

identification card, in NMAC

19.15.4.9.4; and

(4) NMSA 70-5-10, requiring deposit of fees into the State's general fund.

B. RSPA incorporates and reaffirms its determination in PD-22(R) that Federal hazardous material transportation law preempts the requirements in:

(1) NMAC 19.15.4.10.1, with respect to the requirement for an annual inspection of the cargo containment and safety equipment on vehicles based outside New Mexico, but that this requirement is not preempted with respect to vehicles based within New Mexico;

(2) NMSA 70-5-7(A) and NMAC 19.15.4.9.1 through 19.15.4.9.5, with regard to requirements for a motor vehicle driver domiciled outside of New Mexico to take an examination and obtain an identification card, but that these requirements are not preempted with respect to motor vehicle drivers domiciled in New Mexico or non-drivers who dispense LP gas; and

(3) NMAC 19.15.4.15.1, requiring intrastate and interstate motor carriers that move, load, or unload LP gas in New Mexico to pay an annual license fee.

#### IV. Final Agency Action

In accordance with 49 CFR 107.211(d), this decision constitutes RSPA's final agency action on ATA's application for a determination of preemption as to certain requirements in New Mexico's LNG and CNG Act (NMSA Chapter 70, Article 5) and LP Gas Standards (NMAC Title 19, Chapter 15, Part 4). Any party to this proceeding may bring a civil action in an appropriate district court of the United States for judicial review of this decision not later than 60 days after publication of this decision in the **Federal Register**.

Issued in Washington, DC, on September 17, 2003.

**Robert A. McGuire,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 03-24148 Filed 9-18-03; 12:01 pm]

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#### DEPARTMENT OF TRANSPORTATION

##### Surface Transportation Board

[STB Docket No. AB-55 (Sub-No. 613X)]

##### CSX Transportation, Inc.— Abandonment Exemption—in Jefferson County, AL

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt*

*Abandonments* to abandon a 16.47-mile line of railroad extending from milepost ONC 384.00 at Black Creek to milepost ONJ 400.47 at West Jefferson, in Jefferson County, AL. The line traverses United States Postal Service ZIP Codes 35130, 35139, and 35207.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.*—

*Abandonment*—*Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 22, 2003, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 2, 2003. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 14, 2003, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to applicant's representative: Natalie S. Rosenberg,

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1,100. See 49 CFR 1002.2(f)(25).

Senior Counsel, CSX Transportation, Inc., 500 Water Street, J150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. SEA will issue an environmental assessment (EA) by September 26, 2003. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by CSXT's filing of a notice of consummation by September 22, 2004, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: September 15, 2003.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 03-23984 Filed 9-18-03; 12:01 pm]

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#### DEPARTMENT OF TRANSPORTATION

##### BUREAU OF TRANSPORTATION STATISTICS

##### Agency Information Collection; Activity Under OMB Review; Report of Passengers Denied Confirmed Space—BTS Form 251

**AGENCY:** Bureau of Transportation Statistics (BTS), DOT.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, Public Law 104-13, the Bureau of

Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of DOT requiring U.S. and foreign air carriers that operate scheduled passenger service with large aircraft to submit reports on their oversales practices. Large aircraft are aircraft designed to carry over 60-seats. Carriers submit the quarterly Form 251 "Report of Passengers Denied Confirmed Space." Carriers do not report oversales of inbound international flights because the protection provisions of 14 CFR part 250 do not apply to these flights. The Department uses Form 251 to monitor the compliance by U.S. and foreign air carriers to the oversales provisions of Part 250.

**DATES:** Written comments should be submitted by November 21, 2003.

**ADDRESSES:** Comments should be directed to: Office of Airline Information, K-25, Room 4125, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590-0001, FAX NO. 366-3383 or EMAIL [bernard.stankus@bts.gov](mailto:bernard.stankus@bts.gov).

**Comments:** Comments should identify the OMB # 2138-0018. Persons wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on OMB # 2138-0018. The postcard will be date/time stamped and returned.

**FOR FURTHER INFORMATION CONTACT:** Bernie Stankus Office of Airline Information, K-25, Room 4125, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590-0001, (202) 366-4387.

**SUPPLEMENTARY INFORMATION:**

*OMB Approval No.:* 2138-0018.

*Title:* Report of Passengers Denied Confirmed Space.

*Form No.:* BTS Form 251.

*Type Of Review:* Extension of a currently approved collection.

*Respondents:* Large U.S. and foreign air carriers.

*Number of Respondents:* 110.

*Number of Responses:* 440.

*Total Annual Burden:* 2,220 hours.

*Needs and Uses:* BTS Form 251 is a one page report on the number of passengers holding confirmed space that were voluntarily or involuntarily denied boarding. Carriers must report whether the bumped passengers were provided alternate transportation and/or compensation, and the amount of the payment. The report allows the Department to monitor the effectiveness of its oversales rule and take enforcement action when necessary.

The involuntary denied-boarding rate has steadily decreased over the years from 4.38 per 10,000 enplanements in 1980 to .99 for the first six months of the year 2003. This decrease occurred at a time when air carrier load factors have increased. These statistics demonstrate the effectiveness of the "volunteer" provision, which has reduced the need for more intrusive regulation.

The rate of denied boarding can be examined as an air carrier continuing fitness factor. This rate provides an insight into a carrier's policy on treating overbooked passengers and its compliance disposition. A rapid increase in the rate of denied boardings often is an indicator of operational difficulty.

Because the rate of denied boarding is published in the *Air Travel Consumer Report*, travelers and travel agents can select carriers with low bumping incidents when booking a trip.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

**Donald W. Bright,**

*Director, Office of Airline Information,  
Bureau of Transportation Statistics.*

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**DEPARTMENT OF THE TREASURY**

**Departmental Offices; Privacy Act of 1974, Systems of Records**

**AGENCY:** Departmental Offices, Treasury.

**ACTION:** Notice of New Privacy Act Systems of Records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended, the Treasury Inspector General for Tax Administration (TIGTA) gives notice of ten proposed new Privacy Act systems of records.

**DATES:** Comments must be received by October 22, 2003. The proposed new systems of records will become effective November 3, 2003 unless comments are received which would result in a contrary determination.

**ADDRESSES:** Comments should be sent to Lori Creswell, Assistant Chief Counsel, Treasury Inspector General for Tax Administration, 1125 15th Street, NW., Room 700A, Washington, DC 20005, 202-622-4068. Comments will be made available upon written request.

**FOR FURTHER INFORMATION CONTACT:** Lori Creswell, Assistant Chief Counsel, Treasury Inspector General for Tax Administration, 1125 15th Street, NW., Room 700A, Washington, DC 20005, 202-622-4068.

**SUPPLEMENTARY INFORMATION:** This report is to give notice of ten proposed new systems of records maintained by the Treasury Inspector General for Tax Administration (TIGTA) that are subject to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a. TIGTA was established pursuant to the Internal Revenue Service Restructuring and Reform Act of 1998. TIGTA's duties and operating authority are set forth in the Inspector General Act of 1978, 5 U.S.C. app. 3. TIGTA exercises all duties and responsibilities of an Inspector General with respect to the Department and the Secretary on all matters relating to the Internal Revenue Service (IRS). TIGTA conducts, supervises, and coordinates audits and investigations relating to the programs and operations of the IRS and related entities. TIGTA is organizationally placed within the Department of the Treasury, but is independent of the Department and all other Treasury offices.

The proposed systems of records are as follows:

Treasury/DO .301-TIGTA General Personnel and Payroll;  
Treasury/DO .302-TIGTA Medical Records;  
Treasury/DO .303-TIGTA General Correspondence;  
Treasury/DO .304-TIGTA General Training;  
Treasury/DO .305-TIGTA Personal Property Management Records;  
Treasury/DO .306-TIGTA Recruiting and Placement Records;  
Treasury/DO .307-TIGTA Employee Relations Matters, Appeals, Grievances, and Complaint Files;  
Treasury/DO .308-TIGTA Data Extracts;  
Treasury/DO .309-TIGTA Chief Counsel Case Files, and  
Treasury/DO .310-TIGTA Chief Counsel Disclosure Section.

In the notice of proposed rulemaking, which is published separately in the **Federal Register**, TIGTA is proposing to exempt records maintained in several systems from certain of the Privacy Act's requirements pursuant to 5 U.S.C. 552a(j)(2), (k)(2), (k)(5) and (k)(6).

The new system of records reports, required by the Privacy Act, 5 U.S.C.