Estimated Annual Burden:* 1,425 hours.

*Status:* Regular Review.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA

informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it

displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501–3520.

Issued in Washington, DC on September 26, 2008.

**D.J. Stadler,**

*Director, Office of Financial Management,  
Federal Railroad Administration.*

[FR Doc. E8-23276 Filed 10-1-08; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Maritime Security Program

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Applications are now being received for one Maritime Security Program (MSP) Operating Agreement.

**SUMMARY:** The Maritime Administration (MARAD) is issuing this request for applications for one eligible vessel to fill one MSP Operating Agreement in accordance with the provisions of Subtitle C, Title XXXV of the National Defense Authorization Act for Fiscal Year 2004, the Maritime Security Act of 2003 (MSA 2003). The MSA 2003 authorizes the creation of a Maritime Security Program (MSP) that establishes a fleet of active, commercially viable, privately owned vessels to meet national defense and other security requirements and to maintain a United States presence in international commercial shipping. This request for applications provides, among other things, application criteria and a deadline for submitting applications for enrollment of one vessel in the MSP.

#### Applications

Applications are available by electronic mail. Please send requests for applications to [Peter.Petrelis@dot.gov](mailto:Peter.Petrelis@dot.gov).

**DATES:** *Application Due Date:*

Applications for enrollment of one vessel in the MSP are November 3, 2008. Applications should be submitted to the address listed in the **ADDRESSES** section below.

**ADDRESSES:** *Application Submission:*

Submit applications for enrollment of vessels in the MSP to Peter E. Petrelis, Acting Deputy Director, Office of Sealift Support, W25-324, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:**

Peter E. Petrelis, Acting Deputy Director, Office of Sealift Support, Maritime Administration, Telephone 202-366-6252. For legal questions, call Murray Bloom, Chief, Division of Maritime Programs, Maritime Administration, 202-366-5320. For

military utility questions, call LTC Tony Moritz, United States Transportation Command, 618-229-1451/1529.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 24, 2003, the President signed the National Defense Authorization Act for Fiscal Year 2004, which contained the MSA 2003 creating a new MSP from FY 2006 through FY 2015. This program also provides financial assistance to operators of U.S.-flag vessels that meet certain qualifications. The MSA 2003 requires that the Secretary of Transportation (Secretary), in consultation with the Secretary of Defense (Sec Def), establish a fleet of active, commercially viable, militarily useful, privately-owned vessels to meet national defense and other security requirements. Section 53111 of the MSA 2003 authorizes \$156 million annually for FYs 2006, 2007, and 2008; \$174 million annually for FYs 2009, 2010, and 2011; and \$186 million annually for FYs 2012, 2013, 2014, and 2015 to support the operation of up to 60 U.S.-flag vessels in the foreign commerce of the United States. Payments to participating operators are limited to \$2.6 million per ship per year for FYs 2006 through 2008, \$2.9 million per ship per year for FYs 2009 through 2011, and \$3.1 million per ship per year for FYs 2012 through 2015. Payments are subject to annual appropriations. Participating operators are required to make their commercial transportation resources available upon request by the SecDef during times of war or national emergency.

##### Application Criteria

The implementing MSP Regulations at 46 CFR 296.24(b)(2) provide that awards made subsequent to October 1, 2005, including the re-award of temporary agreements, must meet the ownership and operational requirements of 46 U.S.C. 53103(c) (i.e., priority of awards), and 46 CFR 296.24(b)(3) further stipulates that priority of subsequent awards will be assigned in accordance with requirements specified by the SecDef. Any re-award of an MSP Operating Agreement, or replacement of a vessel under an Agreement, is subject to approval by the SecDef, by and through the United States Transportation Command (USTRANSCOM).

The recipient of an Agreement is required to meet the citizenship eligibility requirements specified in 46 U.S.C. Chapter 531 and the implementing regulations at 46 CFR Part 296. Applicants with a vessel that meets program requirements, and who are

citizens of the United States within the meaning of 46 U.S.C. 50501 will be given first consideration. In the event that no applicants meet this citizenship requirement, the Maritime Administration and USTRANSCOM will consider other citizenship categories.

##### Vessel Requirements

Acceptable vessels for this MSP Operating Agreement must meet the requirements of 46 U.S.C. 53102(b) and 46 CFR § 296.11. The Commander, USTRANSCOM, established general evaluation criteria for operational requirements for eligible MSP vessels.

##### Payments

The applicant chosen for this MSP Operating Agreement will be eligible for payments in accordance with 46 U.S.C. 53106 and 46 CFR 296.41.

##### Maintenance and Repair (M&R) Work Agreement Requirement

Subtitle A, section 3517 of the MSA 2003 provides for a pilot program under which the Secretary of Transportation shall, subject to the availability of appropriations, require one or more persons to enter into an agreement under this section as a condition of awarding an operating agreement to the person under chapter 531 of title 46, United States Code, for one or more vessels that normally make port calls in the United States. All qualified maintenance and repair on the vessel shall be performed in the United States. The MSP contractor shall be reimbursed for the costs of qualified maintenance or repair performed in the United States versus the difference in cost of performing this work in a geographic region in which the MSP vessel generally operates. The recipient of this Agreement is required to sign an MSP M&R agreement which stipulates that in the event that sufficient M&R funding is available, the MSP contractor will commit to perform M&R work in a U.S. shipyard.

##### National Security Requirements

The applicant chosen to receive the MSP Operating Agreement will be required to enter into an Emergency Preparedness Agreement (EPA) pursuant to section 53107 of the MSA 2003. The EPA shall be a document incorporating the terms of the Voluntary Intermodal Sealift Agreement (VISA), as approved by the Secretary and the SecDef, or other agreement approved by the Secretaries.