

collections. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on October 7, 2008 (73 FR 58708).

**DATES:** Written comments should be submitted by January 23, 2009.

**FOR FURTHER INFORMATION CONTACT:** Bernie Stankus, Office of Airline Information, RTS-42, Room 4125, RITA, BTS, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001, Telephone Number (202) 366-4387, Fax Number (202) 366-3383 or e-mail [bernard.stankus@dot.gov](mailto:bernard.stankus@dot.gov).

**SUPPLEMENTARY INFORMATION:**

*OMB Approval No.* 2138-0004.

*Title:* Submission of Audit Reports—Part 248.

*Form No.:* None.

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

*Respondents:* Large certificated air carriers.

*Number of Respondents:* 77.

*Number of Responses:* 77.

*Total Annual Burden:* 20 hours.

*Needs and Uses:* BTS collects independent audited financial reports from U.S. certificated air carriers. Carriers not having an annual audit must file a statement that no such audit has been performed. In lieu of the audit report, BTS will accept the annual report submitted to the stockholders. The audited reports are needed by the Department of Transportation as (1) A means to monitor an air carrier's continuing fitness to operate, (2) reference material used by analysts in examining foreign route cases (3) reference material used by analysts in examining proposed mergers, acquisitions and consolidations, (4) a means whereby BTS sends a copy of the report to the International Civil Aviation Organization (ICAO) in fulfillment of a United States treaty obligation, and (5) corroboration of a carrier's Form 41 filings.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501), 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.

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

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department concerning consumer protection. Comments should address whether the information will have practical utility; the accuracy of the Department's 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.

**Anne Suissa,**

*Director, Office of Airline Information.*

[FR Doc. E8-30667 Filed 12-23-08; 8:45 am]

**BILLING CODE 4910-HY-P**

## DEPARTMENT OF TRANSPORTATION

### Research & Innovative Technology Administration

#### Agency Information Collection; Activity Under OMB Review; Reporting Required for International Civil Aviation Organization (ICAO)

**AGENCY:** Research & Innovative Technology Administration (RITA), Bureau of Transportation Statistics (BTS), DOT.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for extension of currently approved collections. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on October 7, 2008 (73 FR 58709).

**DATES:** Written comments should be submitted by January 23, 2009.

**FOR FURTHER INFORMATION CONTACT:** Bernie Stankus, Office of Airline Information, RTS-42, Room 4125, RITA,

BTS, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001, Telephone Number (202) 366-4387, Fax Number (202) 366-3383 or e-mail [bernard.stankus@dot.gov](mailto:bernard.stankus@dot.gov).

**SUPPLEMENTARY INFORMATION:**

*OMB Approval No.* 2138-0039.

*Title:* Reporting Required for International Civil Aviation Organization (ICAO).

*Form No.:* BTS Form EF.

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

*Respondents:* Large certificated air carriers.

*Number of Respondents:* 40.

*Number of Responses:* 40.

*Total Annual Burden:* 26 hours.

*Needs and Uses:* As a party to the Convention on International Civil Aviation (Treaty), the United States is obligated to provide ICAO with financial and statistical data on operations of U.S. carriers. Over 99% of the data filled with ICAO is extracted from the air carriers' Form 41 submissions to BTS. BTS Form EF is the means by which BTS supplies the remaining 1% of the air carrier data to ICAO.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501), 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, transmission of both respondent's identity and its data to the International Civil Aeronautics Organization.

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

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department concerning consumer protection. Comments should address whether the information will have practical utility; the accuracy of the Department's 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.

Anne Suissa,

Director, Office of Airline Information.

[FR Doc. E8-30666 Filed 12-23-08; 8:45 am]

BILLING CODE 4910-HY-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 290 (Sub-No. 5)  
(2009-1)]

#### Quarterly Rail Cost Adjustment Factor

**AGENCY:** Surface Transportation Board.

**ACTION:** Approval of rail cost adjustment factor.

**SUMMARY:** The Board has approved the first quarter 2009 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The first quarter 2009 RCAF (Unadjusted) is 1.022. The first quarter 2009 RCAF (Adjusted) is 0.467. The first quarter 2009 RCAF-5 is 0.442.

**DATES:** *Effective Date:* January 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** Pedro Ramirez, (202) 245-0333. (Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.)

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's decision, which is available on our Web site <http://www.stb.dot.gov>.

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

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: December 18, 2008.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E8-30651 Filed 12-23-08; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35208]

#### Winamac Southern Railway Company—Trackage Rights Exemption—A. & R. Line, Inc.

Pursuant to a written trackage rights agreement,<sup>1</sup> A. & R. Line, Inc. (A&R) has agreed to grant overhead trackage rights to Winamac Southern Railway Company (WSRY) between milepost 71.5 at or near Van and milepost 74.5 at or near Logansport, a distance of approximately 3.0 miles in Cass County, IN.<sup>2</sup>

The earliest this transaction may be consummated is January 10, 2009, the effective date of the exemption (30 days after the exemption was filed).

The purpose of the trackage rights is to achieve operating economies and to improve rail service by making operations by WSRy more efficient.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by January 2, 2009 (at least 7 days before the exemption becomes effective).

<sup>1</sup> A redacted version of the trackage rights agreement was filed with the notice of exemption.

<sup>2</sup> The involved line was acquired by A&R from WSRy in *A. & R. Line, Inc.—Acquisition Exemption—Winamac Southern Railway Company*, Finance Docket No. 32694 (ICC served July 6, 1995). However, WSRy continued to operate the line, as well as its connecting lines. Although WSRy and A&R entered into a trackage rights agreement for WSRy to conduct operations over the line, through oversight no Interstate Commerce Commission or Surface Transportation Board approval of the trackage rights was ever sought. According to WSRy, WSRy's operations under the trackage rights agreement have continued for 13 years and, in the interim, Central Railroad Company of Indianapolis took over the operations of WSRy, as WSRy's agent, and A&R was taken over by Toledo, Peoria & Western Railway Corporation. WSRy states that this filing was made to remedy the prior oversight.

In a revised notice of exemption filed on December 17, 2008 in STB Finance Docket No. 35205, *US Rail Corporation—Lease and Operation Exemption—Winamac Southern Railway Company and Kokomo Grain Co., Inc.*, US Rail Corporation seeks to acquire the trackage rights involved in this transaction.

Pursuant to the Consolidated Appropriations Act, 2008, Pub. L. 110-161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting and shredding). The term "solid waste" is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35208, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Thomas F. McFarland, 208 South LaSalle Street, Suite 1890, Chicago, IL 60604.

Board decisions and notices are available on our Web site at "<http://www.stb.dot.gov>."

Decided: December 18, 2008.

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

Kulunie L. Cannon,

Clearance Clerk.

[FR Doc. E8-30664 Filed 12-23-08; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF THE TREASURY

### Open Meeting of the Financial Literacy and Education Commission

**AGENCY:** Departmental Offices, Treasury.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces the sixteenth meeting of the Financial Literacy and Education Commission, established by the Financial Literacy and Education Improvement Act (Title V of the Fair and Accurate Credit Transactions Act of 2003).

**DATES:** The sixteenth meeting of the Financial Literacy and Education Commission will be held on Tuesday, January 15, 2009, beginning at 10 a.m.

**ADDRESSES:** The Financial Literacy and Education Commission meeting will be held in the Cash Room at the Department of the Treasury, located at 1500 Pennsylvania Avenue, NW., Washington, DC 20220. To be cleared for admittance to the Treasury building, attendees must RSVP with their name as shown on a government-issued ID, organization represented (if any), phone number, date of birth, Social Security number and country of citizenship. This information can be provided in an e-mail to the Treasury Department at [FLECrsvp@do.treas.gov](mailto:FLECrsvp@do.treas.gov) or by a