

made it an agency goal to reduce the death rate, from 0.63 to 0.53 deaths per 100-million vehicle miles traveled. In order to plan and evaluate programs intended to reduce alcohol-impaired driving, NHTSA needs to periodically update its knowledge and understanding of the public's attitudes and behaviors with respect to drinking and driving. The proposed survey, the seventh in this series of biennial surveys, will be administered by telephone to a national probability sample of the driving-age public (aged 16 years or older as of their last birthday).

The findings from this proposed collection will assist NHTSA in addressing the problem of alcohol-impaired driving and in formulating programs and recommendations to Congress. NHTSA will use the findings to help focus future programs and activities to achieve improved efficiencies and outcomes. Also, comparisons with previous surveys will be made.

*Affected Public:* Individuals or households.

*Estimated Total Annual Burden:* 1,800 hours.

**ADDRESSES:** Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

*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 Departments estimate 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. A Comment to OMB is most effective if OMB receives it within 30 days of publication.

**Marilena Amoni,**

*Associate Administrator, Program Development and Delivery.*

[FR Doc. 03-26092 Filed 10-15-03; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Section 5a Application No. 45 (Amendment No. 17)]

#### Niagara Frontier Tariff Bureau, Inc.— Agreement

By application filed on July 25, 2003, the Niagara Frontier Tariff Bureau, Inc. (NFTB) seeks approval of two categories of changes to its collective ratemaking agreement: (1) amendments that appear to be minor;<sup>1</sup> and (2) amendments that are designed to conform to the Board's decisions in *EC-MAC Motor Carrier Service Association, Inc., et al.*, Section 5a Application No. 118 (Sub-No. 2), *et al.* (*EC-MAC*).<sup>2</sup>

The minor amendments proposed by NFTB include: (1) A change in the name of the organization to North American Transportation Council, Inc., with an office located in Ontario, Canada; (2) a non-substantive rewording of the services to be provided by the organization; (3) changes to reflect statutory revisions; (4) a reduction in the quorum required to take action; (5) rates and rules no longer to be discussed at special meetings or annual meetings; (6) membership class of "participating" carriers eliminated (all carriers to be members); (7) new membership class of associate membership for noncarrier entities established; (8) changes in titles of officers; (9) "Rate and Tariff Agreement" provisions to be eliminated as no longer required; (10) changes in "Rate Procedure" provisions so as to eliminate time requirements and other provisions that no longer apply, to reduce notice requirements for meetings, to combine committees, and to eliminate certain provisions governing independent rate action; and (11) changes to eliminate agreements

<sup>1</sup> By application filed on December 14, 1998, in *Niagara Frontier Tariff Bureau, Inc.*, Section 5a Application No. 45 (Sub-No. 16), NFTB applied for renewal of its agreement without change. The minor amendments proposed in the instant proceeding apply to NFTB's renewed agreement.

<sup>2</sup> There, the Board has been considering renewal of the collective ratemaking agreements of NFTB and other bureaus. In decisions served on March 27, 2003, and November 20, 2001, the Board renewed its approval of the bureau agreements, subject to three conditions. First, the bureaus were directed to propose amendment of their agreements to require bureau members to give the truth-in-rates notice described in those decisions when they list rates or otherwise give a rate quote that references a collectively set rate. Second, the bureaus were directed to submit the range-of-discount information specified in the decisions. Third, bureau agreements must require members to certify that they will not apply a loss-of-discount provision that would reinstate the collectively set rate as a penalty for late payment. NFTB's proposed amendments implement these conditions.

with two other bureaus, the Southern Motor Carriers Rate Conference, Inc., and the Rocky Mountain Motor Tariff Bureau, Inc.

The Board tentatively concludes that the amendments are minor and are consistent with the statutory requirements of 49 U.S.C. 13703. Accordingly, these minor amendments will be approved if no adverse comments are timely filed. Because the issues involving the amendments required by the Board in the *EC-MAC* proceeding have been fully addressed in that proceeding, the Board is not seeking comments on them here.

By this notice, the Board is giving the public an opportunity to comment on the minor changes proposed by NFTB. An original and 10 copies of any comments, referring to STB Section 5a Application No. 45 (Amendment No. 17), must be sent to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of any comments filed with the Board must also be served on applicant's representative: David J. Sirgey, North American Transportation Council, Inc., P.O. Box 548, Buffalo, NY 14225-0548.

NFTB must provide a copy of its application on request to members of the public. A copy of the application, as well as Board decisions and notices, also is available on the Board's Web site at <http://www.stb.dot.gov>.

Comments must be filed with the Surface Transportation Board by November 17, 2003. NFTB's reply to any comments is due by December 1, 2003.

For more information, contact Joseph H. Dettmar, (202) 565-1609. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS): 1-800-877-8339.]

Decided: October 9, 2003.

By the Board, Chairman Nober.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 03-26132 Filed 10-15-03; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34341]

#### Wheeling & Lake Erie Railway Company—Acquisition and Operation Exemption—CSX Transportation, Inc.

By petition filed on August 1, 2003, Wheeling & Lake Erie Railway Company (W&LE) seeks an exemption pursuant to 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10902 to

acquire the rail freight operating easement of CSX Transportation, Inc. (CSXT) over a 17.77-mile rail line between approximately milepost 15.93 at Canton, OH, and approximately milepost 33.70 at Krumroy, OH (the Canton Line), owned by Metro Regional Transit Authority (METRO). The petition will be granted subject to employee protective conditions.

### Background

The Canton Line consists of two segments—the Canton-Aultman segment, which extends from approximately milepost 15.93 at Canton to approximately milepost 25.55 at Aultman, OH, and the Aultman-Krumroy segment, which extends from approximately milepost 25.55 at Aultman to approximately milepost 33.70 at Krumroy.

In 1992, W&LE, a Class II carrier, leased from CSXT an approximately 10.25-mile segment extending north from Canton to Aultman.<sup>1</sup> In 1997, CSXT abandoned, and W&LE discontinued service over, a short segment of this leased line in Canton.<sup>2</sup> The part of this line that CSXT retained constitutes the Canton-Aultman segment involved in this proceeding. In 1993, CSXT discontinued service over, but did not abandon, the Aultman-Krumroy segment.<sup>3</sup> No rail freight service of any kind has been conducted on this segment since the discontinuance.<sup>4</sup> In May 2000, CSXT sold to METRO the assets of the Canton Line and a segment of rail line extending from Krumroy north to Akron, OH.<sup>5</sup> As part of that transaction,

CSXT retained an exclusive rail freight easement over all three segments, subject to W&LE's pre-existing lease of the Canton-Aultman segment. Also as part of that transaction, CSXT agreed to transfer its freight easement over the Canton Line to METRO or its designee.

According to W&LE, METRO designated it to receive the rail freight easement over the Canton Line from CSXT. Therefore, pursuant to a July 1, 2003 Purchase and Sale Agreement between W&LE and CSXT, W&LE proposes to acquire CSXT's rail freight easement over the Canton Line. Under the agreement, W&LE will continue to provide service to shippers on the Canton-Aultman segment in the same manner that it does today. As to the Aultman-Krumroy segment, W&LE will acquire CSXT's freight operating rights and obligations on that segment in its current, discontinued state, and will seek further, appropriate Board authority should W&LE wish to reinstate rail freight operations thereon in the future.

W&LE currently provides rail service on the Canton-Aultman segment approximately two days per week. No other carrier provides rail freight service on that segment. Approximately four active shippers exist on the segment, accounting for approximately 340 carloads per year of kaolin clay, synthetic rubber, lumber, plastics, and other commodities.

According to W&LE, this transaction will not change existing rail freight operations or service. W&LE states that it will simply become the owner rather than the lessee of the freight common carrier interests in the rail line on which it has operated since 1992, thereby enhancing effective rail management and the long-term stability of its operations.<sup>6</sup>

### Discussion and Conclusions

Under 49 U.S.C. 10502, the Board must exempt a transaction or service from regulation upon finding that: (1) Regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not needed to protect shippers from the abuse of market power.

*Metro Regional Transit Authority—Acquisition Exemption—CSX Transportation, Inc.*, STB Finance Docket No. 33838 (STB served June 23, 2000). A separate Board decision will address that motion.

<sup>6</sup> In a prior decision in this proceeding, the Board granted W&LE a waiver of the 60-day labor notice requirement of 49 CFR 1121.4(h). See *Wheeling & Lake Erie Railway Company—Acquisition and Operation Exemption—CSX Transportation, Inc.*, STB Finance Docket No. 34341 (STB served Sept. 2, 2003).

An exemption from the prior approval requirements of 49 U.S.C. 10902 is warranted under the standards of 49 U.S.C. 10502. Detailed scrutiny of this transaction is not necessary to carry out the rail transportation policy. An exemption from the application process will minimize the need for Federal regulatory control [49 U.S.C. 10101(2)], foster sound economic conditions in transportation [49 U.S.C. 10101(5)], reduce regulatory barriers to entry into and exit from the rail industry [49 U.S.C. 10101(7)], and encourage efficient management of railroads [49 U.S.C. 10101(9)]. Other aspects of the rail transportation policy will not be adversely affected.

Regulation of this transaction is not needed to protect shippers from the abuse of market power. W&LE has stated that shippers will continue to have the same service options that they have now. Indeed, no shipper has opposed the transaction. Nevertheless, to ensure that shippers are informed of the Board's actions here, W&LE will be required to serve all shippers on the line with a copy of this decision within 5 days after its service date and to certify to the Board that it has done so. Given this market power finding, it is not necessary to determine whether the transaction is limited in scope.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of employees. Accordingly, as a condition to granting this exemption, the employee protective conditions set forth in *Wisconsin Central Ltd.—Acquisition Exem.—Union Pac. RR*, 2 S.T.B. 218 (1997), *rev'd in part sub nom. Association of American Railroads v. Surface Transp. Bd.*, 162 F.3d 101 (DC Cir. 1998), will be imposed.

This transaction is exempt from environmental reporting requirements under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

### It is ordered:

1. Under 49 U.S.C. 10502, the above-described transaction is exempted from the prior approval requirements of 49 U.S.C. 10902, subject to the employee protective conditions set forth in *Wisconsin Central Ltd.—Acquisition Exem.—Union Pac. RR*, 2 S.T.B. 218 (1997), *rev'd in part sub nom. Association of American Railroads v. Surface Transp. Bd.*, 162 F.3d 101 (DC Cir. 1998).

<sup>1</sup> Also in that transaction, W&LE purchased from CSXT an approximately 12.26-mile rail line extending south from Canton to Sandyville, OH. See *Wheeling & Lake Erie Railway Company—Lease, Purchase and Operation Exemption—CSX Transportation, Inc.*, Finance Docket No. 32083 (ICC served Oct. 15, 1992).

<sup>2</sup> See *CSX Transportation, Inc.—Abandonment Exemption—In Stark County, OH*, STB Docket No. AB-55 (Sub-No. 535X) (STB served Apr. 1, 1997). Following the abandonment and discontinuance of this short segment, W&LE reached the current Canton-Aultman segment via trackage rights over the Reed Runner track and via the former wye track leased from CSXT at McKinley, OH.

<sup>3</sup> See *CSX Transportation, Inc.—Abandonment Exemption—Summit County, OH*, Docket No. AB-55 (Sub-No. 447X) (ICC served Jan. 12, 1993).

<sup>4</sup> W&LE states that, although no freight service has been provided on this segment for 10 years, the track remains in place and is expected to be utilized for the operation of excursion trains and commuter passenger service under the auspices of METRO.

<sup>5</sup> On May 24, 2000, METRO filed a verified notice of exemption for authority to acquire the assets of all three segments from CSXT. It simultaneously filed a motion to dismiss the notice of exemption on jurisdictional grounds. On June 23, 2000, the Board served notice of METRO's notice of exemption, indicating that the Board would address the motion to dismiss in a separate decision. See

2. Within 5 days of service of this decision, W&LE shall serve a copy of the decision on all shippers on the line and certify to the Board that it has done so.

3. This decision will be published in the **Federal Register** on October 16, 2003.

4. The exemption will become effective on November 9, 2003.

5. Petitions to stay must be filed by October 27, 2003. Petitions to reopen must be filed by November 4, 2003.

Decided: October 8, 2003.

By the Board, Chairman Nober.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 03-26038 Filed 10-15-03; 8:45 am]

**BILLING CODE 4915-00-P**

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## DEPARTMENT OF VETERANS AFFAIRS

### Disciplinary Appeals Board Panel

**AGENCY:** Department of Veterans Affairs

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

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**SUMMARY:** Section 203 of the Department of Veterans Affairs Health Care Personnel Act of 1991 (Pub. L. 102-40), dated May 7, 1991, revised the disciplinary grievance and appeal procedures for employees appointed under 38 U.S.C. 7401(1). It also required the periodic designation of employees of the Department who are qualified to serve on Disciplinary Appeals Boards. These employees constitute the Disciplinary Appeals Board panel from which Board members in a case are appointed. This notice announces that the roster of employees on the panel is available for review and comment. Employees, employee organizations, and other interested parties shall be provided, without charge, a list of the names of employees on the panel upon request and may submit comments concerning the suitability for service on the panel of any employee whose name is on the list.

**DATES:** Names that appear on the panel may be selected to serve on a Board or as a grievance examiner after November 17, 2003.

**ADDRESSES:** Requests for the list of names of employees on the panel and written comments may be directed to: Secretary of Veterans Affairs (051E), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Requests and comments may also be faxed to (202) 273-9776.

**FOR FURTHER INFORMATION CONTACT:** Catherine Baranek, Employee Relations Specialist (051E), Office of Human Resources Management, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Ms. Baranek may be reached at (336) 631-5019.

**SUPPLEMENTARY INFORMATION:** Public Law 102-40 requires that the availability of the roster be posted in the **Federal Register** periodically, and not less than annually.

Dated: October 8, 2003.

**Anthony J. Principi,**

*Secretary of Veterans Affairs.*

[FR Doc. 03-26253 Filed 10-15-03; 8:45 am]

**BILLING CODE 8320-01-P**