

information requested. See 44 U.S.C. 3501.

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

*Title:* Control of Alcohol and Drug Use in Railroad Operations.

*OMB Control Number:* 2130-0526.

*Abstract:* The information collection requirements contained in pre-employment and “for cause” testing regulations are intended to ensure a sense of fairness and accuracy for railroads and their employees. The principal information—evidence of unauthorized alcohol or drug use—is used to prevent accidents by screening personnel who perform safety-sensitive service. FRA uses the information to

measure the level of compliance with regulations governing the use of alcohol or controlled substances. Elimination of this problem is necessary to prevent accidents, injuries, and fatalities of the nature already experienced and further reduce the risk of a truly catastrophic accident.

*Form Number(s):* FRA F 6180.73, 6180.74, 6180.94A, 61880.94B.

*Affected Public:* Businesses.

REPORTING BURDEN

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours (hours)
219.7—Waivers	100,000 employees	2 letters	2 hours	4
219.9(b)(2)—Responsibility for compliance	450 railroads	2 requests	1 hour	2
219.9(c)—Responsibility for compliance	450 railroads	10 contracts/docs.	2 hours	20
219.11(d)—Gen'l conditions for chemical tests	450 railroads	30 forms	2 minutes	1
219.11(g) Training—Alcohol and Drug—Programs: New Railroads.	5 railroads	5 programs	3 hours	15
—Training	50 railroads	50 training class	3 hours	150
219.23(d)—Notice to Employee Organizations	5 railroads	5 notices	1 hour	5
219.104/219.107—Removal from Covered Svc.	450 railroads	500 form letters	2 minutes	17
—Hearing Procedures	450 railroads	50 requests	2 minutes	2
219.201(c) Good Faith Determination	450 railroads	2 reports	30 minutes	1
219..203/207/209—Notifications by Phone to FRA	450 railroads	104 phone calls	10 minutes	17
219.205—Sample Collection and Handling	450 railroads	400 forms	15 minutes	100
—Form covering accidents/incidents	450 railroads	100 forms	10 minutes	17
219.209(a)—Reports of Tests and Refusals	450 railroads	80 phone rpt.	2 minutes	3
219.209(c)—Records—Tests Not Promptly Conducted	450 railroads	40 records	30 minutes	20
219.211(b) & (c)—Analysis and follow-up—MRO	450 railroads	8 reports	15 minutes	2
219.401/403/405—Voluntary referral and Co-worker report policies.	5 railroads	5 report policies	20 hours	100
219.405(c)(1)—Report by Co-worker	450 railroads	450 reports	5 minutes	38
219.403/405—SAP Counselor Evaluation	450 railroads	700 reports	30 minutes	350
219.601(a)—RR Random Drug Testing Programs	5 railroads	5 programs	1 hour	5
—Amendments	450 railroads	20 amendments	1 hour	20
219.601(b)(1)—Random Selection Proc.—Drug	450 railroads	5,400 documents	4 hours	21,600
219.601(b)(4); 219.601(d)—Notices to Employees	5 railroads	100 notices	30 seconds	1
New Railroads	5 railroads	5 notices	10 hours	50
Employee Notices—Tests	450 railroads	25,000 notices	1 minute	417
219.603(a)—Specimen Security—Notice By Employee Asking to be Excused from Urine Testing.	20,000 employees	20 doc. excuses	15 minutes	5
219.607(a)—RR Random Alcohol Testing Programs	5 new railroads	5 programs	8 hours	40
—Amendments to Approved Program	450 railroads	20 amendments	1 hour	20
219.901/903—Retention of Breath Alcohol Testing Records; Retention of Urine Drug Testing.	450 railroads	100,500 records	5 minutes	8,375
—Summary Report of Breath Alcohol/Drug Test	450 railroads	200 reports	2 hours	400

*Respondent Universe:* 450 railroads.

*Frequency of Submission:* On occasion.

*Total Responses:* 133,818.

*Estimated Total Annual Burden:* 31,797 hours.

*Status:* Extension without Change of a Currently Approved Collection.

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 June 4, 2010.

**Kimberly Coronel,**

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

[FR Doc. 2010-13936 Filed 6-9-10; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Notice of Intent To Request Extension From the Office of Management and Budget of a Currently Approved Information Collection Activity, Request for Comments; Certification of Airmen for the Operation of Light-Sport Aircraft**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

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

**SUMMARY:** The FAA invites public comments about our intention to request

the Office of Management and Budget (OMB) to approve a current information collection. This rule generates a need for new designated pilot examiners and designated airworthiness representatives to support the certification of these new aircraft, pilots, flight instructors, and ground instructors.

**DATES:** Please submit comments by August 9, 2010.

**FOR FURTHER INFORMATION CONTACT:** Carla Scott on (202) 267-9895, or by e-mail at: [Carla.Scott@faa.gov](mailto:Carla.Scott@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Federal Aviation Administration (FAA)**

*Title:* Certification of Airmen for the Operation of Light-Sport Aircraft.

*Type of Request:* Extension without change of an approved collection.

*OMB Control Number:* 2120-0690.

*Forms(s):* FAA forms 337, 8610-2, 8110-14, 8110-28, 8710-11.

*Affected Public:* A total of 57,214 Respondents.

*Frequency:* The information is collected on occasion.

*Estimated Average Burden per Response:* Approximately 1.27 hours per response.

*Estimated Annual Burden Hours:* An estimated 72,582 hours annually.

*Abstract:* This rule generates a need for new designated pilot examiners and designated airworthiness representatives to support the certification of these new aircraft, pilots, flight instructors, and ground instructors.

**ADDRESSES:** Send comments to the FAA at the following address: Ms. Carla Scott, Room 712, Federal Aviation Administration, IT Enterprises Business Services Division, AES-200, 800 Independence Ave., SW., Washington, DC 20591.

*Comments Are Invited On:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on June 3, 2010.

**Carla Scott,**

*FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES-200.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2007-28480]

**Commercial Driver's License (CDL) Standards: Exemption**

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

**ACTION:** Notice of final dispositions.

**SUMMARY:** FMCSA has denied National Agricultural Aviation Association's (NAAA) application for exemption, and, in a separate action, has denied U.S. Custom Harvesters, Inc.'s (USCHI) suggestion for a pilot program. Each request asked FMCSA to permit the transportation of hazardous materials (HM) by drivers who have not obtained an HM endorsement for their commercial driver's license (CDL) as required by current regulations. FMCSA reviewed NAAA's application for exemption and the public comments received on it, and also reviewed USCHI's suggestion for a pilot program, and rendered each decision upon its merits.

**DATES:** The NAAA application was denied on August 7, 2009, and the USCHI suggestion for a pilot program was denied on August 11, 2009.

*Dockets:* For access to the dockets to read background documents or comments received, go to <http://www.regulations.gov> at any time, or to Room W12-140, DOT Building, 1200 New Jersey Ave., SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations; Telephone 202-366-4325, E-mail: [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from certain of its regulations for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent

such exemption." On July 5, 2007, FMCSA published in the **Federal Register** a notice of NAAA's application for exemption (72 FR 36748). The complete docket of the NAAA request, including public comments, can be examined at Docket No. FMCSA-2007-28480 (see "Dockets" above). A suggestion for a pilot program, such as that filed by USCHI, is only published for public comment if the FMCSA Administrator accepts the proposal (49 CFR 381.405(b)).

**FMCSA Decision**

NAAA failed to demonstrate alternatives its members would employ to ensure that their commercial motor vehicle (CMV) drivers operating under the requested exemption would achieve a level of safety equivalent to, or greater than, the level of safety that would be obtained if they had to comply with the regulations, as required by 49 CFR 381.305(c)(5). USCHI's proposed pilot program, while potentially collecting useful data for evaluating alternatives to the Federal Motor Carrier Safety Regulations (FMCSRs), failed to recommend alternative safety measures that would ensure that the safety of its CMV pilot drivers would be equivalent to, or greater than, the level of safety of CMV drivers operating without the pilot exemptions in place, as required by 49 CFR 381.410(c)(8).

**NAAA**

NAAA is a trade association representing those engaged in the commercial application of fertilizer and other agricultural products by airplane. It states that the requested exemption would relieve the difficulty its members experience in finding CMV drivers qualified to transport aircraft fuel, a hazardous material. The exemption would allow NAAA drivers to operate under the limited exception from the CDL rules provided for those engaged in certain "farm-related service industries" (49 CFR 383.3(f)). States may allow a driver so engaged to operate under a "restricted CDL" without successfully completing the CDL knowledge and skills tests required by 49 CFR 393.135. The operations of NAAA members appear to satisfy several of the prerequisites for this restricted CDL. However, States are required by 49 CFR 393.3(f)(3)(v) to restrict the HM operations conducted by those granted restricted CDLs to the transport of solid fertilizers and limited quantities of diesel fuel or liquid fertilizer. NAAA wants FMCSA, by exemption, to allow its drivers holding this restricted CDL to transport the HM fuels used to power aircraft engines.