

descriptions submitted by Kenton County Airport Board. The specific documentation determined to constitute the Noise Exposure Maps includes: NEM-1 Existing (2006) Noise Exposure Map and Exhibit NEM-2 Future (2011) Noise Exposure Map/Noise Compatibility Program; Exhibit 2-1, Airport Environs; Exhibit 2-3, Generalized Existing Land Use; Exhibit 2-4 Existing Noise Sensitive Public Facilities; Exhibit 3-1 Existing (2006) Baseline Noise Exposure Contour; Exhibit 3-2 Future 2011 Baseline Noise Exposure Contour; Exhibit 3-3 Comparison of Existing (2006) Baseline and Future (2011) Baseline Noise Exposure Contours; Exhibit 4-1, Existing and Recommended Departure Corridors; Exhibit 4-2 Existing and Recommended Runup Locations; Exhibit 4-3, 36R Proposed Departure; Exhibit 4-6 2011 NEM/NCP Noise Exposure Contour compared to Future (2011) Baseline Noise Exposure contour; Table 4-2, Comparison of Baseline and NCP Housing, Population and Noise-Sensitive Public Facility Incompatibilities; Exhibit 4-7 Future (2006) NCP Noise Exposure Contour with 60 DNL; and Exhibit 4-8, Future (2011) NCP Noise Exposure Contour with 60 DNL description. The FAA has determined that these maps for Cincinnati/Northern Kentucky International Airport are in compliance with applicable requirements. This determination is effective on October 9, 2007. FAA's determination on the airport operator's Noise Exposure Maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the airport operator's data, information or plans, or a commitment to approve a Noise Compatibility Program or to fund the implementation of that Program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a Noise Exposure Map submitted under Section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise exposure contours, or in interpreting the Noise Exposure Maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changes in any

way under Part 150 or through FAA's review of Noise Exposure Maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 47503 of the Act. The FAA has relied on the certification by the airport operator, under Section 150.21 of Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the Noise Compatibility Program for Cincinnati/Northern Kentucky International Airport, also effective on October 9, 2007. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of Noise Compatibility Programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before April 7, 2008.

The FAA's detailed evaluation will be conducted under the provisions of Part 150, Section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the Noise Exposure Maps, the FAA's evaluation of the maps, and the proposed Noise Compatibility Program are available for examination at the following locations: Federal Aviation Administration, Memphis Airports District Office, 2862 Business Park Drive, Building G, Memphis, Tennessee 38118-1555; Kenton County Airport Board, Cincinnati/Northern Kentucky Airport, Second Floor, Terminal One, Hebron, Kentucky.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Memphis, Tennessee, October 9, 2007.

**Phillip J. Braden,**

*Manager, Memphis Airports District Office.*

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**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2007-29250]

#### Agency Information Collection Activities; Revision of an Approved Information Collection: OMB Control No. 2126-0011 (Commercial Driver Licensing and Test Standards)

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

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the existing Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval. This information collection is necessary to ensure that drivers, motor carriers and the States comply with the notification and recordkeeping requirements for information related to testing, licensing, violations, convictions and disqualifications and that the information is accurate. On July 10, 2007, FMCSA published a **Federal Register** notice allowing for a 60-day comment period on the ICR. One comment was received.

**DATES:** Please send your comments by November 16, 2007. OMB must receive your comments by this date in order to act quickly on the ICR.

**ADDRESSES:** You may submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC 20503, Attention: DOT/FMCSA Desk Officer.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Redmond, Senior Transportation Specialist, Office of Safety Programs, Commercial Driver's License Division, MC-ESL (W65-227), 1200 New Jersey Avenue, SE, Washington, DC 20590-0001. Telephone: 202-366-5014; e-mail [robert.redmond@dot.gov](mailto:robert.redmond@dot.gov). Office hours are from 9 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal Holidays.

#### SUPPLEMENTARY INFORMATION:

*Title:* Commercial Driver Licensing and Test Standards.

OMB Control Number: 2126-0011.

Type of Request: Revision of a currently-approved information collection.

Respondents: Drivers with a commercial driver's license (CDL) and State driver licensing agencies.

Estimated Number of Respondents: 8,332,800 driver respondents and 7,870,720 State respondents.

Estimated Time per Response: 5.15 minutes.

Expiration Date: October 31, 2007.

Frequency of Response: Variable.

Estimated Total Annual Burden: 1,391,456 hours.

The information collection is comprised of seven components:

(1) *Notification of Convictions/Disqualifications*: There are approximately 11.52 million active commercial driver's license (CDL) driver records. Each driver averages 1 conviction every 3 years. The estimated number of annual responses = 3,840,000 (11.52 million CDL drivers/3 = 3,840,000). It takes approximately 10 minutes to notify a motor carrier concerning convictions. The notification requirement has an estimated annual burden of 640,000 burden hours (3,840,000 convictions  $\times$  10/60 hours = 640,000 hours);

(2) *Providing Previous Employment History*: Estimated annual turnover rate of drivers is approximately 14 percent. There are an estimated 1,612,800 annual responses to this requirement (11.52 million CDL drivers  $\times$  .14 annual turnover rate = 1,612,800). It takes approximately 15 minutes to complete this requirement. The employment history requirement has an estimated annual burden of 403,200 hours (1,612,800 annual responses  $\times$  15/60 hours = 403,200 hours);

(3) *State Certification of Compliance*: There are 51 responses (50 States and the District of Columbia) to this requirement and it takes approximately 32 hours to complete each response. The compliance certification requirement has an estimated annual burden of 1,632 hours (51 responses  $\times$  32 hours = 1,632 hours);

(4) *State Compliance Review Documentation*: A State CDL compliance review is conducted approximately every 3.4 years. There are 15 responses (51 States/3.4 years = 15 States/year). It takes approximately 160 hours to complete each response. The State compliance review documentation requirement has an estimated annual burden of 2,400 hours (15 States  $\times$  160 hours = 2,400 hours).

(5) *CDLIS Recordkeeping*: Fifty (50) States and the District of Columbia are required to enter data into the

commercial driver's license information system (CDLIS) about operators of CMVs and to perform record checks before issuing, renewing, upgrading or transferring a CDL.

There are approximately 576,000 new drivers a year (11.52 million drivers  $\times$  .05 = 576,000 new drivers). We estimate that the average amount of time for each CDLIS inquiry performed by a State to add a new driver is 2 minutes. The new driver requirement has an estimated annual burden of 19,200 hours (576,000 transactions  $\times$  2/60 = 19,200 hours).

There are 230,400 drivers a year who change their State of domicile (11.52 million drivers  $\times$  .02 = 230,400 drivers). We estimate that the average amount of time for each CDLIS inquiry performed by a State to change a driver's State of domicile is 2 minutes. The State of domicile change requirement has an estimated annual burden of 7,680 hours (230,400 transactions  $\times$  2/60 hours = 7,680 hours).

Approximately 25 percent of convictions result in a disqualification. There are 4,800,000 driver convictions and disqualifications (3,840,000 convictions  $\times$  1.25 = 4,800,000). We estimate that the average amount of time for each transaction performed by a State is 2 minutes. The driver conviction/disqualification transaction requirement has an estimated annual burden of 160,000 hours (4,800,000 transactions  $\times$  2/60 hours = 160,000 hours).

Approximately 33 percent of active CDL drivers have a hazardous materials endorsement. The average renewal period is approximately 5 years. There are 760,320 drivers a year applying for, or renewing, a hazardous materials endorsement to their CDL (11.52 million active CDL drivers  $\times$  .33/5 years = 760,320 drivers). We estimate that the average amount of time for each citizenship/resident alien status check performed by a State is 2 minutes. The citizenship/resident alien status check transaction requirement has an estimated annual burden of 25,344 hours (760,320 transactions  $\times$  2/60 hours = 25,344 hours).

The total burden hours for these combined collection of information activities is 212,224 hours (19,200 hours + 7,680 hours + 160,000 hours + 25,344 hours = 212,224 hours).

(6) *CDL Application Form*: There are approximately 576,000 new CDL applicants a year. It takes approximately 1 minute to complete the CDL application. The new applicant CDL application requirement has an estimated annual burden of 9,600 hours (576,000 applications  $\times$  1 /60 hours = 9,600 hours).

The average CDL renewal period is approximately 5 years. Therefore, 2,304,000 drivers renew their CDL a year (11.52 million active CDL drivers/ 5 years = 2,304,000 drivers). It takes approximately 1 minute for renewal drivers to complete the CDL application. The renewal driver CDL application requirement has an estimated annual burden of 38,400 hours (2,304,000  $\times$  1/ 60 hours = 38,400 hours).

The total burden hours for these combined collection of information activities is 48,000 hours (9,600 hours + 38,400 hours = 48,000 hours).

(7) *Knowledge and Skills Test Recordkeeping*: There are approximately 576,000 new CDL applicants a year. It takes approximately 2 minutes to record the results of knowledge tests and 5 minutes for the skills tests. Approximately 25 percent of the applicants fail the knowledge and skills tests.

The knowledge test recordkeeping requirement has an estimated annual burden of 24,000 hours (576,000 applicants  $\times$  2 /60 hours  $\times$  1.25 = 24,000 hours).

The skills test recordkeeping requirement has an estimated annual burden of 60,000 hours (576,000 applicants  $\times$  5/60 hours  $\times$  1.25 = 60,000).

The total burden hours are 84,000 hours for these combined activities (24,000 + 60,000 = 84,000).

*Background*: The licensed drivers in the United States deserve reasonable assurance that their fellow motorists are properly qualified to drive the vehicles they operate. Before the Commercial Motor Vehicle Safety Act of 1986 (CMVSA or the Act at Public Law 99-570, Title XII, 100 Stat. 3207-170), was signed by the President on October 27, 1986, 18 States and the District of Columbia authorized any person licensed to drive an automobile to also legally drive a large truck or bus. No special training or special license was required to drive these vehicles, even though it was widely recognized that operation of certain types of vehicles called for special skills, knowledge and training. Even in the 32 States that had a classified driver licensing system, only 12 required an applicant to take a skills test in a representative vehicle. Equally serious was the problem of drivers possessing multiple driver licenses that enabled the commercial motor vehicle (CMV) drivers to avoid license suspension for traffic law convictions. By spreading their convictions among several States, CMV drivers could avoid punishment for their infringements and stay behind the wheel.

The CMVSA addressed these problems. Section 12002 of the Act makes it illegal for a CMV operator to have more than one driver's license. Section 12003 requires the CMV driver conducting operations in commerce to notify both the designated State of licensure official and the driver's employer of any convictions of State or local laws relating to traffic control (except parking tickets). This section also requires each person who applies for employment as a CMV operator to notify prospective employers of all previous employment as a CMV operator for at least the previous ten years.

In section 12005 of the Act, the Secretary of Transportation (Secretary) is required to develop minimum Federal standards for testing and licensing of operators of CMVs.

Section 12007 of the Act also directs the Secretary, in cooperation with the States, to develop a clearinghouse to aid the States in implementing the one driver, one license, and one driving record requirement. This clearinghouse is known as the CDLIS.

The CMVSA further requires each person who has a CDL suspended, revoked or canceled by a State, or who is disqualified from operating a CMV for any period, to notify his or her employer of such actions. Drivers of CMVs must notify their employers within 1 business day of being notified of the license suspension, revocation, and cancellation, or of the lost right to operate or disqualification. These requirements are reflected in 49 CFR part 383, titled "*Commercial Driver's License Standards; Requirements and Penalties.*"

Specifically, section 383.21 prohibits a person from having more than one license; section 383.31 requires notification of convictions for driver violations; section 383.33 requires notification of driver's license suspensions; section 383.35 requires notification of previous employment; and section 383.37 outlines employer responsibilities. Section 383.111 requires the passing of a knowledge test by the driver and section 383.113 requires the passing of a skills test by the driver; section 383.115 contains the requirement for the double/triple trailer endorsement, section 383.117 contains the requirement for the passenger endorsement, section 383.119 contains the requirement for the tank vehicle endorsement and section 383.121 contains the requirement for the hazardous materials endorsement.

Section 12011 of the CMVSA states that the Secretary shall withhold a portion of the Federal-aid highway

funds apportioned to a State if the State does not substantially comply with the requirements in section 12009(a) of the Act. The information gathered during State compliance reviews is used to determine whether States are complying with these requirements.

A final rule was published on July 31, 2002 (67 FR 4972) implementing 15 of the 16 CDL-related provisions of the Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159, 113 Stat. 1748 (Dec. 9, 1999)) that were designed to enhance the safety of drivers on our nation's highways by ensuring that only safe drivers operate CMVs. These new requirements are contained in 49 CFR part 383 and include: five new major and serious disqualifying offenses (section 383.51); non-CMV disqualifying offenses by a CDL holder (section 383.51); disqualification of drivers determined to be an imminent hazard (section 383.52); a new school bus endorsement (section 383.123); a prohibition on issuing a hardship license to operate a CMV while under suspension (section 384.210); a prohibition on masking convictions (section 384.226); and various requirements for transmitting, posting and retaining driver convictions and disqualification records.

An interim final rule (IFR) was published on May 5, 2003 (68 FR 23844) as a companion rule to the Transportation Security Administration's (TSA's) May 5, 2003 IFR implementing section 1012 of the USA PATRIOT Act (Public Law 107-56) on security threat assessments for drivers applying for, or renewing, a CDL with a hazardous materials endorsement. While TSA set the requirements in their rule; FMCSA has the responsibility as part of the CDL testing and issuance process to ensure that States are in compliance with the TSA requirements.

The 10-year employment history information supplied by the CDL holder to the employer upon application for employment (49 CFR 383.35) is used to assist the employer in meeting his/her responsibilities to ensure that the applicant does not have a history of high safety risk behavior.

State officials use the information collected on the license application form (49 CFR 383.71) and the conviction and disqualification data posted to the driving record (49 CFR 383.73) to prevent unqualified and/or disqualified CDL holders from operating CMVs on the nation's highways. State officials are also required to administer knowledge and skills tests to CDL driver applicants (49 CFR 384.202). The driver applicant is required to correctly answer at least

80 percent of the questions on each knowledge test in order to achieve a passing score on that test. To achieve a passing score on the skills test, the driver applicant must demonstrate that he/she can successfully perform all of the skills listed in the regulations. During State CDL compliance reviews, FMCSA officials review this information to ensure that the provisions of the regulations are being carried out. Without the aforementioned requirements, there would be no uniform control over driver licensing practices to prevent unqualified and/or disqualified drivers from being issued a CDL and to prevent unsafe drivers from spreading their convictions among several licenses in several States and remaining behind the wheel of a CMV. Failure to collect this information would render the regulations unenforceable.

Information submitted by the States will be used by FMCSA to determine if individual States are in "substantial compliance" with section 12009(a) of the CMVSA. The FMCSA reviews information submitted by the States and conducts such reviews, audits, and investigations of each State once every three years or as it deems necessary to make compliance determinations for all States and the District of Columbia. If this information were not available, FMCSA would have no means of independently verifying State compliance.

This request for renewed approval includes three additional information collection items: (1) "State completing documents for a State-CDL compliance review [49 CFR 384]," (2) "CDL Knowledge and Skills Tests Recordkeeping [49 CFR 384.202]" and (3) driver renewals under "Driver Completion of the CDL Application [49 CFR 383.71]."

Only one comment was received in response to the 60-day notice that was published on July 10, 2007 (72 FR 37563). It was in the form of a report on covert monitoring of third-party testers from the State of North Carolina, Division of Motor Vehicles. The report did not provide any information that would affect the information collection burden hour estimate.

*Definitions:* Under 49 CFR 383.5, a CMV is defined as a motor vehicle or combination of motor vehicles which: (a) Has a gross combination weight rating of 11,794 or more kilograms (kg) (26,001 or more pounds (lbs) inclusive of a towed unit with a gross vehicle weight rating (GVWR) of more than 4,536 kg (10,000 lbs); (b) has a GVWR of 11,794 or more kg (26,001 or more lbs); (c) is designed to transport 16 or

more passengers, including the driver; or (d) is of any size and is used to transport hazardous materials as hazardous materials are defined in 49 CFR 383.5.

**Public Comments Invited:** You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued on: October 11, 2007.

**Terry Shelton,**

*Associate Administrator, Research & Information Technology.*

[FR Doc. E7-20490 Filed 10-16-07; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### Availability of Grant Program Funds for Commercial Driver's License Program Improvements

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

**ACTION:** Notice.

**SUMMARY:** The Federal Motor Carrier Safety Administration announces the availability of Commercial Driver's License Program Improvement (CDLPI) grant funding as authorized by Section 4124 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The program is a discretionary grant program that provides funding for improving States' implementation of the Commercial Driver's License (CDL) program, including expenses for computer hardware and software, publications, testing, personnel, training, and quality control. Grants to bring States into compliance with the requirements in 49 CFR parts 383 and 384 will receive priority. Grants made under this program may not be used to rent, lease, or buy land or buildings. The agency in each State designated as the primary driver licensing agency responsible for the development, implementation, and maintenance of the CDL program is eligible to apply for grant funding. To apply for funding, applicants must register with the grants.gov Web site (<http://www.grants.gov/applicants/>

[get\\_registered.jsp](http://www.grants.gov)) and submit an application in accordance with instructions provided. Applications for grant funding must be submitted electronically to the FMCSA through the grants.gov Web site.

**DATES:** FMCSA will initially consider funding for applications submitted by January 8, 2008, by qualified applicants. If additional funding remains available, applications submitted after January 8, 2008, will be considered on a case-by-case basis. Funds will not be available for allocation until fiscal year 2008 appropriations legislation is passed and signed into law.

**FOR FURTHER INFORMATION CONTACT:** Visit <http://www.grants.gov>. Information on the grant, application process, and additional contact information is available at that Web site. General information about the CDLPI grant is available in The Catalog of Federal Domestic Assistance (CFDA) which can be found on the Internet at <http://www.cfda.gov>. The CFDA number for CDLPI is 20.232. You may also contact Mr. James Davis, Federal Motor Carrier Safety Administration, Office of Safety Programs, Commercial Driver's License Division (MC-ESL), 202-366-6406, 1200 New Jersey Avenue, SE., Suite W65-226, Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., ET, Monday through Friday, except Federal holidays.

**William Quade,**

*Associate Administrator, Enforcement and Policy Program Delivery.*

[FR Doc. E7-20487 Filed 10-16-07; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2007-28055]

#### Demonstration Project on NAFTA Trucking Provisions

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

**ACTION:** Notice; request for public comment.

**SUMMARY:** The FMCSA announces and requests public comment on data and information concerning the Pre-Authority Safety Audits (PASAs) for motor carriers that have applied to participate in the Agency's project to demonstrate the ability of Mexico-domiciled motor carriers to operate safely in the United States beyond the commercial zones along the U.S.-Mexico border. This action is required

by the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007."

**DATES:** Comments must be received on or before November 1, 2007.

**ADDRESSES:** You may submit comments identified by FDMS Docket ID Number FMCSA-2007-28055 by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Alternatively, you can file comments using the following methods:

- **Mail:** Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12-140, Washington, DC 20590.

- **Hand Delivery or Courier:** West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- **Fax:** 202-493-2251.

**Instructions:** For detailed instructions on submitting comments and additional information on the rulemaking process, see the Request for Comments heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

**Privacy Act:** Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the dockets.

**FOR FURTHER INFORMATION CONTACT:** Mr. Milt Schmidt, Division Chief, North American Borders Division, Telephone (202) 366-4049; e-mail [milt.schmidt@dot.gov](mailto:milt.schmidt@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 25, 2007, the President signed into law the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (the Act), (Public Law 110-28). Section 6901 of the Act requires that certain actions be