

Number of Respondents: 80.
Estimated Time per Response: 4 hours × 40 commuter carriers per quarter. 12 hours × 40 small certificated carriers per quarter.

Total Annual Burden: 2,560 hours.

Needs and Uses: Program uses for Form 298-C financial data are as follows:

Mail Rates

The U.S. Department of Transportation (DOT) sets and updates the Intra-Alaska Bush mail rates based on carrier aircraft operating expense, traffic, and operational data. Form 298-C cost data, especially fuel costs, terminal expenses, and line haul expenses are used in arriving at rate levels. DOT revises the established rates based on the percentage of unit cost changes in the carriers' operations. These updating procedures have resulted in the carriers receiving rates of compensation that more closely parallel their costs of providing mail service and contribute to the carriers' economic well-being.

Essential Air Service

DOT often has to select a carrier to provide a community's essential air service. The selection criteria includes historic presence in the community, reliability of service, financial stability and cost structure of the air carrier.

Carrier Fitness

Fitness determinations are made for both new entrants and established U.S. domestic carriers proposing a substantial change in operations. A portion of these applications consists of an operating plan for the first year (14 CFR Part 204) and an associated projection of revenues and expenses. The carrier's operating costs, included in these projections, are compared against the cost data in Form 298-C for a carrier or carriers with the same aircraft type and similar operating characteristics. Such a review validates the reasonableness of the carrier's operating plan.

The quarterly financial submissions by commuter and small certificated air carriers are used in determining each carrier's continuing fitness to operate. Section 41738 of Title 49 of the United States Code requires DOT to find all commuter and small certificated air carriers fit, willing, and able to conduct passenger service as a prerequisite to providing such service to an eligible essential air service point. In making a fitness determination, DOT reviews three areas of a carrier's operation: (1) The qualifications of its management team, (2) its disposition to comply with

laws and regulations, and (3) its financial posture. DOT must determine whether or not a carrier has sufficient financial resources to conduct its operations without imposing undue risk on the traveling public. Moreover, once a carrier begins conducting flight operations, DOT is required to monitor its continuing fitness.

Senior DOT officials must be kept fully informed and advised of all current and developing economic issues affecting the airline industry. In preparing financial condition reports or status reports on a particular airline, financial and traffic data are analyzed. Briefing papers prepared for senior DOT officials may use the same information.

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.

M. Clay Moritz, Jr.,

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

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DEPARTMENT OF TRANSPORTATION

Research and Innovative Technology Administration

[DOCKET: RITA 2007-27185]

Bureau of Transportation Statistics; Agency Information Collection; Activity Under OMB Review; Report of Financial and Operating Statistics for Large Certificated Air Carriers; Paperwork Reduction Notice

AGENCY: Research and Innovative Technology Administration (RITA), 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 (BTS) invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of BTS collecting financial data from large

certificated air carriers. Large certificated air carriers are carriers that operate aircraft with over 60 seats, aircraft with over 18,000 pounds of payload capacity, or operate international air services.

DATES: Written comments should be submitted by May 19, 2008.

ADDRESSES: You may submit comments identified by DOT Docket ID Number RITA 2007-27185 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

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

Mail: Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

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: Identify docket number, RITA 2007-27185, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at <http://www.regulations.gov>. All comments are posted electronically without charge or edits, including any personal information provided.

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) or you may visit <http://DocketInfo.dot.gov>.

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

Electronic Access

An electronic copy of this Notice and copies of the comments may be downloaded at: <http://www.regulations.gov>, by searching docket RITA 2007-27185.

FOR FURTHER INFORMATION CONTACT: Bernie Stankus, Office of Airline

Information, RTS-42, Bureau of Transportation Statistics, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001, (202) 366-4387.

SUPPLEMENTARY INFORMATION: OMB Approval No. 2138-0013.

Title: Report of Financial and Operating Statistics for Large Certificated Air Carriers.

Form No.: BTS Form 41.

Type of Review: Extension of a currently approved collection.

Respondents: Large certificated air carriers.

Number of Respondents: 88.

Estimated Time per Response: 4 hours per schedule, an average carrier may submit 90 schedules in one year.

Total Annual Burden: 31,680 hours.

Needs and Uses: Program uses for Form 41 data are as follows:

Mail Rates

The U.S. Department of Transportation (DOT) sets and updates the international and mainline Alaska mail rates based on carrier aircraft operating expense, traffic and operational data. Form 41 cost data, especially fuel costs, terminal expenses, and line haul expenses are used in arriving at rate levels. DOT revises the established rates based on the percentage of unit cost changes in the carriers' operations. These updating procedures have resulted in the carriers receiving rates of compensation that more closely parallel their costs of providing mail service and contribute to the carriers' economic well-being.

Submission of U.S. Carrier Data to ICAO

As a party to the Convention on International Civil Aviation, the United States is obligated to provide the International Civil Aviation Organization with financial and statistical data on operations of U.S. air carriers. Over 99 percent of the data filed with ICAO is extracted from the carriers' Form 41 reports.

Standard Foreign Fare and Rate Levels

DOT uses Form 41 cost data to calculate the Standard Foreign Fare Level (SFFL) for passengers and the Standard Foreign Rate Level (SFRL) for freight. Any international fare or rate set below this fare level are automatically approved. Separate passenger fare and rate levels are established for Canadian, Atlantic, Latin America, and Pacific areas. In markets where liberal bilateral or multilateral pricing agreements provide for more competitive open market pricing, such agreements may take precedence over the SFFL and SFRL.

Carrier Fitness

Fitness determinations are made for both new entrants and established U.S. domestic carriers proposing a substantial change in operations. A portion of these applications consists of an operating plan for the first year (14 CFR Part 204) and an associated projection of revenues and expenses. The carrier's operating costs, included in these projections, are compared against the cost data in Form 41 for a carrier or carriers with the same aircraft type and similar operating characteristics. Such a review validates the reasonableness of the carrier's operating plan.

Form 41 reports, particularly balance sheet reports and cash flow statements play a major role in the identification of vulnerable carriers. Data comparisons are made between current and past periods in order to assess the current financial position of the carrier. Financial trend lines are extended into the future to analyze the continued viability of the carrier. DOT reviews three areas of a carrier's operation: (1) The qualifications of its management team, (2) its disposition to comply with laws and regulations, and (3) its financial posture. DOT must determine whether or not a carrier has sufficient financial resources to conduct its operations without imposing undue risk on the traveling public. Moreover, once a carrier is operating, DOT is required to monitor its continuing fitness.

Senior DOT officials must be kept fully informed as to all current and developing economic issues affecting the airline industry. In preparing financial conditions reports or status reports on a particular airline, financial and traffic data are analyzed. Briefing papers may use the same information.

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.

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Assistant Director, Airline Information, Bureau of Transportation Statistics.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35123]

Fortress Investment Group LLC, et al.—Exemption for Transaction Within a Corporate Family

Fortress Investment Group LLC, on behalf of certain private equity firms managed by it and its affiliates (Fortress); FECR Rail LLC (FECR Rail), a Delaware limited liability company and affiliate of Fortress; FECR Rail Corp (FECR Railcorp), a Delaware corporation and wholly owned subsidiary of FECR Rail; Florida East Coast Railway, LLC (FECR), a Florida limited liability company and wholly owned subsidiary of FECR Railcorp; RR Acquisition Holding LLC (RR Acquisition), a Delaware limited liability company and affiliate of Fortress; RailAmerica, Inc. (RailAmerica), a Delaware corporation and wholly owned subsidiary of RR Acquisition; Palm Beach Holding, Inc. (PB Holding), a Delaware corporation and wholly owned subsidiary of RailAmerica; and RailAmerica Transportation Corp. (RTC), a Delaware corporation and wholly owned subsidiary of PB Holding, have jointly filed a verified notice of exemption under 49 CFR 1180.2(d)(3) for a transaction within a corporate family. Fortress controls RailAmerica, and it indirectly controls that entity's rail carrier subsidiaries (collectively, RailAmerica Railroads).¹ Fortress also indirectly controls FECR.² The instant transaction involves the merger of FECR Railcorp with and into PB Holding and the subsequent contribution of all of the limited liability company interests of FECR from PB Holding to RTC.³ As a result of the transaction, FECR will become a wholly owned rail subsidiary of RTC, and a sister company to the RailAmerica Railroads.

The transaction is scheduled to be consummated as soon as possible after April 2, 2008, the effective date of the exemption.

¹ See *Fortress Investment Group LLC, et al.—Control Exemption—Rail America, Inc., et al.*, STB Finance Docket No. 34972 (STB served Dec. 22, 2006) (*Rail America Control*).

² See *Fortress Investment Group LLC, et al.—Control—Florida East Coast Railway, LLC*, STB Finance Docket No. 35031 (STB served Sept. 28, 2007).

³ Immediately following the merger of FECR Railcorp with and into PB Holding, FECR Rail will merge with and into RR Acquisition, the Delaware limited liability company through which Fortress currently controls RailAmerica and the RailAmerica Railroads. RR Acquisition obtained authority to control the RailAmerica Railroads in *Rail America Control*.